



**BOARD OF COOPERATIVE EDUCATIONAL SERVICES  
SECOND SUPERVISORY DISTRICT COUNTIES OF  
MONROE AND ORLEANS**

There will be a Regular Meeting of the Monroe 2-Orleans Board of Cooperative Educational Services on Wednesday, September 27, 2023, at 6:00 pm at the Richard E. TenHaken Educational Services Center, 3599 Big Ridge Road, Spencerport, NY 14559

*Anticipated Executive Session immediately following the regular board meeting to discuss the employment history of a particular individual and discussions regarding pending litigation.*

**BOARD MEMBERS**

Dennis Laba, President	Trina Lorentz
R. Charles Phillips, Vice President	Gerald Maar
John Abbott	Michael May
Cindy Dawson	Heather Pyke
Kathleen Dillon	

**AGENDA**

1. Call the Meeting to Order
2. Pledge of Allegiance
3. Agenda Item(s) Modifications
4. Approval of Minutes: August 16, 2023 Regular Meeting Minutes
5. Public Interaction
6. Financial Reports
  1. Resolution to Accept Treasurer’s Report
  2. Resolution to Accept WinCap Reports
  3. Internal Claims Log
7. Board Presentation - Human Resources; Karen Brown, Esq.
8. Old Business
  1. Confirm Board Reps for Building Level Emergency Plans
  2. Resolution to Approve 2023-24 Emergency Remote Instruction Plan
  3. Board Photo and Board Development Reminder
9. New Business
  1. First Reading Policy Series 5000
  2. First Reading Ad Hoc Policies
  3. Resolution to Approve 2023 Regional Summer School Lease Amendments for Hilton CSD and Greece CSD.
  4. Resolution to Approve 2023 Extended School Year Lease Amendment for Spencerport CSD
  5. Resolution to Approve Stipulation of Term of Lease Agreement with Tech Park Owner, LLC. (RTP)+

6. Resolution to Accept Donation of a 20 Ton Bearing Press from Danny's Equipment
7. Resolution to Accept Donation of Chandelier from Mrs. Jo Anne Antonacci
8. Annual Update on School Safety and the Educational Climate (SSEC) (Tom Schulte)
9. Review of NYSSBA Convention Proposed Resolutions
  
10. Personnel and Staffing
  1. Resolution to Approve Personnel and Staffing Agenda
  
11. Bids/Lease Purchases
  1. Resolution to Accept Installation of Security Film Bid.
  2. Resolution to Accept Print Shop Supplies Bid.
  3. Resolution to Accept Cooperative Audio-Visual Equipment Installation Service Bid.
  4. Resolution to Accept Cooperative Fine Paper Bid.
  5. Resolution to Accept Participating in WFL BOCES bid WFL 2024-21 Master Lease Purchase Agreement for Acquisition or Refinance of Equipment.
  
12. Executive Officer's Reports
  1. Albany D.S. Report
  2. Local Update
  
13. Upcoming Meetings/Calendar Events
 

Sept. 21	8:00 am	MCSBA Law Conference	DoubleTree
Oct. 1-3		NYSCOSS Fall Leadership Summit	Saratoga Springs
Oct. 4	Noon	MCSBA Legislative Committee	DoubleTree
Oct. 6		NYSSBA Board Officer Academy	Virtual
Oct. 9		Indigenous People's/Columbus Day	BOCES Closed
Oct. 10	7:00 pm	Hilton Board Meeting	
Oct 11	Noon	MCSBA Information Exchange	DoubleTree
	5:45 pm	MCSBA Executive Committee	Monroe's Pittsford
Oct. 16	4:00 pm	NYSSBA Annual Business Meeting	Virtual
Oct 16-20		Board Appreciation Week	
Oct. 18	5:15 pm	BOCES Audit Committee Meeting	ESC, Board Room
	6:00 pm	Monroe 2-Orleans BOCES Board Meeting	ESC, Board Room
  
14. Other Items
  
15. Executive Session
  
16. Adjournment

1. Call the Meeting to Order

## 2. Pledge of Allegiance

### 3. Agenda Item(s) Modifications

4. Approval of Minutes: August 16, 2023 Regular Meeting Minutes

**BOARD OF COOPERATIVE EDUCATIONAL SERVICES  
SECOND SUPERVISORY DISTRICT COUNTIES OF  
MONROE AND ORLEANS**

**MINUTES**

of the Regular Meeting held on Wednesday, August 16, 2023, at 6:00 p.m. at the Richard E. Ten Haken Educational Services Center, Spencerport, New York 14559.

**Members Present**

Dennis Laba, President

R. Charles Phillips, Vice President

Cindy Dawson

Kathleen Dillon

Trina Lorentz

Gerry Maar

Michael May

Absent: John Abbott, Heather Pyke

**Staff Present**

Jo Anne Antonacci

Karen Brown

Stephen Dawe

Ian Hildreth

Kelly Mutschler

Marijo Pearson

Steve Roland

Tom Schulte

1. The meeting was called to order by President Laba at 6:00 pm.
2. Pledge of Allegiance
3. Agenda Modification - There was an addition to the agenda at 10. New Business, Item 18.
4. Approval of Minutes  
Resolved: To Approve the Minutes of the July 12 ,2023 Reorganization and Regular Meeting  
*Moved by M. May, seconded by K. Dillon; passed unanimously*
5. There was no public interaction
6. Financial Reports  
Resolved: To Accept the Treasurer's Report as presented  
*Moved by K. Dillon, seconded by G. Maar; passed unanimously*  
  
Resolved: To Accept the WinCap Report as presented  
*Moved by G. Maar, seconded by K. Dillon; passed unanimously*
7. Audit Committee  
Resolved: To Approve the Minutes of the July 12, 2023, Audit Committee Meeting  
*Moved by M. May, seconded by G. Maar; passed unanimously*
8. Board Presentation - Assistant Superintendent for Finance and Operations Steve Roland presented the Annual Operations and Maintenance Report. Mr. Roland and District Superintendent Jo Anne Antonacci answered questions posed by the board. C. Dawson

requested an addition to the presentation be added showing the planned vs. unplanned work order. The board thanked Steve and Jo Anne.

9. Old Business

1. Assistant Superintendent for Curriculum, Instruction and Professional Development Marijo Pearson reviewed the Monroe 2-Orleans BOCES Equity Plan. Dr. Pearson took questions from the board.

10. New Business

1. Resolved: To Approve the 2023-24 District Wide School Safety Plan (S.A.V.E.) as Presented  
*Moved by K. Dillon, seconded by G. Maar; passed unanimously*
2. Resolved: To waive the second reading and approve Policy Series 4000  
*Moved by M. May, seconded by G. Maar; passed unanimously*
3. Resolved: To waive the second reading and Approve Policies 6209 - Physical Restraint, 6212 - Student Discipline, Suspension and Corporal Punishment, 7123 - Use of Time Out Rooms  
*Moved by K. Dillon, seconded by C. Phillips; passed unanimously*
4. Medicare Update - Steve Roland provided the board with an update relating to the Medicare RFP and answered the board's questions.
5. Resolved: To Approve a two-year lease with Roberts Wesleyan University as presented.  
*Moved by C. Philips; seconded by G. Maar; passed unanimously*
6. Resolved: To Approve a 3-year lease with BOXX Modular, Inc. as presented  
*Moved by K. Dillon, seconded by C. Phillips ; passed unanimously*
7. Resolved: To Approve CTE Equipment Reserve Fund Contribution of \$65,000  
*Moved by M. May, seconded by G. Maar; passed unanimously*
8. Resolved: To Approve Expenditures from Retirement Contribution Reserve Fund of \$442,904  
*Moved by K. Dillon, seconded by M. May; passed unanimously*
9. Resolved: To Approve Resolution to Approve Teachers' Retirement Contribution Reserve Sub-Fund Contribution of \$323,325  
*Moved by M. May, seconded by K. Dillon; passed unanimously*
10. Resolved: To Approve Resolution to Approve Insurance Reserve Fund Contribution of \$300,00  
*Moved by G. Maar, seconded by M. May; passed unanimously*
11. Resolved: To Approve Resolution to Approve Liability Reserve Fund Contribution of \$100,000  
*Moved by M. May, seconded by G. Maar; passed unanimously*



- 12. Resolved: To Accept donation of Hand Tools from Mr. Rick Tuffo  
*Moved by G. Maar, seconded by T. Lorentz ; passed unanimously*
- 13. Resolved: To Accept Donation of Boilers and Water Heater/Storage Tank from VP Supply Corp.  
*Moved by K. Dillon, seconded by G. Maar; passed unanimously*
- 14. Resolved: To Approve BOCES 2 United Professionals Non-3012-d Members Annual Performance Review Plan 2023-26 Manual  
*Moved by G. Maar, seconded by K. Dillon; passed unanimously*
- 15. Resolved: To Approve BOCES 2 United Professionals State Approved Teacher Annual Professional Performance Review (APPR) Plan 2023-24  
*Moved by K. Dillon, seconded by G. Maar; passed unanimously*
- 16. Resolved: To Approve State Approved Principal Annual Professional Performance Review (APPR) Plan 2023-24  
*Moved by G. Maar, seconded by K. Dillon; passed unanimously*
- 17. Resolved: To Designate D. Laba as the voting delegate and K. Dillon as the alternate for the NYSSBA Convention.  
*Moved by M. May, seconded by G. Maar; passed unanimously*
- 18. Resolved: To Accept Donation of Carburetor and Maintenance Documentation  
*Moved by G. Maar, seconded by M. May; passed unanimously*

11. Personnel and Staffing

- 1. Resolved: To Approve the Personnel and Staffing Agenda as presented  
*Moved by G. Maar, seconded by K. Dillon; passed unanimously*
- 2. Resolved: That the Board approve the following substitute/per diem/hourly pay rates effective July 1, 2023:
 

Cleaner substitute	\$15.25/hour
Clerical substitute	\$16.00/hour
Clerical substitute who is a BOCES 2 retiree subbing in a non-similar position	\$20.00/hour
Clerical substitute who is a BOCES 2 retiree subbing in a similar position	Hourly rate retired at, capped at \$30.00/hour
College Co-op student	\$18.00/hour
Interpreter substitute	\$32.45/hour
Job Training Specialist substitute	\$18.00/hour
Job Training Specialist substitute who is a BOCES 2 retiree	\$20.00/hour
Registered Nurse substitute	\$31.56/hour
Security Worker substitute	\$25.00/hour
Student Behavioral Assistant substitute	\$18.00/hour
Student Behavioral Assistant substitute	\$20.00/hour

who is a BOCES 2 retiree	
Student Helper	\$14.20/hour
Teacher substitute per diem	
Uncertified teacher	\$145/day; \$175 after 40 days
Certified teacher	\$160/day; \$185 after 40 days
Teacher Immersion Fellows	\$110/day
Teacher Aide substitute	\$16.00/hour
Teacher Aide substitute	\$18.00/hour
who is a BOCES 2 retiree	
Tutor	\$35.00/hour

*Moved by G. Maar, seconded by K. Dillon; passed unanimously*

12. Bids and Lease/Purchases

Resolved: To Accept the bid recommendations and awarding of the following bids and lease purchases as presented:

1. HVAC Equipment Bid #RFB-2069-23  
GOHVACRSUPPLY \$33,380.00
2. WHEREAS It is the plan of a number of BOCES districts in New York, to consent to jointly enter into an agreement for the 2023 - 2024 fiscal year, for Carnegie Learning.

WHEREAS The Monroe 2 - Orleans BOCES is desirous of participating with other BOCES Districts in New York State in joint agreements for the software/learning packages and licensing mentioned above as authorized by General Municipal Law, Section 119-0, and,

BE IT RESOLVED That the Monroe 2 - Orleans BOCES Board authorizes Erie 1 BOCES to represent it in all matters leading up to and entering into a contract for the purchase of and licensing of the above-mentioned software/learning packages, and record training sessions in Zoom and post those recorded sessions to the consortium, and,

BE IT FURTHER RESOLVED That the Monroe 2 - Orleans BOCES Board agrees to assume its equitable share of the costs associated with Erie 1 BOCES negotiating the Agreements, and,

BE IT FURTHER RESOLVED That the Monroe 2 - Orleans BOCES Board agrees (1) to abide by majority decisions of the participating BOCES on quality standards; (2) Erie 1 BOCES will negotiate contracts according to the majority recommendations; (3) that after contract agreement, it will conduct all purchasing arrangements directly with the vendor.

*Moved by G. Maar, seconded by K. Dillon; passed unanimously*

13. Executive Officer's Report

Opening Day is September 5, 2023. Doors open at 7:45 am. The formal program will begin at 8:30 am. Board members are invited to participate. The Focus for 2023-24 is "No Stopping Us Now."

We continue our recruitment efforts with hiring events and advertisements in print, broadcast and social media platforms. There are vacancies in many departments.

The Wayne-Finger Lakes BOCES District Superintendent search is moving toward the end.

In October, members of the Rochester Community Foundation and foundation president Simeon Banister will be touring WEMOCO. Monroe 2-Orleans Educational Foundation President Joe Kelly and District Superintendent Jo Anne Antonacci will be welcoming the group and CTE Executive Principal Jill Slavny will be giving the guided tour.

Early in August, a group of about 20 CTE retirees gathered for lunch in Spencerport to reconnect. Jo Anne Antonacci gave kudos to Assistant Superintendent for Human Resources for her work in keeping BOCES 2 retirees connected.

14. Upcoming Meetings/Calendar Events - the various meetings for the month were listed in the agenda
15. Other Items - After a poll of board members, it was discovered that there would not be enough board members for a quorum at the September board meeting scheduled for September 20, 2023. A quick poll was taken for an alternative date. The board meeting will be rescheduled for Wednesday, September 27, 2023.
16. At 7:15 p.m. a motion was made by M. May to adjourn to executive session; seconded by K. Dillon; passed unanimously

Respectfully Submitted



Kelly Mutschler  
Clerk of the Board

**Members Present**

Dennis Laba	Trina Lorentz
R. Charles Phillips	Gerry Maar
Cindy Dawson	Michael May
Kathleen Dillon	

At 7:35 p.m. a motion was made by C. Phillips, seconded by M. May to come out of Executive Session; passed unanimously.

Resolved: To Approve the 2023-24 Monroe 2-Orleans BOCES building-level emergency response plans for:

- 2023-24 BOCES 4 Science 38 Turner Dr Spencerport NY
- 2023-24 CaTS Comm and Tech Service Center 3625 Buffalo Rd Gates NY
- 2023-24 CMC Warehouse 35 Turner Dr Spencerport NY
- 2023-24 ESC Emergency Response Plan

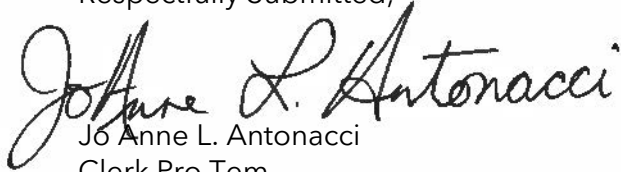
- 2023-24 Ridgecrest Emergency Response Plan
- 2023-24 Transitions (Paul Rd) 849 Paul Rd Rochester NY
- 2023-24 Village Plaza 16-18-20 Slayton Ave Spencerport NY
- 2023-24 WEMOCO 3589 Big Ridge Rd. Spencerport NY
- 2023-24 Westside Academy 3555 Buffalo Road
- 2023-24 Westview Emergency Plan

*Moved by M. May, seconded by K. Dillon; passed unanimously.*

17. Adjournment

At 7:36 p.m. a motion was made by C. Phillips to adjourn the meeting, seconded by G. Maar; passed unanimously.

Respectfully Submitted,

  
Jo Anne L. Antonacci  
Clerk Pro Tem

## 5. Public Interaction

6. Financial Reports

1. Resolution to Accept Treasurer's Report
2. Resolution to Accept WinCap Reports
3. Internal Claims Log

## Monroe 2 - Orleans BOCES

### Treasurer's Report

Period Ending July 31, 2023

	<b>GENERAL FUND</b>		<b>SPECIAL AID FUND</b>	
<b>BEGINNING CASH ON HAND</b>		14,962,412.11		491,217.08
<b>RECEIPTS:</b>				
Interest Earned	38,886.13		151.75	
Charges for Services	5,843,526.82		22,101.20	
Non-Contract Services	151,640.60		2,602.80	
Collected for Other Funds			-	
State, Federal and Local Aid	-		665,021.84	
Transfers from Other Funds	-		-	
Miscellaneous Funds	65,828.52		-	
<b>TOTAL RECEIPTS</b>	<b>6,099,882.07</b>	<b>6,099,882.07</b>	<b>689,877.59</b>	<b>689,877.59</b>
<b>DISBURSEMENTS</b>				
Payroll and Benefits	1,530,847.82		575.00	
Warrants	5,675,483.97		80,976.00	
Transfers to Other Funds	-		-	
Miscellaneous Disbursements	88.98		170.96	
<b>TOTAL DISBURSEMENTS</b>	<b>7,206,420.77</b>	<b>(7,206,420.77)</b>	<b>81,721.96</b>	<b>(81,721.96)</b>
<b>ENDING CASH ON HAND:</b>		<b>13,855,873.41</b>		<b>1,099,372.71</b>
GENERAL FUND CHECKING		8,278,908.09	SPECIAL AID CHKG - CHASE	1,039,359.18
GENERAL FUND CLASS		751,250.11	SPECIAL AID CHKG - M&T	60,013.53
PAYROLL CHECKING		127,765.90		
DENTAL/FSA ACCOUNT CASH		73,239.09		
GENERAL FUND CD		1,030,611.45		
CASH- LIABILITY RESERVE		224,844.86		
CASH- UNEMPLOYMENT RES		167,712.39		
CASH- CTE RESERVE		54,952.64		
TREASURY INVESTMENTS		3,146,588.88		
		<b>13,855,873.41</b>		<b>1,099,372.71</b>

<b>MISC SPECIAL REVENUE</b>	
<b>BEGINNING CASH ON HAND</b>	71,427.08
<b>RECEIPTS:</b>	
Interest Earned	118.95
Component Contributions	-
Transfers from Other funds	-
Donations	-
Miscellaneous Funds	-
<b>TOTAL RECEIPTS</b>	<b>118.95</b>
	118.95
<b>DISBURSEMENTS</b>	
Warrants	-
Scholarships	-
Transfers to Other Funds	-
Miscellaneous Disbursements	-
<b>TOTAL DISBURSEMENTS</b>	<b>-</b>
	-
<b>ENDING CASH ON HAND:</b>	<b>71,546.03</b>
	71,546.03
B4 SCIENCE	-
GIFT FUND SAVINGS	71,546.03
	<u>71,546.03</u>

<b>CAPITAL FUND</b>	
	1,911,615.40
	993.89
	-
	-
	-
	-
	-
	<b>993.89</b>
	<b>993.89</b>
	-
	-
	-
	-
	<b>-</b>
	<b>-</b>
	<b>1,912,609.29</b>
	<b>1,912,609.29</b>
CAPITAL FUND CHECKING	382,697.38
CAPITAL FUND INVESTMENTS	1,529,911.91
	<u>1,912,609.29</u>



----- CUSTODIAL FUNDS -----

	Rochester Area School Health Plan I	Rochester Area School Health Plan II	Rochester Area School Workers' Comp Plan	Wayne Finger Lakes Workers' Comp Plan	TOTAL CUSTODIAL
<b>BEGINNING CASH ON HAND</b>	14,934,881.33	147,396,446.66	35,108,727.69	362,966.68	197,803,022.36
<b>RECEIPTS:</b>					
Interest Earned	7,630.77	255,737.68	48,578.10	-	
Contributions	1,563,055.19	17,008,836.04	771,751.12	137,033.34	
Miscellaneous Funds	36,065.93	-	322.68	401.26	
<b>TOTAL RECEIPTS</b>	1,606,751.89	17,264,573.72	820,651.90	137,434.60	19,829,412.11
<b>DISBURSEMENTS</b>					
Claims	1,956,509.92	27,882,726.99	457,640.36	236,244.23	
Admin and Other Disbursements	96,960.37	823,951.68	274,227.00	-	
<b>TOTAL DISBURSEMENTS</b>	2,053,470.29	28,706,678.67	731,867.36	236,244.23	(31,728,260.55)
<b>ENDING CASH ON HAND:</b>	14,488,162.93	135,954,341.71	35,197,512.23	264,157.05	185,904,173.92
RASHP I CHECKING	3,460,811.49				3,460,811.49
RASHP I SAVINGS / INVESTMENTS	4,637,650.82				4,637,650.82
RASHP II CHECKING		17,009,470.10			17,009,470.10
RASHP II SAVINGS / INVESTMENTS		58,560,513.90			58,560,513.90
RASWC CHECKING			3,752,048.23		3,752,048.23
RASWC SAVINGS / INVESTMENTS			16,263,141.23		16,263,141.23
WFL WC CHECKING				264,157.05	264,157.05
TREASURY INVESTMENTS	6,389,700.62	60,384,357.71	15,182,322.77		81,956,381.10
<b>TOTAL CASH</b>	14,488,162.93	135,954,341.71	35,197,512.23	264,157.05	185,904,173.92

Collateral Analysis	M&T Bank	Five Star Bank	Chase Bank
Bank Totals	26,659,673.16	80,747,408.89	9,582,173.13
<i>Collateral:</i>			
FDIC	500,000.00	250,000.00	250,000.00
Additional FDIC through CD Option	-	65,734,955.54	-
Collateral held by Bank	-	-	10,116,022.60
Collateral held by Third Party	31,696,151.40	15,596,802.27	-
	<u>32,196,151.40</u>	<u>81,581,757.81</u>	<u>10,366,022.60</u>
Over / (Under) Collateralized	5,536,478.24	834,348.92	783,849.47

Treasurer's Notes:

Our newly opened NYCLASS account is earning 5.14% currently

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This is to certify that I have received these balances:

Kelly Mutschen  
 District Clerk  
9/19/2023  
 Date

[Signature]  
 Assistant Superintendent for Finance and Operations  
9/11/23  
 Date

[Signature]  
 Treasurer  
8/15/23  
 Date

# MONROE 2 - ORLEANS BOCES

Revenue Status Report As Of: 08/31/2023

**Fiscal Year: 2024**

**Fund: A GENERAL FUND**

Revenue Account	Service	Description	Original Estimate	Adjustments	Current Estimate	Year-to-Date	Anticipated Balance	Excess Revenue
0 Administration			12,321,411.00	15,300.00	12,336,711.00	4,822,824.38	7,525,755.39	27,168.77
1 Career Education			11,321,341.00	168,790.57	11,490,131.57	2,884,182.21	8,510,233.73	93,877.46
2 Special Education			33,462,373.41	1,070,076.48	34,532,449.89	8,741,997.56	26,962,800.37	1,219,160.48
3 Itinerent Services			8,909,962.17	86,443.24	8,996,405.41	3,456,621.49	5,803,790.16	264,106.24
4 General Instruction			3,923,125.59	44,289.97	3,967,415.56	568,278.74	3,376,805.90	0.00
5 Instruction Support			19,762,383.68	2,484,795.68	22,247,179.36	9,802,124.13	11,664,282.91	0.00
6 Other Services			14,005,275.82	-3,109,161.77	10,896,114.05	2,716,162.14	7,865,087.98	6.80
<b>Total GENERAL FUND</b>			<b>103,705,872.67</b>	<b>760,534.17</b>	<b>104,466,406.84</b>	<b>32,992,190.65</b>	<b>71,708,756.44</b>	<b>1,604,319.75</b>

\* Estimated revenue for Carryover Encumbrances from the prior fiscal year will not be realized.  
These are estimates to balance the budget

# MONROE 2 - ORLEANS BOCES

Budget Status Report As Of: 08/31/2023

Fiscal Year: 2024

Fund: A GENERAL FUND

Budget Account	Description	Initial Appropriation	Adjustments	Current Appropriation	Year-to-Date Expenditures	Encumbrance Outstanding	Unencumbered Balance
<b>0 Administration</b>							
100 SALARIES		1,272,363.00	0.00	1,272,363.00	197,809.56	1,041,077.74	33,475.70
200 EQUIPMENT		15,650.00	0.00	15,650.00	944.23	1,954.00	12,751.77
300 SUPPLIES		16,450.00	0.00	16,450.00	1,769.17	13,125.89	1,554.94
400 CONTRACTUAL		429,623.00	15,300.00	444,923.00	99,485.78	116,056.27	229,380.95
470 Rental of Facilities		2,487,597.00	0.00	2,487,597.00	294,676.35	887,626.60	1,305,294.05
700 INTEREST ON REVENUE NOTES		4,000.00	0.00	4,000.00	0.00	0.00	4,000.00
800 EMPLOYEE BENEFITS		644,854.00	0.00	644,854.00	38,700.94	189,833.87	416,319.19
899 Oth Post Retirement Benft		6,102,956.00	0.00	6,102,956.00	2,875.00	0.00	6,100,081.00
910 TRANSFER TO CAPITAL FUND		1,000,000.00	0.00	1,000,000.00	0.00	0.00	1,000,000.00
950 TRANSFER FROM O & M		72,806.00	0.00	72,806.00	0.00	0.00	72,806.00
960 TRANSFER CHARGE		275,112.00	0.00	275,112.00	0.00	0.00	275,112.00
<b>Subtotal of 0 Administration</b>		<b>12,321,411.00</b>	<b>15,300.00</b>	<b>12,336,711.00</b>	<b>636,261.03</b>	<b>2,249,674.37</b>	<b>9,450,775.60</b>
<b>1 Career Education</b>							
100 SALARIES		5,199,515.00	0.00	5,199,515.00	154,536.79	4,442,879.16	602,099.05
200 EQUIPMENT		182,075.00	215,264.58	397,339.58	35,779.27	378,870.18	-17,309.87
300 SUPPLIES		522,500.00	38,178.38	560,678.38	41,935.08	182,142.18	336,601.12
400 CONTRACTUAL		463,250.00	83,950.13	547,200.13	42,999.92	333,351.81	170,848.40
490 SCH DIST AND OTHER BOCES		12,075.00	11,989.12	24,064.12	0.00	0.00	24,064.12
800 EMPLOYEE BENEFITS		2,718,960.00	-100,000.00	2,618,960.00	29,314.96	752,904.96	1,836,740.08
950 TRANSFER FROM O & M		1,563,009.00	0.00	1,563,009.00	0.00	0.00	1,563,009.00
960 TRANSFER CHARGE		660,457.00	0.00	660,457.00	0.00	0.00	660,457.00
990 TRANS CREDs FR OTHER FUND		-500.00	0.00	-500.00	0.00	0.00	-500.00
<b>Subtotal of 1 Career Education</b>		<b>11,321,341.00</b>	<b>249,382.21</b>	<b>11,570,723.21</b>	<b>304,566.02</b>	<b>6,090,148.29</b>	<b>5,176,008.90</b>
<b>2 Special Education</b>							
100 SALARIES		6,100,421.00	0.00	6,100,421.00	80,365.18	5,614,233.27	405,822.55
200 EQUIPMENT		39,199.00	43,557.94	82,756.94	0.00	50,403.28	32,353.66
300 SUPPLIES		47,113.00	5,347.00	52,460.00	2,783.52	4,677.81	44,998.67
400 CONTRACTUAL		830,232.00	7,307.50	837,539.50	16,525.21	45,369.64	775,644.65
490 SCH DIST AND OTHER BOCES		5,305,044.41	688,530.18	5,993,574.59	0.00	0.00	5,993,574.59
800 EMPLOYEE BENEFITS		3,699,887.00	-9,400.00	3,690,487.00	14,978.03	1,012,316.99	2,663,191.98
950 TRANSFER FROM O & M		444,536.00	0.00	444,536.00	0.00	0.00	444,536.00
960 TRANSFER CHARGE		16,995,941.00	0.00	16,995,941.00	0.00	0.00	16,995,941.00
<b>Subtotal of 2 Special Education</b>		<b>33,462,373.41</b>	<b>735,342.62</b>	<b>34,197,716.03</b>	<b>114,651.94</b>	<b>6,727,000.99</b>	<b>27,356,063.10</b>
<b>3 Itinerent Services</b>							
100 SALARIES		12,223,522.00	-7,065.00	12,216,457.00	87,780.22	10,339,089.86	1,789,586.92
200 EQUIPMENT		97,046.00	0.00	97,046.00	100.00	0.00	96,946.00
300 SUPPLIES		51,249.00	500.00	51,749.00	360.93	5,742.36	45,645.71
400 CONTRACTUAL		604,121.00	10,065.00	614,186.00	11,085.62	42,043.36	561,057.02
490 SCH DIST AND OTHER BOCES		130,503.17	71,471.45	201,974.62	0.00	0.00	201,974.62

# MONROE 2 - ORLEANS BOCES

Budget Status Report As Of: 08/31/2023

Fiscal Year: 2024

## Fund: A GENERAL FUND

Budget Account	Description	Initial Appropriation	Adjustments	Current Appropriation	Year-to-Date Expenditures	Encumbrance Outstanding	Unencumbered Balance
800 EMPLOYEE BENEFITS		6,685,862.00	0.00	6,685,862.00	17,615.47	1,821,087.04	4,847,159.49
950 TRANSFER FROM O & M		4,789.00	0.00	4,789.00	0.00	0.00	4,789.00
960 TRANSFER CHARGE		1,416,855.00	0.00	1,416,855.00	0.00	0.00	1,416,855.00
970 TR CREDTS FR SERVICE PROGR		-12,303,985.00	0.00	-12,303,985.00	0.00	0.00	-12,303,985.00
<b>Subtotal of 3 Itinerent Services</b>		<b>8,909,962.17</b>	<b>74,971.45</b>	<b>8,984,933.62</b>	<b>116,942.24</b>	<b>12,207,962.62</b>	<b>-3,339,971.24</b>
<b>4 General Instruction</b>							
100 SALARIES		2,016,483.00	-53,750.00	1,962,733.00	617,129.67	1,087,557.14	258,046.19
200 EQUIPMENT		5,400.00	3,812.56	9,212.56	1,050.00	2,762.56	5,400.00
300 SUPPLIES		17,528.00	9,937.44	27,465.44	2,163.19	11,404.77	13,897.48
400 CONTRACTUAL		562,373.00	90,375.92	652,748.92	61,290.30	246,282.91	345,175.71
490 SCH DIST AND OTHER BOCES		242,652.59	8,029.97	250,682.56	9,380.00	0.00	241,302.56
800 EMPLOYEE BENEFITS		731,912.00	-26,000.00	705,912.00	105,595.77	190,772.61	409,543.62
950 TRANSFER FROM O & M		194,568.00	0.00	194,568.00	0.00	0.00	194,568.00
960 TRANSFER CHARGE		205,419.00	0.00	205,419.00	0.00	0.00	205,419.00
970 TR CREDTS FR SERVICE PROGR		-50,250.00	0.00	-50,250.00	0.00	0.00	-50,250.00
990 TRANS CREDTS FR OTHER FUND		-2,960.00	0.00	-2,960.00	0.00	0.00	-2,960.00
<b>Subtotal of 4 General Instruction</b>		<b>3,923,125.59</b>	<b>32,405.89</b>	<b>3,955,531.48</b>	<b>796,608.93</b>	<b>1,538,779.99</b>	<b>1,620,142.56</b>
<b>5 Instruction Support</b>							
100 SALARIES		6,135,511.00	98,500.00	6,234,011.00	560,489.02	4,948,419.11	725,102.87
200 EQUIPMENT		4,703,236.00	1,703,763.09	6,406,999.09	383,457.34	1,542,427.95	4,481,113.80
300 SUPPLIES		894,870.00	129,176.02	1,024,046.02	107,937.18	286,472.55	629,636.29
400 CONTRACTUAL		5,620,281.00	396,634.08	6,016,915.08	2,298,139.85	1,552,869.84	2,165,905.39
490 SCH DIST AND OTHER BOCES		623,219.68	38,262.97	661,482.65	28,528.50	0.00	632,954.15
800 EMPLOYEE BENEFITS		2,966,357.00	48,044.00	3,014,401.00	106,709.33	930,970.91	1,976,720.76
950 TRANSFER FROM O & M		826,867.00	2,500.00	829,367.00	0.00	0.00	829,367.00
960 TRANSFER CHARGE		1,147,287.00	2,125.00	1,149,412.00	0.00	0.00	1,149,412.00
970 TR CREDTS FR SERVICE PROGR		-3,086,596.00	0.00	-3,086,596.00	0.00	0.00	-3,086,596.00
990 TRANS CREDTS FR OTHER FUND		-68,649.00	0.00	-68,649.00	0.00	0.00	-68,649.00
<b>Subtotal of 5 Instruction Support</b>		<b>19,762,383.68</b>	<b>2,419,005.16</b>	<b>22,181,388.84</b>	<b>3,485,261.22</b>	<b>9,261,160.36</b>	<b>9,434,967.26</b>
<b>6 Other Services</b>							
100 SALARIES		2,600,762.00	0.00	2,600,762.00	366,577.36	2,113,388.77	120,795.87
200 EQUIPMENT		501,684.00	89,158.41	590,842.41	24,985.33	163,248.41	402,608.67
300 SUPPLIES		34,107.00	4,484.00	38,591.00	2,356.90	7,496.56	28,737.54
400 CONTRACTUAL		3,859,688.00	258,279.32	4,117,967.32	189,154.72	1,037,783.09	2,891,029.51
490 SCH DIST AND OTHER BOCES		7,657,101.82	-3,519,195.58	4,137,906.24	27,275.95	0.00	4,110,630.29
800 EMPLOYEE BENEFITS		1,144,493.00	0.00	1,144,493.00	69,514.57	398,273.80	676,704.63
950 TRANSFER FROM O & M		130,421.00	0.00	130,421.00	0.00	0.00	130,421.00
960 TRANSFER CHARGE		130,425.00	0.00	130,425.00	0.00	0.00	130,425.00
970 TR CREDTS FR SERVICE PROGR		-1,972,247.00	0.00	-1,972,247.00	0.00	0.00	-1,972,247.00
990 TRANS CREDTS FR OTHER FUND		-81,159.00	0.00	-81,159.00	0.00	0.00	-81,159.00

# MONROE 2 - ORLEANS BOCES

Budget Status Report As Of: 08/31/2023

**Fiscal Year: 2024**

**Fund: A GENERAL FUND**

Budget Account	Description	Initial Appropriation	Adjustments	Current Appropriation	Year-to-Date Expenditures	Encumbrance Outstanding	Unencumbered Balance
<b>Subtotal of 6 Other Services</b>		<b>14,005,275.82</b>	<b>-3,167,273.85</b>	<b>10,838,001.97</b>	<b>679,864.83</b>	<b>3,720,190.63</b>	<b>6,437,946.51</b>
<b>7 Undefined</b>							
100 SALARIES		3,716,914.00	0.00	3,716,914.00	454,938.71	2,855,617.69	406,357.60
200 EQUIPMENT		50,375.00	-1,000.00	49,375.00	1,168.00	15,937.20	32,269.80
300 SUPPLIES		230,875.00	1,000.00	231,875.00	30,444.72	106,603.37	94,826.91
400 CONTRACTUAL		2,036,863.00	4,625.00	2,041,488.00	492,783.01	692,480.37	856,224.62
800 EMPLOYEE BENEFITS		1,781,754.00	0.00	1,781,754.00	107,096.56	512,956.25	1,161,701.19
950 TRANSFER FROM O & M		600,828.00	-2,500.00	598,328.00	0.00	0.00	598,328.00
960 TRANSFER CHARGE		1,575,456.00	-2,125.00	1,573,331.00	0.00	0.00	1,573,331.00
970 TR CREDTS FR SERVICE PROGR		-8,831,698.00	0.00	-8,831,698.00	0.00	0.00	-8,831,698.00
990 TRANS CREDTS FR OTHER FUND		-1,161,367.00	0.00	-1,161,367.00	0.00	0.00	-1,161,367.00
<b>Subtotal of 7 Undefined</b>		<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>1,086,431.00</b>	<b>4,183,594.88</b>	<b>-5,270,025.88</b>
<b>Total GENERAL FUND</b>		<b>103,705,872.67</b>	<b>359,133.48</b>	<b>104,065,006.15</b>	<b>7,220,587.21</b>	<b>45,978,512.13</b>	<b>50,865,906.81</b>

7. Board Presentation - Human Resources; Karen Brown, Esq.

# Human Resources and Legal Update



Presented by Karen M. Brown, Esq.  
Assistant Superintendent for HR





# NYS Pay Transparency Law



- All job postings must contain a salary/salary range and a job description

**STOP THE  
PRESS**



# Rights of Nursing Mothers in the Workplace



# Federal PUMP Act and NYS Labor Law

Employers must provide a lactation room that is:

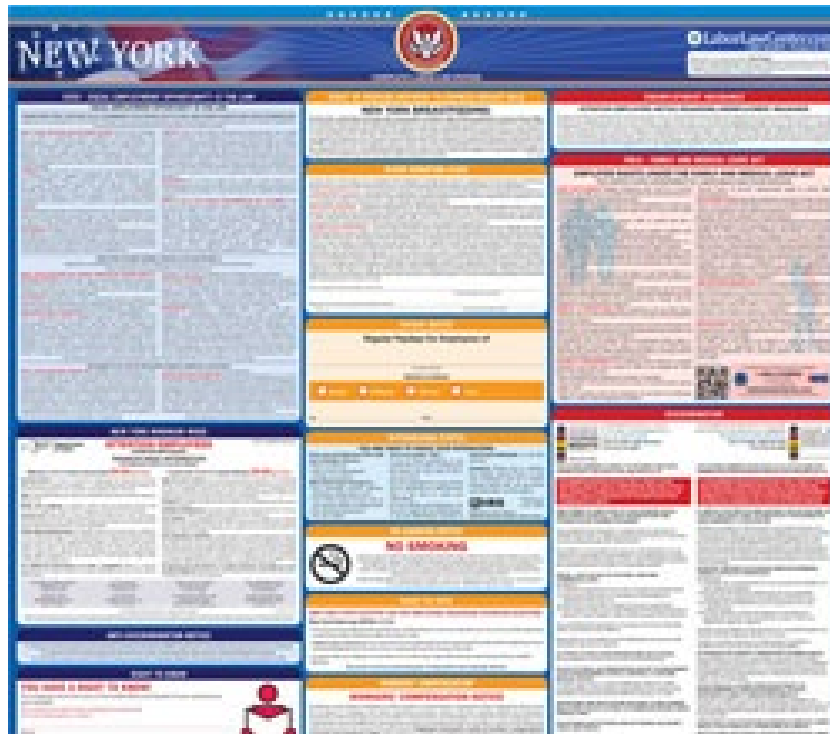
- 1)Close to the work area;
- 2)Well lit;
- 3)Shielded from view;
- 4)Free from intrusion from other people; and
- 5)At a minimum contain: a chair, a working surface, nearby access to clean running water, and an electrical outlet.

The lactation room cannot be a restroom or toilet stall. It does not have to be assigned solely for the purpose of lactation but must be made available when and if needed.

All employees must be provided with a model policy at time of hire, once a year thereafter and upon return from a childcare leave.



# Electronic postings



# NYS Labor Law

- All mandatory federal and state postings have to be made available electronically
- Have to notify staff of electronic availability

# NYS COVID Leave Law



# NYS COVID Leave Law

- Staff are allowed at least 5 days off if test positive for COVID
- Staff can take leave under the law no more than 3x
- No expiration date





# NYS Vaccination Leave Law

- Staff are allowed a “sufficient period of time” up to 4 hours off, per injection, to obtain a COVID 19 vaccination, including boosters
- Law expires December 31, 2023



# Referral Incentive



# Referral Incentive

BOCES offers \$500 to staff who refer a new staff member who stays 6 months

To date, we've paid 30 referrals and have 17 more in the pike

Of those 30 referred, 26 staff remain



ANY  
QUESTIONS  
?

8. Old Business

1. Confirm Board Reps for Building Level Emergency Plans

8. Old Business
  2. Resolution to Approve 2023-24 Emergency Remote Instruction Plan

## 2023-2024 Monroe 2-Orleans BOCES (BOCES 2) Emergency Remote Instruction Plan (ERI)

1. Policies and procedures to ensure computing devices will be made available to students or other means by which students will participate in synchronous instruction.
  - Policy #7240 – Textbooks and Other Instructional Materials
  - At Monroe 2-Orleans BOCES (BOCES 2), all the students in attendance come from our nine (9) component school districts. These individual districts will be the primary source of computing devices for all the students in the different programs at BOCES 2. The different programs consist of our Career Technical Education (CTE), Westside Academy and Exceptional Children.
  - Administrative Staff and Teachers will make sure all students in attendance at BOCES 2 programs will have the appropriate computing devices for their needs daily before the need for this plan is utilized.
  - BOCES 2 will work with the component school districts to make sure the appropriate computing devices are available to the computing devices.
  - Students at BOCES 2 who don't have an assigned computing device from their home school will be provided one with either coordination from the home school or from BOCES 2. BOCES 2 Staff will ensure devices are disseminated through notification and parent/student pickup at the assigned location for that student.
  - BOCES 2 will communicate with parents in students by several different means available. Parents/students will be contacted via email, US Mail, BOCES 2 Website and if needed local media will be contacted and asked to alert parents/students of the need to contact BOCES 2. BOCES 2 will also post on several different Social Media platforms to notify students/parents.
  - If a computing device needs to be serviced or replaced, the students will go through their home school district initially to provide service for the computing device in need. If the student possesses a BOCES 2 computing device, BOCES 2 will ensure repair and/or replacement if necessary. Parents/students will be provided with a Help Desk telephone number/website to assist in repairing the devices. If needed, parents/or students will be able to drop their devices off at predetermined location and time for either repair or replacement.
  - BOCES 2 will make every effort possible to continue synchronous training by utilizing computers, cell phones, laptops or other devices that can accomplish this. BOCES 2 will work with the component school districts to understand what procedures they are utilizing to accomplish this goal. BOCES 2 will determine if scheduled periodic check-ins will be appropriate for the type of emergency at hand.
  - The BOCES 2 Emergency Remote Instruction Plan is currently consistent with the Student Digital Resources Data Collection.
  
2. Policies and procedures to ensure students receiving remote instruction under emergency conditions will access internet connectivity.
  - BOCES 2 Administrative Staff will work with component school districts and families to identify students who have access to the internet at their residence.

8. Old Business
  3. Board Photo and Board Development Reminder



9. New Business
  1. First Reading Policy Series 5000

## VARIOUS POLICY UPDATES CHART

### 5000 Series

(Italics means added in, strikethrough means to take out.)

*RE-WORDED ALL PRONOUNS*

<b>POLICY NUMBER</b>	<b>RATIONALE</b>
5110 Code of Ethics for All BOCES Personnel	New suggested additional language at Page 2.
5111 Oaths of Allegiance/Office	Review
5112 Employment of Relatives of Board Members	Review
5113 Nepotism	Review
5120 Equal Employment Opportunity	Changes made on page 1 for clarity.
5121 Sexual Harassment of BOCES Personnel	Updated Karen Brown's title to Assistant Superintendent for Human Resources where applicable. Delete "one year" as mentioned on page 7 as not applicable.
5130 Performance Review	Review
5131 Annual Professional Performance Review (APPR)	Review
5132 Testing Misconduct and Mandatory Reporting Requirements	Reviewed by Marijo Pearson and Bridget Harris - added "or processing" to reflect current practice.
5140 Health Examinations	Added wording to first paragraph for clarity.
5141 Human Immunodeficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS)	Review

## VARIOUS POLICY UPDATES CHART

### *5000 Series*

(Italics means added in, strikethrough means to take out.)

***RE-WORDED ALL PRONOUNS***

<b><i>POLICY NUMBER</i></b>	<b><i>RATIONALE</i></b>
5142 Cardiac Automated External Defibrillators (AEDS) in Public School Facilities	<b>POLICY NOT INCLUDED. DO NOT REVIEW.</b> Policy was reviewed at the February 17, 2023 Cabinet meeting.
5150 Recruitment, Selection and Appointment of Personnel	Review
5151 Temporary and Part-Time Employees	Changed "regular substitute" to "long-term substitute" for accuracy.
5152 Job Descriptions	Review
5153 Incidental Teaching	Policy re-written to reflect current law.
5154 Summer Employment	Review
5160 Alcohol, Drugs and Other Substances (School Personnel)	Review
5161 Drug-Free Workplace	Review
5170 Complaints and Grievances by Employees	Review
5180 Resignation or Retirement	Review
5210 Professional Growth/Staff Development	Review

## VARIOUS POLICY UPDATES CHART

### 5000 Series

(Italics means added in, strikethrough means to take out.)

*RE-WORDED ALL PRONOUNS*

<i>POLICY NUMBER</i>	<i>RATIONALE</i>
5211 Mileage Reimbursement	Review
5215 Cellular Phones	Updated Steve Roland's title to Assistant Superintendent for Finance and Operations.
5220 Employee Personnel Records and Release of Information	Review
5240 Professional Staff Consulting Activities	Review
5241 Outside Employment For BOCES Employees	Policy re-written for clarity.
5260 Staff Use of Computerized Information Resources	Reviewed by Ray Miller, Steve Dawe and Jennifer Merkel with no suggested changes.
5261 Privacy and Security for Student Data and Teacher and Principal Data - Education Law 2-d	Reviewed by Ray Miller, Steve Dawe, Jennifer Merkel and Bridget Harris with no suggested changes. Lynda added "document" at page 4 for clarity.
5310 Health Insurance	Review
5320 Workers Compensation	Review
5330 Family and Medical Leave Act	Review
5340 Employee Assistance Program	Review
5350 Defense and Indemnification of Board Members and Employees	Review

**Monroe 2-Orleans BOCES Policy**  
**Series 5000 – Personnel**  
**Policy #5110 – CODE OF ETHICS FOR ALL BOCES PERSONNEL**

**Definitions**

- a) "BOCES" shall mean the Board of Cooperative Educational Services for the Second Supervisory District of Monroe and Orleans Counties.
- b) "Municipal Officer or Employee" hereinafter referred to as "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 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 employees.

**Standards of Conduct**

Every employee of the BOCES shall be subject to the following standards of conduct:

- a) Gifts - No employee shall directly or indirectly solicit any gift or accept or receive any gift having a value of \$75.00 (seventy-five dollars) or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence the officer or employee, or could reasonably be expected to influence the officer or employee in the performance of ~~his/her~~ *their* official duties or was intended as a reward for any official action on ~~his/her~~ *the officer or employee's* part.
- b) Confidential Information - No 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.
- c) Representation before the BOCES - No 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 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 any time of fees based upon the reasonable value of services rendered.

**Monroe 2-Orleans BOCES Policy**  
**Series 5000 – Personnel**  
**Policy #5110 – CODE OF ETHICS FOR ALL BOCES PERSONNEL**

- e) Disclosure of interest in resolution - An 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 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 employee shall engage in, solicit, negotiate for or promise to accept private employment or render services to private interests when such employment or service creates a conflict of interest with or impairs the proper discharge of official duties or work assignments.
- h) Future employment - No 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 or her~~ *their* service or employment, or which was under ~~his/her~~ *their* active consideration unless required to do so.
- 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 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.
- j) Medicaid Compliance – All staff members responsible for provision and documentation of services that are eligible for Medicaid reimbursement shall comply with the Board-approved Medicaid Compliance policy.
- k) Anti-fraternization – *All staff and volunteers must act as role models for students and establish appropriate boundaries on and off owned or leased BOCES property during school hours, school events and off school hours. Staff shall not socialize with students or act in a manner to create a perception of a romantic, dating or sexual relationship, being friends or a relationship that is not a student-teacher relationship. Staff are expected to act appropriately when interacting with students and refrain from behavior such as, but not limited to, flirting, suggestive comments, meeting outside of school hours unrelated to school, inappropriate touching, give/receive personal gifts that are inappropriate, favor a student, grant a student privileges, communicate with student in any form and manner (text, social media platform, following the student on the social media platform, phone, email, any electronic communication) that is unrelated to school and relates to the students' personal life (i.e., boyfriend, mental health, sexual activity and/or other personal issues), providing legal or illegal drugs and/or alcohol; transfer the student in a private vehicle without parental permission, ask student to keep a secret or to tell a lie. Staff who witness and/or have knowledge of such behavior, must report such behavior to their immediate supervisor so an investigation may be conducted. Child abuse reporting may be involved, and police could be called depending on the circumstances. Staff who engage in fraternization could be subjected to discipline, including possible termination, and reported to the New York State Education Department under Part 83. Staff who report alleged incidents and staff who participate in an investigation are protected from*

**Monroe 2-Orleans BOCES Policy**  
**Series 5000 – Personnel**  
**Policy #5110 – CODE OF ETHICS FOR ALL BOCES PERSONNEL**

*retaliation and need to report any retaliatory behavior. BOCES will not tolerate any retaliatory behavior. Staff who fail to report the fraternization they witness or have knowledge of could face possible discipline.*

Nothing herein shall be deemed to bar or prevent the timely filing by a present or former officer of any claim, account, demand, or suit against the BOCES, or any agency thereof on behalf of ~~himself/herself~~ *themselves* or any member of ~~his/her~~ *their* 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**

Each employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of ~~his/her~~ *their* 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 employees. Failure to distribute any such copy of this code of ethics or failure of any employee to receive such copy, as well as failure to post any such copy of General Municipal Law, Article 18, shall have no effect on the duty of compliance with such code or Article 18, nor with the enforcement of provisions thereof.

**Penalties**

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

General Municipal Law, Article 18

**Policy References:**

Refer also to Policy #1340 -- Obligations of Board Members.

Adopted: 7/13/1999

Revised: 4/15/2009

Revised: 10/19/2011

Reviewed: 9/17/2014

Revised: 9/20/2017

Reviewed: 9/16/2020

**Monroe 2-Orleans BOCES Policy**  
**Series 5000 – Personnel**  
**Policy #5111 – OATHS OF ALLEGIANCE/OFFICE**

Each person serving as a Board member, as an officer of the Board or as an elected officer of the BOCES must sign an Oath of Office prior to beginning service with the BOCES and in some instances annually. This oath must be filed with the Clerk of the BOCES.

Employees must sign an Oath of Allegiance prior to beginning service with the BOCES.

Education Law Section 3002

Civil Service Law Section 62

Adopted: 7/13/1999  
Reviewed: 4/15/2009  
Reviewed: 10/19/2011  
Revised: 5/9/2012  
Revised: 9/17/2014  
Reviewed: 9/20/2017  
Revised: 9/16/2020



**Monroe 2-Orleans BOCES Policy**  
**Series 5000 – Personnel**  
**Policy #5112 – EMPLOYMENT OF RELATIVES OF BOARD MEMBERS**

The appointment of any member of the BOCES staff who is related by bloodline or legal process (including marriage) to 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.

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: 7/13/1999  
Reviewed: 4/15/2009  
Revised: 10/19/2011  
Reviewed: 9/17/2014  
Reviewed: 9/20/2017  
Reviewed: 9/16/2020

**Monroe 2-Orleans BOCES Policy**  
**Series 5000 – Personnel**  
**Policy #5113 - NEPOTISM**

Without specific exception by the Board, no person will be appointed, promoted, transferred, assigned, or otherwise employed in any position in which ~~he/she~~ *they* would supervise or receive supervision from a member of ~~his/her~~ *their* immediate family.

For the purpose of this policy, immediate family means: spouse, parent, grandparent, grandchild, father, step-father, mother, step-mother, mother-in-law, father-in-law, child, step-child, son-in-law, daughter-in-law, brother, step-brother, brother-in-law, sister, step-sister, sister-in-law, or domestic partner.

For the purpose of this policy, supervise means: the authority to recommend or approve the immediate family member's appointment, promotion, salary, evaluation, termination, or other similar personnel actions.

Adopted: 1/15/2014  
Reviewed: 9/17/2014  
Reviewed: 9/20/2017  
Reviewed: 9/16/2020

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**Policy #5120 – EQUAL EMPLOYMENT OPPORTUNITY**

The Board, in recognition of its educational mission, its social concern, its responsibility for the personal development of individuals, and its concern for the rights of the individual, does hereby express and establish this Policy of Equal Employment Opportunity.

It is the policy of the Board to provide equal opportunity in employment for all qualified persons and to promote the full realization of equal employment opportunity through a positive, continuing program for the BOCES as a whole and for each constituent division of this BOCES.

In hiring, discharging or recruiting, the BOCES shall not discriminate against an individual on the basis of, *including but not limited to*: age, sex, race, religion, color, national origin, disability, creed, marital status, veteran status, military status, sexual orientation, prior criminal offense, domestic violence victim status, gender identity, gender expression, or genetic status.

All newly hired employees will be required to complete the Employment Eligibility Verification Form (Form I-9) and present documents that establish their identity and eligibility to work in the United States.

Administration shall establish grievance procedures that provide for the prompt and equitable resolution of complaints alleging discrimination. Those intending to file a grievance due to alleged discrimination must follow the grievance procedure outlined in Regulation 5170.

References:

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

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

Section 504 of the Rehabilitation Act of 1973 29 United States Code Section 794 et seq.

The Americans with Disabilities Act, 42 United States Code Section 12101 et seq. - Prohibits discrimination on the basis of disability.

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

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

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

Military Law Sections 242 and 243

**Policy References:**

Refer also to Policy #1440 -- Non-Discrimination.

Refer also to Policy 6463 – Title IX and Sex Discrimination.

Regulation #5170 -- Complaints and grievances by employees.

Adopted: 7/13/1999

Revised: 3/17/2010

Reviewed: 10/19/2011

Revised: 9/17/2014

Revised: 8/19/2015

Revised: 9/20/2017

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**Policy #5121 – SEXUAL HARASSMENT OF BOCES PERSONNEL**

*Purpose and Goals*

Monroe 2-Orleans BOCES (*BOCES*) is committed to maintaining a workplace free from ~~sexual harassment and discrimination~~. Sexual harassment is a form of workplace discrimination ~~that subjects an employee to inferior conditions of employment due to their gender, gender identity, gender expression (perceived or actual), and/or sexual orientation. Sexual harassment is often viewed simply as a form of gender-based discrimination, but BOCES recognizes that discrimination can be related to or affected by other identities beyond gender. Under the New York State Human Rights Law, it is illegal to discriminate based on sex, sexual orientation, gender identity or expression, age, race, creed, color, national origin, military status, disability, pre-disposing genetic characteristics, familial status, marital status, criminal history, or status as a victim of domestic violence. Our different identities impact our understanding of the world and how others perceive us. For example, an individual’s race, ability, or immigration status may impact their experience with gender discrimination of the workplace. While this policy is focused on sexual harassment and gender discrimination, the methods for reporting and investigating on other protected identities are the same. The purpose of this policy is to teach employees to recognize discrimination, including discrimination due to an individual’s intersecting identities, and provide the tools to take action when it occurs. All employees, managers, administrators, and supervisors are required to work in a manner designed to ~~that~~ prevents sexual harassment and discrimination in the workplace. This policy is one component of BOCES’ commitment to a discrimination-free work environment. ~~Sexual harassment is against the law and all employees have a legal right to a workplace free from sexual harassment. Employees are urged to report sexual harassment by filing a complaint internally with Monroe 2-Orleans BOCES. Employees can also file a complaint with a government agency or in court under federal or state anti-discrimination laws.~~~~

*Goals of this Policy:*

~~Sexual harassment and discrimination are against the law. Employees, through this policy, will understand their right to a workplace free from harassment. Employees will also learn what harassment and discrimination look like, what actions they can take to prevent and report harassment, and how they are protected from retaliation after taking action. The regulation will also explain the investigation process into any claims of harassment. Employees are encouraged to report sexual harassment or discrimination by filing a complaint internally with BOCES. Employees can also file a complaint with a government agency or in court under federal, state, or local antidiscrimination laws. To file an employment complaint with the New York State Division of Human Rights, please visit <https://dhr.ny.gov/complaint>. To file a complaint with the United States Equal Employment Opportunity Commission, please visit <https://www.eeoc.gov/filing-charge-discrimination>.~~

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*Prevention:*

1. ~~This BOCES' policy applies to all employees, applicants for employment, and interns, whether paid or unpaid. The policy also applies to additional covered individuals. It applies to anyone who is (or is employed by) a contractor, vendor, subcontractor, consultant, volunteers, parents, and persons conducting business with Monroe 2-Orleans BOCES, whether on or off BOCES-owned or leased premises or anyone providing services in BOCES 2 workplace. These individuals include persons commonly referred to as independent contractors, gig workers, and temporary workers. Also included are persons providing equipment repair, cleaning services, or any other services through a contract with BOCES 2. For purposes of this Policy, the terms "employee" and "employees" refer to this collective group. The term "covered individual" will be used to refer to these individuals who are not direct employees of BOCES.~~
2. Sexual harassment ~~will not be tolerated~~ *is unacceptable*. Any employee or covered individual who engages in sexual harassment, *discrimination* or retaliation will be subject to *action, including appropriate discipline for employees and/or remedial and/or disciplinary* action in accordance with law and any applicable collective bargaining agreement (*e.g., counseling, suspension, termination*). *In New York, harassment does not need to be severe or pervasive to be illegal. Employees and covered individuals should not feel discouraged from reporting harassment because they do not believe it is bad enough, or conversely because they do not want to see a colleague fired over less severe behavior. Just as harassment can happen in different degrees, potential discipline for engaging in sexual harassment will depend on the degree of harassment and might include education and counseling. It may lead to suspension or termination when appropriate.*
3. ~~No employee covered by this Policy shall be subject to adverse action because the employee reports or provides information related to an incident of sexual harassment, or otherwise assists in any investigation of a sexual harassment complaint. Monroe 2-Orleans BOCES will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment.~~ Retaliation is prohibited. Any employee or covered individual that reports an incident of sexual harassment or discrimination in good faith, provides information, or otherwise assists in any investigation of a sexual harassment or discrimination complaint is protected from retaliation. No one should fear reporting sexual harassment if they believe it has occurred. So long as a person reasonably believes that they have witnessed or experienced such behavior, they are protected from retaliation.

Any employee of ~~Monroe 2-Orleans~~ BOCES who retaliates against anyone involved in a sexual harassment *or discrimination* investigation ~~may face~~ *will be subjected to* disciplinary action, up to and including termination ~~in accordance with law and any applicable collective bargaining agreement~~. All employees *and covered individuals working in the workplace* who believe they have been subjected to such retaliation ~~shall~~ *should* inform ~~their~~ a supervisor, *manager*, or ~~the Director of Human Resources~~

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*Administrator*. All employees *and covered individuals* who believe they have been a target of such retaliation may also seek relief ~~in other available forums from government agencies~~, as explained below in the section ~~on~~ *titled* Legal Protections.

4. ~~Sexual harassment is offensive, is a violation of this Policy, Discrimination of any kind, including sexual harassment, is a violation of BOCES' policies, is unlawful, and may subject Monroe 2-Orleans BOCES to liability for the harm to experienced by targets of sexual harassment discrimination.~~ Harassers may also be individually subject to liability *and employers, supervisors, or administrators who fail to report or act on harassment may be liable for aiding and abetting such behavior.* Employees ~~of~~ *at* every level *who engage in harassment or discrimination*, including managers, administrators, ~~directors~~, and supervisors who engage in ~~sexual~~ harassment or *discrimination or* who allow such behavior to continue, will be penalized *for such misconduct*.
5. ~~Monroe 2-Orleans BOCES~~ will conduct a prompt and thorough investigation that *ensures due process for is fair to* all parties. *An investigation will happen* whenever ~~Monroe 2-Orleans BOCES administration~~ receives a complaint about *discrimination or* sexual harassment ~~, or is otherwise informed of possible sexual harassment~~ occurring. ~~Monroe 2-Orleans BOCES~~ will keep the investigation confidential to the extent possible. *If an investigation ends with the finding that discrimination or sexual harassment occurred, BOCES will act as required. In addition to any required discipline, BOCES will also take steps to ensure a safe work environment for the employee(s) who experienced discrimination or harassment.* All employees, including managers, supervisors and administrators, are required to cooperate with any internal investigation of *discrimination or* sexual harassment.
6. All employees *and covered individuals* are ~~required~~ *encouraged* to report any harassment or behaviors that violate this policy. ~~Monroe 2-Orleans BOCES will provide a complaint form for the employees to report the harassment and file complaints.~~ *All employees will have access to a complaint form to report harassment and file complaints. Use of this form is not required. For anyone who would rather make a complaint verbally, or by email, these complaints will be treated with equal priority. An employee or covered individual who prefers not to report harassment to their administrator or employer may instead report harassment to the New York State Division of Human Rights and/or the United States Equal Employment Opportunity Commission. Complaints may be made to both the employer and a government agency.*

*Administrators and supervisors are required to report any complaint that they receive, or any harassment that they observe or become aware of, to the BOCES Civil Rights Compliance Officer.*

7. ~~Administrators, supervisors, directors, and managers are required to report any complaint that they receive, or any harassment that they observe or become aware of, to the Director of Human Resources.~~ *This policy applies to all employees and covered individuals, such*

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*as contractors, subcontractors, vendors, consultants, or anyone providing services in the workplace, and all must follow and uphold this policy. This policy must be provided to all employees in person or digitally through email upon hiring and will be posted prominently on the internal portal.*

- ~~8. This Policy shall be provided to all employees upon hiring and will be posted electronically to the Employee Portal.~~

**What is Sexual Harassment? Defined**

Sexual harassment is a form of *gender-based sex* discrimination ~~and that~~ is unlawful under federal, ~~and~~ state, *and (where applicable) local* law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender. ~~Sexual harassment includes sexual violence.~~ *Sexual harassment is not limited to sexual contact, touching, or expressions of a sexually suggestive nature. Sexual harassment includes all forms of gender discrimination including gender role stereotyping and treating employees differently because of their gender.*

*Understanding gender diversity is essential to recognizing sexual harassment because discrimination based on sex stereotypes, gender expression and perceived identity are all forms of sexual harassment. The gender spectrum is nuanced, but the three most common ways people identify are cisgender, transgender, and non-binary. A cisgender person is someone whose gender aligns with the sex they were assigned at birth. Generally, this gender will align with the binary of male or female. A transgender person is someone whose gender is different than the sex they were assigned at birth. A non-binary person does not identify exclusively as a man or a woman. They might identify as both, somewhere in between, or completely outside the gender binary. Some may identify as transgender, but not all do. Respecting an individual's gender identity is a necessary first step in establishing a safe workplace.*

*Sexual harassment is unlawful when it subjects an individual to inferior terms, conditions, or privileges of employment. Harassment does not need to be severe or pervasive to be illegal. It can be any harassing behavior that rises above petty slights or trivial inconveniences. Every instance of harassment is unique to those experiencing it, and there is no single boundary between petty slights and harassing behavior. However, the Human Rights Law specifies that whether harassing conduct is considered petty or trivial is to be viewed from the standpoint of a reasonable victim of discrimination with the same protected characteristics. Generally, any behavior in which an employee or covered individual is treated worse because of their gender (perceived or actual), sexual orientation, or gender expression is considered a violation of BOCES' policy. The intent of the behavior, for example, making a joke, does not neutralize a harassment claim. Not intending to harass is not a defense. The impact of the behavior on a person is what counts. Sexual harassment includes any unwelcome conduct which is either directed at an individual because of that individual's gender identity or expression (perceived or actual), or is of a sexual nature, ~~or which is directed at an individual because of that individual's sex~~ when:*



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- ~~Such conduct has~~ The purpose or effect of *this behavior* unreasonably interferes ~~ing~~ with an individual's work performance or creates an intimidating, hostile or offensive work environment. ~~The impacted person does not need to be even if the reporting individual is not~~ the intended target of the sexual harassment;
- ~~Such conduct is made either~~ *Employment depends* explicitly or implicitly ~~a term or condition of employment on accepting such unwelcome behavior~~; or
- ~~Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.~~ *Decisions regarding an individual's employment are based on an individual's acceptance to or rejection of such behavior. Such decisions can include what shifts and how many hours an employee might work, project assignments, as well as salary and promotion decisions.*

*There are two main types of sexual harassment:*

- ~~A sexually harassing~~ *Behaviors that contribute to a* hostile work environment include, but ~~is are~~ not limited to, words, signs, jokes, pranks, intimidation or ~~acts of~~ physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex, *gender identity, or gender expression*. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit ~~statements~~, derogatory ~~statements~~ or ~~sexually~~ discriminatory ~~statements~~ ~~remarks made by an employee~~ which ~~are an employee finds~~ offensive or objectionable, ~~causes an employee discomfort or humiliation, or to the recipient and~~ interferes with the ~~recipient's~~ *employee's* job performance.
- Sexual harassment also occurs when a person in ~~a position of~~ authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment.

Any employee *or covered individual* who feels harassed ~~shall~~ *is encouraged to* report the ~~conduct to correct~~ *behavior so that* any violation of this policy *can be corrected promptly*. Any harassing conduct, even a single incident, can be ~~addressed~~ *discrimination and is covered* under this policy.

### **Examples of Sexual Harassment**

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited. *This list is just a sample of behaviors and should not be considered exhaustive. Any employee who believes they have experienced sexual harassment, even if it does not appear on this list, should feel encouraged to report it:*

- Physical acts of a sexual nature, such as:

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- Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's body; *or*
- Rape, sexual battery, molestation or attempts to commit these assaults, *which may be considered criminal conduct outside the scope of this policy (please contact local law enforcement if you wish to pursue criminal charges).*
- Unwanted sexual advances, or propositions, such as:
  - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits—~~or~~ **detriments**;
    - *This can include sexual advances/pressure placed on a service industry employee by customers or clients, especially those industries where hospitality and tips are essential to the customer/employee relationship;*
  - Subtle or obvious pressure for unwelcome sexual activities; *or*
  - *Repeated requests for dates or romantic gestures, including gift-giving.*
- Sexually *oriented suggestive* gestures, noises, remarks or jokes, or *questions and* comments about a person's sexuality, ~~or~~ sexual experience, *or romantic history* which create a hostile work environment. *This is not limited to interactions in person. Remarks made over virtual platforms and in messaging apps when employees are working remotely can create a similarly hostile work environment.*
- Sex stereotyping, *which* occurs when *someone's* conduct or personality traits are ~~considered inappropriate simply because they may not conform to~~ *judged based on* other people's ideas or perceptions about how individuals of a particular sex should act or look:
  - *Remarks regarding an employee's gender expression, such as wearing a garment typically associated with a different gender identity; or*
  - *Asking employees to take on traditionally gendered roles, such as asking a woman to serve meeting refreshments when it is not part of, or appropriate to, her job duties.*
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
  - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace;
  - *This also extends to the virtual or remote workspace and can include having such materials visible in the background of one's home during a virtual meeting.*
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity ~~and the status of being transgender,~~ *or gender expression,* such as:
  - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;

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- Sabotaging an individual's work;
- Bullying, yelling, name-calling;
- *Intentional misuse of an individual's preferred pronouns; or*
- *Creating different expectations for individuals based on their perceived identities;*
- *Dress codes that place more emphasis on women's attire;*
- *Leaving parents/caregivers out of meetings.*

**Who Can be a Target of Sexual Harassment?**

Sexual harassment can occur between any individuals, regardless of their sex or gender. *Harassment does not have to be between members of the opposite sex or gender.* New York Law protects ~~all~~ employees *and all covered individuals described earlier in the policy.* Harassers can be *anyone in the workplace. A supervisor, a supervisee, or superior, a subordinate, a coworker can all be harassers. or anyone in the workplace* Anyone else in the workplace can also be harassers, including an independent contractor, contract worker, vendor, client, customer, visitor, parent, or volunteer, *patient, constituent, or visitor.*

*Sexual harassment does not happen in a vacuum and discrimination experienced by an employee can be impacted by biases and identities beyond an individual's gender. For example:*

- *Placing different demands or expectations on black women employees than white women employees can be both racial and gender discrimination;*
- *An individual's immigration status may lead to perceptions of vulnerability and increased concerns around illegal retaliation for reporting sexual harassment; or*
- *Past experiences as a survivor of domestic or sexual violence may lead an individual to feel re-traumatized by someone's behaviors in the workplace.*

*Individuals bring personal history with them to the workplace that might impact how they interact with certain behavior. It is especially important for all employees to be aware of how words or actions might impact someone with a different experience than their own in the interest of creating a safe and equitable workplace.*

**Where Can Sexual Harassment Occur?**

Unlawful sexual harassment is not limited to the physical workplace itself. ~~Sexual harassment~~ *It* can occur while employees are traveling for business or at employer sponsored events or functions. Calls, texts, emails, and social media usage by employees *or covered individuals* can constitute unlawful workplace harassment, even if ~~that conduct occurs~~ *they occur* away from the workplace premises, on personal devices, or during non-work hours.

*Sexual harassment can occur when employees are working remotely from home as well. Any behaviors outlined above that leave an employee feeling uncomfortable, humiliated, or unable to meet their job requirements constitute harassment even if the employee or covered individual is at home when the harassment occurs. Harassment can happen on virtual meeting platforms, in messaging apps, and after working hours between personal cell phones*

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**Retaliation**

*Retaliation is unlawful ~~retaliation can be~~ and is any action by an employer or supervisor that punishes an individual upon learning of a harassment claim, that seeks to ~~could~~ discourage a worker or covered individual from ~~coming forward to make~~ making a formal complaint or supporting a sexual harassment or discrimination claim, or that punishes those who have come forward. Adverse These actions need not be job-related or occur in the workplace to constitute unlawful retaliation. For example, ~~(e.g.,~~ threats of physical violence outside of work hours or disparaging someone on social media would be covered as retaliation under this policy).*

*Examples of retaliation may include, but are not limited to:*

- *Demotion, termination, denying accommodations, reduced hours, or the assignment of less desirable shifts;*
- *Publicly releasing personnel files;*
- *Refusing to provide a reference or providing an unwarranted negative reference;*
- *Labeling an employee as “difficult” and excluding them from projects to avoid “drama”;*
- *Undermining an individual’s immigration status;* or
- *Reducing work responsibilities, passing over for a promotion, or moving an individual’s desk to a less desirable office location.*

Such retaliation is unlawful under federal, ~~and~~ state *and (where applicable) local* law. The New York State Human Rights Law protects any individual who has engaged in “protected activity.” Protected activity occurs when a person has:

1. Made a complaint of sexual harassment *or discrimination*, either internally or with any ~~anti-discrimination~~ *government* agency;
2. Testified or assisted in a proceeding involving sexual harassment *or discrimination* under the Human Rights Law or other anti-discrimination law;
3. Opposed sexual harassment *or discrimination* by making a verbal or informal complaint to management, or by simply informing a supervisor or manager *or administrator* of *suspected* harassment;
4. Reported that another employee has been sexually harassed *or discriminated against*; or
5. Encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

**Reporting Sexual Harassment**

*Monroe 2-Orleans BOCES cannot prevent or remedy sexual harassment without knowledge of the conduct. Any employee who has been subjected to behavior that may constitute sexual harassment shall report such behavior to a supervisor, manager or the Director of Human Resources. Anyone*

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~~who witnesses or becomes aware of potential instances of sexual harassment shall report such behavior to a supervisor, manager or the Director of Assistant Superintendent for Human Resources.~~

*Everyone must work toward preventing sexual harassment, but leadership matters. Supervisors and managers have a special responsibility to make sure employees feel safe at work and that workplaces are free from harassment and discrimination. Any employee or covered individual is encouraged to report harassing or discriminatory behavior to a supervisor, manager, or the BOCES Civil Rights Compliance Officer. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager, administrator or the BOCES Civil Rights Compliance Officer.*

Reports of sexual harassment may be made verbally or in writing. A *written complaint form* ~~for submission of a written complaint~~ is attached to this policy *if an employee would like to use it, but the complaint form is not required. (hereinafter referred to as “Complaint Form”), and all employees are encouraged to use this complaint form. Employees who are reporting sexual harassment on behalf of other employees should use the complaint form. Employees who are reporting sexual harassment on behalf of other employees may use the complaint form and should note that it is on another employee’s behalf. A verbal or otherwise written complaint (such as an email) on behalf of oneself or another employee is also acceptable.*

Employees *and covered individuals* who believe they have been a target of sexual harassment may *at any time* ~~also~~ seek assistance in ~~other~~ *additional* available forums, as explained below in the section on Legal Protections.

### **Supervisory Responsibilities**

*Supervisors, administrators, and managers have a responsibility to prevent sexual harassment and discrimination. All supervisors, ~~directors,~~ administrators, and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing *or discriminatory* behavior, or for any reason suspect that sexual harassment *or discrimination* is occurring, are required to report such suspected sexual harassment to *the Civil Rights Compliance Officer* ~~their supervisor and the Director of Human Resources.~~ Managers, supervisors, and administrators should not be passive and wait for an employee to make a claim of harassment. If they observe such behavior, they must act.*

~~In addition to potentially being subject to discipline~~ *Supervisors, managers, and administrators can be disciplined* if they engaged in sexually harassing *or discriminatory* ~~conduct~~ behavior themselves. Supervisors, ~~directors,~~ administrators, and managers ~~will be subject to discipline~~ *can also be disciplined* for failing to report suspected sexual harassment or ~~otherwise knowingly~~ allowing sexual harassment to continue *after they knew about it.*

Supervisors, ~~directors,~~ administrators, and managers will *also* be subject to discipline for engaging in any ~~form of retaliation in accordance with the law and any applicable collective bargaining agreement.~~

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

**Bystander Intervention**

*Any employee witnessing harassment as a bystander is encouraged to report it. A supervisor, manager, or administrator that is a bystander to harassment is required to report it. There are five standard methods of bystander intervention that can be used when anyone witnesses harassment or discrimination and wants to help.*

- 1. A bystander can interrupt the harassment by engaging with the individual being harassed and distracting them from the harassing behavior;*
- 2. A bystander who feels unsafe interrupting on their own can ask a third party to help intervene in the harassment;*
- 3. A bystander can record or take notes on the harassment incident to benefit a future investigation;*
- 4. A bystander might check in with the person who has been harassed after the incident, see how they are feeling and let them know the behavior was not ok; and*
- 5. If a bystander feels safe, they can confront the harassers and name the behavior as inappropriate. When confronting harassment, physically assaulting an individual is never an appropriate response.*

*Though not exhaustive, and dependent on the circumstances, the guidelines above can serve as a brief guide of how to react when witnessing harassment in the workplace. Any employee witnessing harassment as a bystander is encouraged to report it. A supervisor, manager, or administrator that is a bystander to harassment is required to report it.*

**Complaint and Investigation of Sexual Harassment**

All complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt, ~~and~~ thorough, *and started commenced in a timely manner* and completed as soon as possible. The investigation will be kept confidential to the extent possible. All ~~persons~~ *individuals* involved, including ~~complainants~~ *those making a harassment complaint*, witnesses and alleged harassers, ~~will be accorded~~ *“due process”*

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~~in accordance with applicable law and collective bargaining agreement to protect their rights to~~ *deserve* a fair and impartial investigation.

*Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. BOCES will take disciplinary action against anyone engaging in retaliation against employees who file complaints, support another's complaint, or participate in harassment investigations.*

*BOCES recognizes that participating in a harassment investigation can be uncomfortable and has the potential to retraumatize an employee. Those receiving claims and leading investigations will handle complaints and questions with sensitivity toward those participating.*

While the process may vary from case to case, investigations ~~should~~ *will* be done in accordance with the following steps. *Upon receipt of a complaint, the Civil Rights Compliance Officer:*

1. ~~Upon receipt of complaint, the Director of Human Resources or a designee~~ *Acknowledge receipt of the complaint. Will conduct an immediate a prompt review of the allegations, assess the appropriate scope of the investigation, and take any interim actions (e.g., for example, instructing the respondent individual(s) about whom the complaint was made to refrain from communications with the complainant individual(s) who reported the harassment), as appropriate. The length of the investigation will depend on the complexity and particular circumstances of the complaint. If the complaint is verbal, request that the individual will be encouraged to complete the complaint form in writing. If he or she the person reporting prefers not to fill out the form, refuses, the Director of Human Resources or a designee the Civil Rights Compliance Officer will prepare a complaint form or equivalent documentation based on the verbal reporting;*
2. ~~If documents, emails or phone records are relevant to the investigation, An investigation will vary from case to case but typically includes: take~~ *steps to obtain, review, and preserve the materials documents sufficient to assess the allegations, including documents, emails, videos, witness accounts, or phone records that may be relevant to the investigation. The Civil Rights Compliance Officer will consider and implement appropriate document request, review, and preservation measures, including for electronic communications;*
3. ~~Request and review all relevant documents, including all electronic communications. Will~~ *seek to* interview all parties involved, including any relevant witnesses;
4. *Will* create written documentation of the investigation (such as a letter, memo or email), which contains the following:
  - a. A list of all documents reviewed, along with a detailed summary of relevant documents;
  - b. A list of names of those interviewed, along with a detailed summary of their statements;
  - c. A timeline of events;

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- d. A summary of prior relevant incidents *disclosed in the investigation*, reported or unreported; and
  - e. The basis for the decision and final resolution of the complaint, together with any corrective action(s).
5. ~~Search BOCES-owned items such as desks, lockers, rooms, cabinets, and computers. Will keep the written documentation and associated documents in a secure and confidential location and be retained no less than three (3) years;~~
6. ~~Keep the written documentation and associated documents in a secure and confidential location;~~
- *Will promptly notify the individual(s) who reported and the harassment and the individual(s) about whom the complaint was made that the investigation has been completed and of the final determination, implement any corrective actions as deemed necessary in accordance with law and applicable collective bargaining agreement identified in the written document; and*
  - *Will inform the individual(s) who reported the behavior of the right to file a complaint or charge externally as outlined in the next section.*

**Discipline for BOCES Employees**

*Punitive measures are not the exclusive means to remediate found prohibited discrimination. An individual found to have violated in prohibited discrimination may receive education, training, warnings, counseling memos, reprimand, or termination. Disciplinary measures will be in accordance with law and collective bargaining agreements.*

**Discipline/Penalties for Non-BOCES Employees**

*Vendors/contractors and other individuals who do business with the BOCES, who have been found to violate the terms of the sexual harassment policy and/or regulation by engaging in prohibited conduct, will be subject to appropriate sanctions up to and including loss of BOCES business or barred from BOCES premises (whether leased or owned). Volunteers who are found to have violated BOCES policy and regulation may face loss of volunteer status and be barred from BOCES premises (whether owned or leased). The application of such disciplinary measures by*



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*the BOCES does not preclude the appropriate filing of civil and/or criminal charges as may be warranted.*

**Knowingly False Accusations**

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

**Legal Protections and External Remedies**

Sexual harassment is not only prohibited by ~~Monroe 2-Orleans~~ BOCES, but is also prohibited by state, ~~and~~ federal, *and (where applicable) local* law.

~~Aside from the internal investigation process at Monroe 2-Orleans BOCES, employees may also choose to pursue legal remedies with the governmental entities outlined below. The internal process outlined in the policy above is one way for employees to report sexual harassment. Employees and covered individuals may also choose to pursue legal remedies with the following governmental entities.~~ While a private attorney is not required to file a complaint with a governmental agency, employees may seek the legal advice of an attorney.

~~In addition to those outlined below, employees in certain industries may have additional legal protections:~~

**New York State Division of Human Rights Law (HRL)**

The *New York State* Human Rights Law (HRL), ~~codified as~~ N.Y. Executive Law, art. 15, § 290 *et seq.*, applies to all employers in New York State ~~with regard to sexual harassment~~, and protects employees, ~~paid or unpaid interns and non-employees, and covered individuals~~, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the *New York State* Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints *of sexual harassment filed* with DHR may be ~~filed~~ *submitted* any time **within three (3) years** of the harassment. If an individual did not file a *complaint with* DHR, they can ~~sue~~ *bring a lawsuit* directly in state court under the HRL, **within three years** of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

~~Filing a complaint with the~~ *Complaining internally to Monroe 2-Orleans* BOCES does not extend *your* time to file with DHR or in court. The ~~one-year or~~ three years ~~is are~~ counted from *the* date of the most recent incident of harassment.

~~There is no requirement to retain an attorney~~ *You do not need an attorney* to file a complaint with DHR, and there is no cost to file with DHR.

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DHR will investigate the complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases ~~are forwarded to receive~~ a public hearing before an administrative law judge. If sexual harassment is found ~~after a at the~~ hearing, DHR has the power to award relief. ~~which~~ *Relief* varies but *it* may include requiring the employer to take action to stop the harassment, or ~~redress repair~~ the damage caused *by the harassment*, including paying of monetary damages, *punitive damages*, attorney’s fees, and civil fines.

DHR’s main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: [www.dhr.ny.gov](http://www.dhr.ny.gov).

~~Contact DHR at (888) 392-3644 or visit [dhr.ny.gov/complaint](http://dhr.ny.gov/complaint) for more information about filing a complaint. Go to [dhr.ny.gov/complaint](http://dhr.ny.gov/complaint) for more information about filing a complaint with DHR. The website has a digital complaint process that can be completed on your computer or mobile device from start to finish.~~ The website has a complaint form that can be downloaded, filled out, ~~notarized~~ and mailed to DHR *as well as a form that can be submitted online*. The website also contains contact information for DHR’s regional offices across New York State.

*Call the DHR sexual harassment hotline at 1(800) HARASS3 for more information about filing a sexual harassment complaint. This hotline can also provide you with a referral to a volunteer attorney experienced in sexual harassment matters who can provide you with limited free assistance and counsel over the phone*

**The United States Equal Employment Opportunity Commission:**

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act, ~~(codified as~~ 42 U.S.C. § 2000e *et seq.* An individual can file a complaint with the EEOC anytime within 300 days from the *most recent incident of* harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred, at which point, the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a “Charge of Discrimination.” The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at [www.eeoc.gov](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto:info@eeoc.gov).

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the

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EEOC to preserve the right to proceed in federal court.

**Local Protections**

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, ~~40 Rector Street, 10th~~ **22 Reade Street, 1<sup>st</sup>** Floor, New York, New York; or call 311 or (212) 306-7450; or visit [www.nyc.gov/html/cchr/html/home/home.shtml](http://www.nyc.gov/html/cchr/html/home/home.shtml).

**Contact the Local Police Department**

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. ~~and you may contact the local police department.~~ *Those wishing to pursue criminal charges are encouraged to contact their local police department.*

**Appeals**

*The complainant or accused party can appeal the findings to the Board. The complainant or accused party's basis for appeal cannot be the disciplinary/corrective action of the accused party. The appeal must be submitted to the Board Clerk within ten (10) days of receiving the investigation report. The Board will hold a hearing where the complainant or accused presents evidence/information as to why the investigation and/or decision was flawed, improper or unsupported by the evidence. The investigator cannot submit evidence/materials to explain why the decision was not flawed, improper and supported by the evidence. The Board will render a decision promptly and notify the appealing party of their decision in writing. The Board's decision is final.*

**Conclusion**

*The policy outlined above is aimed at providing employees at BOCES and covered individuals an understanding of their right to a discrimination and harassment free workplace. All employees should feel safe at work. Though the focus of this policy is on sexual harassment and gender discrimination, the New York State Human Rights law protects against discrimination in several protected classes including sex, sexual orientation, gender identity or expression, age, race, creed, color, national origin, military status, disability, pre-disposing genetic characteristics, familial status, marital status, criminal history, or domestic violence survivor status. The prevention policies outlined above should be considered applicable to all protected classes.*

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NYS Labor Law § 201-g  
42 United States Code (U.S.C.) § 2000e et seq.  
NYS Executive Law §§ 296 and 297

Refer also to Policy 6463 – Title IX and Sex Discrimination

Adopted: 7/13/1999  
Revised: 4/15/2009  
Revised: 10/19/2011  
Revised: 9/17/2014  
Reviewed: 9/20/2017  
Revised 10/9/2018 pending Board adoption at 10/17/2018 BOE meeting.  
Adopted: 10/17/2018  
Revised: 9/16/2020  
*Revised: \_\_\_\_\_ 2023*

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**Policy #5130 – PERFORMANCE REVIEW**

The administration shall undertake a continuous program of supervision and evaluation of all personnel in the BOCES. The primary purposes of this evaluation are to:

- 1). Promote improved performance;
- 2). Make decisions about the occupancy of positions;
- 3). Encourage and promote self-evaluation by personnel; and
- 4). Provide basis for evaluative judgments by school administrators.

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

Adopted: 7/13/1999  
Reviewed: 4/15/2009  
Revised: 10/19/2011  
Reviewed: 9/17/2014  
Reviewed: 9/20/2017  
Reviewed: 9/16/2020

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**Policy #5131 – ANNUAL PROFESSIONAL PERFORMANCE REVIEW (APPR)**

The Board is committed to supporting the development of effective certificated staff and administrators. To this end, the Board shall provide for the evaluation of all professional staff. Plans for Annual Professional Performance Review (APPR) of certificated staff and Administrators shall be developed in accordance with applicable laws, Commissioner's Regulations, and Rules of the Board of Regents. The APPR including improvement plans and the appeals process is listed in the APPR, Plan on the BOCES website.

**APPR Ratings**

For those certificated staff and Administrators subject to Education Law 3012-d, the APPR will result in a single composite effectiveness score and final quality rating of "highly effective," "effective," "developing," or "ineffective." The composite score will be determined based on current laws, Commissioner's Regulations, and Rules of the Board of Regents.

**Disclosure of APPR Data**

The Commissioner is required to disclose professional performance review data for teachers and principals on the New York State Education Department (NYSED) website and in any other manner to make such data widely available to the public. However, the release of such aggregate data may not include personally identifiable information for any teacher or principal. Such public disclosure of final quality ratings and composite effectiveness scores will be suitable for research, analysis and comparison of APPR data for teachers and principals across the state.

BOCES will release to parents/legal guardians the final quality ratings and composite effectiveness scores for teachers and principals to which their student is currently assigned in accordance with the Commissioner regulations.

Annual professional performance reviews of individual certificated staff and Administrators shall not be subject to disclosure under the Freedom of Information Law (FOIL).

Education Law Section 3012-d  
Public Officers Law Sections 87 and 89  
8 NYCRR Sections 30-2 and 100.2(o)

Adopted: 9/18/2013  
Revised: 9/17/2014  
Revised: 9/20/2017  
Reviewed: 9/16/2020

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**Policy #5132 – TESTING MISCONDUCT AND MANDATORY REPORTING**  
**REQUIREMENTS**

BOCES employees are expressly prohibited from: engaging in testing misconduct, as that term is described in the Regulations of the Commissioner of Education; assisting in the engagement of, or soliciting another to engage in testing misconduct; and/or the knowing failure to report testing misconduct. BOCES' employees will report to the State Education Department any known incident of testing misconduct by a certified educator or any known conduct by a non-certified individual involved in the handling, administration or scoring *or processing* of the state assessments in violation of New York State law. Such report will be made in accordance with directions and procedures established by the Commissioner. An employee who reports misconduct to the State Education Department is protected from retaliation and adverse action for making the report. Any certificated employee who takes adverse action in retaliation will be the subject of a Part 83 referral.

Employees in positions with required instructional or administrative certification, these action(s) or inaction(s) will be deemed to raise a reasonable question of moral character under Part 83 of the Commissioner's Regulations and may subject the employee to disciplinary actions.

Employees in positions with no certification required, these actions or inactions will be deemed to raise a reasonable question of moral character and may subject the employee to disciplinary action.

8 NYCRR Section 102.4

Adopted: 9/17/2014  
Reviewed: 9/20/2017  
Reviewed: 9/16/2020

**Monroe 2-Orleans BOCES Policy**  
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**Policy #5140 – HEALTH EXAMINATIONS**

The Board reserves the right to request a health examination *of an employee* at any time during employment, at BOCES expense, in order to determine the physical and/or mental capacity of an employee to perform ~~his/her~~ *their* duties.

Physical and/or mental examination(s) of any employee may be required when, in the judgment of the school physician, and/or the District Superintendent or designee, such examination is deemed necessary.

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

Education Law Section 913

Bus Drivers: 8 New York Code of Rules and Regulations (NYCRR) Section 156.3(2)

Rules and Regulations of the Commissioner of Motor Vehicles Section 5.09-b

Cafeteria Workers: State Sanitary Code

Adopted: 7/13/1999

Revised: 4/15/2009

Revised: 10/19/2011

Revised: 9/17/2014

Reviewed: 9/20/2017

Reviewed: 9/16/2020



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**Policy #5141 – HUMAN IMMUNODEFICIENCY VIRUS (HIV) AND ACQUIRED**  
**IMMUNE DEFICIENCY SYNDROME (AIDS)**

The Board recognizes the public concern over the spread of acquired immune deficiency syndrome (AIDS) and the admission of students and employment of staff who suffer from this disease or who have Human Immunodeficiency Virus (HIV) infection. The Board also recognizes the rights of those individuals so afflicted, be they students or staff, to continue education or employment where possible, their right to privacy, their right to a Free and Appropriate Public Education (FAPE), their right to be afforded the same rights and privileges offered other staff and students, and the rights of those non-affected to a safe environment.

The Board recognizes current medical advice which indicates that most individuals infected with AIDS or who have HIV infection pose no risk of transmission of the virus to others in the school setting. BOCES further recognizes current medical advice which indicates that the virus associated with AIDS is not easily transmitted and there is no evidence that AIDS can be transmitted by casual contact.

No individual shall be denied access to any program or activity on the basis of HIV/AIDS status. When restrictions are required, the BOCES will use only those restrictions deemed necessary to protect the safety or health of students and employees, including the infected individual and the BOCES shall assist the individual by making reasonable accommodations. To the extent permitted by law, any restrictions shall be discussed with the students or employees' physician and with the BOCES' legal counsel.

No employee shall be discriminated against or subject to disciplinary action based solely on their HIV/AIDS status. If the BOCES determines that an employee is no longer able to perform job-related duties, the BOCES shall assist the employee in procuring applicable work-related benefits. The BOCES will evaluate the relevant circumstances and determine whether modification of the employee's job duties/employment is necessary. To the extent permitted by law, the evaluation of relevant circumstances will include a medical examination to determine the employee's fitness to perform job duties. (BOCES may require a medical examination provided an HIV/AIDS test is not performed without informed consent.)

If the individual is a student, such evaluation will involve, to the extent permitted by law, consultation with the student's home school district, parents, and the appropriate medical authorities. If the student's medical condition interferes with his/her ability to benefit from instruction, the evaluation will involve a referral to the Committee on Special Education if the student is classified as disabled or to the multi-disciplinary team (required by Section 504 of the Rehabilitation Act) if the student is not classified as disabled.

Any information obtained pursuant to a release form or by court order is confidential and shall not be released to a third party, except to:

- a. The protected individual or a person with the capacity to consent has completed and signed a Health Department Authorization for Release form;

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- b. A court order has been issued; or
- c. The person to whom the information has been furnished is authorized under the state law to receive the information without a release form (e.g., physicians providing care to the individual, agencies monitoring care, insurance companies for reimbursement purposes).

To assure confidentiality, any documents identifying the HIV status of a protected individual shall be maintained in a locked file, separate from the individual's regular file. Access to this file will only be granted to those persons named on the release form or court order.

Any staff member who receives HIV-related information, pursuant to a release form or court order, shall be bound by the confidentiality provisions in Public Health Law Article 27-F. Any breach of such confidentiality shall be subject to conditions contained therein and which may include criminal penalties of a misdemeanor or a \$5,000 penalty or both, in addition to disciplinary procedures as established by BOCES.

Any staff member who acquires HIV/AIDS information through means other than an authorized release form or a court order is not legally bound by the confidentiality requirements in Article 27-F. However, such information should be treated as confidential.

If the disclosure is made by the HIV infected individual or his/her parent or guardian, the staff person may encourage (but not require) that a consent form be completed. Such action should be based on the health and/or educational needs of the infected individual only.

The Board is also committed to an educational program designed to inform students, parents and personnel regarding health generally, which will include AIDS, its communicability and the limited danger it poses to the general public and those who have only casual contact with AIDS victims.

Staff members will be informed of and have access to the Exposure Control Plan and receive training in infection control procedures. (See Policy #4560).

Confidentiality: Public Health Law, Article 27-F

**Policy References:**

This Policy is also found at #6451.

Adopted: 7/13/1999  
Revised: 4/15/2009  
Revised: 10/19/2011  
Revised: 9/17/2014  
Reviewed: 9/20/2017  
Reviewed: 9/16/2020

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**Policy # 5150 – RECRUITMENT, SELECTION AND APPOINTMENT OF PERSONNEL**

The Board encourages employment of the individual best qualified to fill a given position and to actively seek outstanding personnel. The Board encourages recruitment of employees with a wide variety of training and education.

It shall be the duty of the District Superintendent to see that persons recommended for employment meet all qualifications established by law, and by the BOCES, 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 BOCES in order to promote better understanding. Suggestions for improvement of policies and procedures shall be considered part of the responsibility of each employee within the scope of the employee's employment. Instructional and non-instructional personnel will be considered by the Board upon the recommendation of the District Superintendent.

All assignments and transfers shall be made in accordance with the provisions of law, BOCES policies, and the employee's negotiated agreement.

**Certified Personnel**

All professional employees shall be appointed in accordance with Section 3014 of the Education Law. Probationary appointments shall be made in accordance with the law.

Certified personnel shall possess the required certification prior to the assumption of duties unless an exception to certification applies. It is the responsibility of the individual to provide proof of certification and to keep all certification information updated in conformance with all rules and regulations.

**Civil Service Employees**

All non-instructional employees are subject to the regulations of the Monroe County Civil Service Commission. A passing grade on the appropriate examination must be obtained in order to qualify for permanent appointment to a competitive position.

All non-instructional appointments are probationary for the maximum period established by the local Civil Service Commission (or the amount set in a collective bargaining agreement) from date of appointment from an open competitive list and every original appointment to a position in a non-competitive exempt or labor class.

**Permanent Appointment**

After completion of the statutory probationary period, the District Superintendent/Designee shall recommend to the Board for permanent appointment those persons whom he/she has found to be qualified, competent and able.

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**Policy # 5150 – RECRUITMENT, SELECTION AND APPOINTMENT OF PERSONNEL**

Education Law Sections 3001, 3001-a, 3004, 3006, 3008, 3013, and 3014

8 New York Code of Rules and Regulations (NYCRR) Parts 30 and 80

Civil Service Law Section 63

Adopted: 1/31/2006

Revised: 4/15/2009

Revised: 10/19/2011

Revised: 9/17/2014

Revised: 10/21/2015

Reviewed: 9/20/2017

Reviewed: 9/16/2020

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**Policy #5151 – 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.

**Part-Time Employees**

Individuals may be employed on a part-time basis to meet the education needs of the BOCES upon the recommendation of the District Superintendent.

Regular part-time classified (Civil Service) employees working 50% or more per week will accrue seniority on a full-time basis of employment.

All part-time employees may participate in the appropriate New York State Retirement System.

**~~Regular~~ Long-Term Substitute Teachers**

~~Regular~~ Long-term substitute teachers are appointed to fill vacated encumbered positions.

Substitutes may participate in the New York State Teachers' Retirement System.

Whenever possible, substitutes should be certified and prepared by experience and background to fill the position. Non-certified substitutes may be employed in accordance with the incidental teaching standards, consistent with the Every Student Succeeds Act and in accordance with state and federal regulations.

**Per Diem Substitutes Teachers**

Per diem substitutes are employed on a short-term basis and shall be compensated at a per diem rate to be established by Board. Substitutes are paid only for days worked. Per Diem substitutes are not eligible for fringe benefits, but are eligible to participate in the New York State Teachers' Retirement System. Whenever possible, substitutes should be certified and prepared by experience and background for the positions they fill. Non-certified substitutes may be employed in accordance with incidental teaching standards, consistent with federal and state laws. Substitutes may be employed more than 40 days during a school year without certification provided certain parameters are met.

**Student Teachers**

In recognition of the need for pre-service learning experiences for potential teachers, state certification requirements, and the reciprocal benefits derived by BOCES professional personnel, the Board encourages the utilization of student teachers, as per regulation.

8 New York Code of Rules and Regulations (NYCRR) Section 80.36 Education Law Section 3023.

Adopted: 7/13/1999

Revised: 4/15/2009

Revised: 10/19/2011

Revised: 9/17/2014

Revised: 9/20/2017

Revised: 9/16/2020

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**Policy #5152 – JOB DESCRIPTIONS**

Job descriptions for all BOCES positions shall be developed and maintained by the administration, in compliance with applicable law and regulations.

Adopted: 7/13/1999  
Revised: 4/15/2009  
Reviewed: 10/19/2011  
Reviewed: 9/17/2014  
Reviewed: 9/20/2017  
Reviewed: 9/16/2020

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**Policy #5153 – INCIDENTAL TEACHING**

The District Superintendent may assign a teacher to teach a subject not covered by ~~his/her~~ *the teacher's* certification for ~~up to no more than~~ five classroom hours per week, ~~pursuant to the following regulations provided the following requirements are met:~~

- 1. No certified or qualified teacher is available after extensive and documented recruitment.*
- 2. Commissioner of Education approval is obtained within 20 business days after the assignment. The request for approval form must contain information as required by the Commissioner of Education.*
- 3. Demonstrate the incidental teaching assignment is necessary and the assigned teacher is best qualified to track the subject on an incidental basis.*
- 4. The Commissioner will issue a determination within 20 business days of the BOCES request for approval.*
- 5. If the request is not approved, the teacher will be removed from the assignment with seven business days of such notice of disapproval.*
- 6. Approval is deemed to commence on the day the application is approved through the school year.*
- 7. The District Superintendent can seek reapproval of the incidental teaching assignment for the following school year provided all the Commissioner regulations and criteria are met.*

~~a) The District Superintendent shall make a finding that the teacher being assigned to teach a subject on an incidental basis has sufficient teaching experience and knowledge of the subject matter to teach such subject in a competent manner.~~

~~b) By October 1 of each year the District Superintendent shall submit to the Board at a public meeting a list of all teachers assigned to teach on an incidental basis, including the courses they have been assigned to teach and their certification area. In the event an incidental teaching assignment is made after October 1, the District Superintendent shall report the assignment to the Board at the next regularly scheduled Board meeting. The list of incidental teaching assignments for the current school year shall be submitted to the State Education Department.~~

~~Parents/guardians shall be informed by letter if their child is affected by an incidental teaching assignment. The notice will include information regarding a process through which parents/guardians may appeal such assignment.~~

8 New York Code of Rules and Regulations (NYCRR) Section ~~80.2(e)(7)~~ 80-5.3

Adopted: 7/13/1999  
 Revised: 4/15/2009  
 Revised: 10/19/2011  
 Reviewed: 9/23/2014  
 Reviewed: 9/20/2017  
 Reviewed: 9/16/2020

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**Policy #5154 – SUMMER EMPLOYMENT**

Staff members may be employed for the summer by the Board upon the recommendation of the District Superintendent. Such staff members will be employed to achieve specific purposes or activities as determined by the Director or Administrator of the program area involved. These staff members are employed on a temporary basis and no seniority or tenure rights shall accrue as a result of summer employment.

Compensation for such employees shall be determined each year, depending on the type and length of work involved.

Adopted: 7/13/1999  
Revised: 4/15/2009  
Reviewed: 10/19/2011  
Revised: 9/17/2014  
Reviewed: 9/20/2017  
Reviewed: 9/16/2020



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**Policy #5160 – ALCOHOL, DRUGS AND OTHER SUBSTANCES (SCHOOL PERSONNEL)**

The Board encourages cooperation with other community agencies and groups in preventing drug and alcohol abuse. Provision shall be made for instructing employees in alcohol, and drug 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, dispersing, consumption, sharing and/or selling, being under the influence, use and/or possession of illegal drugs, counterfeit and designer drugs, legal substances that mimic the effect of illegal substances, inappropriate use of over the counter and prescription drugs, drug paraphernalia, vaporizers, THC, dabs and dab pens, and/or alcoholic beverages or alcohol powder in the workplace, or when the effects of such drugs may impair an employee's job performance.

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

Alcoholic beverages, misuse of over the counter and prescription drugs, illegal drugs, legal substances that mimic the effect of illegal substances, counterfeit and designer drugs are prohibited on BOCES premises and at all BOCES-sponsored activities where students are present, regardless of the location of the activity.

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

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

**Drug and Alcohol-Free Education and Prevention Program**

In support of BOCES' interest in the health and well-being of BOCES' students and employees, and its commitment to a drug and alcohol-free learning and work environment, provision shall be made for a "Drug and Alcohol-Free Education and Prevention Program" for students and employees. (Refer also to Policy #7113 -- Prevention Instruction.)

Education Law Sections 913, 1711(5) (e), and 3020-a  
Civil Service Law Section 75  
Drug-Free Schools and Communities Act  
Amendment of 1989  
(Public Law 101-226)  
20 United States Code (U.S.C.) Section 3171 et seq.

**Monroe 2-Orleans BOCES Policy**

**Series 5000 – Personnel**

**Policy #5160 – ALCOHOL, DRUGS AND OTHER SUBSTANCES (SCHOOL PERSONNEL)**

**Policy References:**

Refer also to Policy #7113 – (Prevention Instruction.)

Refer also to Policy #6220 -- Alcohol, Drugs and Other Substances (Students)

Adopted: 7/13/1999

Revised: 5/13/2009

Revised: 10/19/2011

Revised: 9/17/2014

Revised: 9/20/2017

Revised: 10/16/2019

Revised: 9/16/2020

**Monroe 2-Orleans BOCES Policy**  
**Series 5000 – Personnel**  
**Policy #5161 – DRUG-FREE WORKPLACE**

The Board affirms that all programs in the Monroe 2-Orleans BOCES that receive federal funds shall guarantee that their workplaces are free of controlled substances. "Controlled substance" means a controlled substance in schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. 812) and as further defined in regulation at 21 Code of Federal Regulations (CFR) 1308.11-1308.15. An acknowledgment form shall be signed by the District Superintendent indicating that BOCES is in full compliance with the Drug-Free Workplace Act. This policy shall guarantee that not only federally funded programs, but the entire BOCES is free of controlled substances.

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

In addition to complying with Federal legislation regarding the use of drugs, BOCES prohibits any employee acting within the scope of his/her employment from being under the influence, manufacturing, distributing, dispensing, dispersing, consuming, sharing and/or selling, use and/or possession of illegal drugs, a legal substance that mimics the effects of an illegal substance, using or having in his or her possession or distributing in any way alcohol, counterfeit or designer drugs, inappropriate use of over the counter and prescription drugs and/or drug paraphernalia on BOCES property or at BOCES-sponsored activities, regardless of the location of the activity.

Drug-Free Workplace Act 20 United States Code (U.S.C.) Section 3171

Adopted: 7/13/1999  
Revised: 5/13/2009  
Revised: 10/19/2011  
Revised: 9/17/2014  
Revised: 9/20/2017  
Reviewed: 9/16/2020

**Monroe 2-Orleans BOCES Policy**  
**Series 5000 – Personnel**  
**Policy #5170 – 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 or his/her designee is responsible for implementing regulations for the redress of complaints or grievances through proper administrative channels.

**Civil Rights Compliance Officer**

Additionally, the BOCES 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., A Civil Rights Compliance Officer), and regulations and procedures shall be implemented to resolve complaints of discrimination based on gender or disability.

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 based on gender or disability. Included in such announcement will be the name, address and telephone number of the Civil Rights Compliance Officer.

The Civil Rights Compliance Officer shall also be responsible for handling complaints and grievances regarding discrimination based on age, sex, race, religion, color, national origin, disability, creed, marital status, veteran status, military status, sexual orientation, prior criminal offense, domestic violence victim status, gender identity, gender expression, or genetic status.

References:

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

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

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

The Americans With Disabilities Act, 42 United States Code (U.S.C.) Section 12101 et seq. - Prohibits discrimination on the basis of sex.

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

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

Age Discrimination in Employment Act, 29 United States Code (U.S.C.) Section 621

**Monroe 2-Orleans BOCES Policy**  
**Series 5000 – Personnel**  
**Policy #5170 – COMPLAINTS AND GRIEVANCES BY EMPLOYEES**

Military Law Sections 242 and 243

**Policy References:**

Refer also to Policy #1440 -- Non-Discrimination.

Adopted: 7/13/1999  
Revised: 5/13/2009  
Reviewed: 10/19/2011  
Reviewed: 9/17/2014  
Revised: 9/20/2017  
Reviewed: 9/21/2020

**Monroe 2-Orleans BOCES Policy**  
**Series 5000 – Personnel**  
**Policy #5180 – RESIGNATION OR RETIREMENT**

Each certified staff member who leaves service voluntarily shall submit a letter of resignation, including the effective date, to the District Superintendent through the immediate supervisor. A minimum of thirty (30) days' notice prior to the effective termination date is required in accordance with law for all voluntary separations. However, it is expected that, whenever possible, certified personnel will submit resignations well in advance of the required thirty (30) day notice to facilitate the recruitment and appointment of a replacement.

For classified employees, a minimum notice of ten (10) working days is required for voluntary separation.

In accordance with BOCES policy and/or contract in effect at the time, those staff members contemplating retirement should notify the District Superintendent well in advance of the expected retirement date.

Executive Law Sections 3012, 3019-a, and 3031

Adopted: 7/13/1999  
Revised: 5/13/2009  
Review: 10/19/2011  
Reviewed: 9/17/2014  
Reviewed: 9/20/2017  
Revised: 9/21/2020

**Monroe 2-Orleans BOCES Policy**  
**Series 5000 – Personnel**  
**Policy #5210 – PROFESSIONAL GROWTH/STAFF DEVELOPMENT**

It is the policy of the board that attention be given to in-service, pre-service, and other staff development programs which are believed to be of benefit to BOCES. 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 which will provide for the selection of subjects pertinent to the curriculum in the schools. These programs are designed to build from these subjects, those topics or courses for in-service or staff development which will help employees acquire new methods of performing their job responsibilities or help staff improve on those techniques which are already being used in the schools, with the object of improving professional competencies.

It is recommended that administration develop meaningful in-service and/or staff development programs which will achieve the following:

- a) Contribute to the instructional program of the schools;
- b) Contribute to improved education for students;
- c) Achieve state mandates;
- d) Enhance the professional competencies and/or instructional abilities of staff members.

The Board, therefore, encourages all employees to improve their competencies beyond that which they may obtain through the regular performance of their assigned duties. Opportunities should be provided for:

- a) Planned in-service programs, courses, seminars, and workshops offered both within BOCES and outside the organization.
- b) Visits to other classrooms and schools, as well as attendance at professional meetings, for the purpose of improving instruction and/or educational services.
- c) Orientation/re-orientation of staff members to program and/or organizational changes as well as BOCES expectations.

Attendance at such professional development programs must be directly linked to the duties and responsibilities comprising the job description of the employee.

Members of the staff are also encouraged to continue their formal education as well as to attend their respective work-related workshops, conferences and meetings.

Funds for participating at such conferences, conventions, and other similar professional development programs will be budgeted for by the Board on an annual basis. Reimbursement to BOCES staff for all actual and necessary registration fees, expenses of travel, meals and lodging, and all necessary tuition fees incurred in connection with attendance at conferences and the like will be in accordance with established regulations for conference attendance and expense reimbursement, provided that such attendance has received prior authorization and appropriate receipts have been provided, where applicable, for expenses incurred.

**Monroe 2-Orleans BOCES Policy**  
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**Policy #5210 – PROFESSIONAL GROWTH/STAFF DEVELOPMENT**

The Board recognizes that some conferences are held in high cost cities and that some conferences have designated certain hotels as conference hotels. The board believes that:

- In the interest of efficiency, the employee should stay in conference hotels that provide quick and ready access to convention and meeting halls and other conference events.
- The employee should not be required to subsidize the cost of his or her attendance at the conference.
- The BOCES will pay for one completed phone call home up to fifteen minutes on a cellular phone or if necessary to use a non-cell phone up to \$10.00 for each night the employee is away from home on BOCES business. This applies to staff who have elected the option of not using the BOCES cellular phone for personal use. Additional calls may be allowed in extenuating circumstances where documentation is provided.
- A means of travel within and around a convention city when the employee is in that city for an extended period of time as long as such travel does not interfere with the employee participating in the conference schedule shall be considered an expense of the employee's attendance at the conference.

The BOCES will not reimburse the following types of expenses:

- Those of a purely personal nature.
- Sales or other taxes from which the BOCES is exempt unless those taxes are paid on meal purchases.
- Alcoholic beverages

Employees who use their personal vehicles for approved conference travel will be reimbursed at the IRS mileage rate in effect on the date of travel, less applicable commute miles.

Employees attending conferences and traveling on other BOCES business are representatives of the BOCES and are expected to conduct themselves in a professional and appropriate manner.

The District Superintendent or his/her designee has authority to approve release time and expense for staff members' attendance at professional training conferences, study councils, in-service courses, workshops, summer study grants, school visitations, professional organizations and the like within budgetary constraints.

A Request for Conference Attendance form must be submitted by the employee and approved by the designated administrator(s) and District Superintendent prior to the employee's attendance at such conference or other professional development program.



**Monroe 2-Orleans BOCES Policy**  
**Series 5000 – Personnel**  
**Policy #5210 – PROFESSIONAL GROWTH/STAFF DEVELOPMENT**

For purposes of this policy, members of the BOCES Board and other non-employees authorized to travel and attend conferences on behalf of the BOCES shall be covered as if they were employees.

Education Law Section 1604(27)  
General Municipal Law Section 77-b and 77-c  
See also Policy 1560

Adopted: 7/13/99  
Revised: 5/13/2009  
Revised: 10/19/2011  
Revised: 9/17/2014  
Reviewed: 9/20/2017  
Revised: 9/16/2020

**Monroe 2-Orleans BOCES Policy**  
**Series 5000 – Personnel**  
**Policy #5211 – MILEAGE REIMBURSEMENT**

Board members and employees are entitled to mileage reimbursement for approved BOCES-related travel when using a privately-owned vehicle. BOCES will reimburse mileage at the standard IRS rate at the time of travel. All travel shall be by the most cost-effective route and should not include any personal travel or union business.

BOCES cannot reimburse for commute miles. Employees are responsible for their daily commute regardless of where they begin or end their day, provided travel is within the component region of Monroe 2-Orleans BOCES, Monroe 1 BOCES and the City of Rochester.

Mileage expenses shall be submitted online using the web-based mileage reimbursement system. Employees are to complete all areas of the online form and submit for supervisor's approval prior to reimbursement. Parking and toll expenses will be reimbursed upon online submission of receipts or other approved documentation as required.

Exceptions to this policy must be approved by the District Superintendent or designee.

Adopted: 5/13/2009  
Reviewed: 10/19/2011  
Revised: 2/13/2013  
Revised: 9/17/2014  
Revised: 6/21/2017  
Reviewed: 9/16/2020

**Monroe 2-Orleans BOCES Policy**  
**Series 5000 – Personnel**  
**Policy #5215 – CELLULAR PHONES**

The BOCES supports the appropriate use of cellular telephones as a means to improve efficiency, reduce costs or enhance the safety and security of students, staff, visitors and facilities. A BOCES-owned cellular telephone will be issued to an employee when required by that employee's job responsibilities and as determined by the District Superintendent or his/her designee.

BOCES retains the right to cancel cellular telephone service and recover issued cellular telephones at any time.

The ~~Director~~ *of Assistant Superintendent for Finance and Operations* shall establish a reimbursement rate and process that ensures that BOCES does not subsidize personal calls and that BOCES costs do not increase as a result of personal use of cellular telephones. At least once per year, the cellular telephone plan will be evaluated for its effectiveness.

Adopted: 6/20/07  
Revised: 4/15/2009  
Revised: 10/19/2011  
Revised: 9/17/2014  
Reviewed: 9/20/2017  
Reviewed: 9/16/2020

**Monroe 2-Orleans BOCES Policy**

**Series 5000 – Personnel**

**Policy #5220 – EMPLOYEE PERSONNEL RECORDS AND RELEASE OF INFORMATION**

**Personnel Records**

All personnel records shall be maintained in the official BOCES records retention system established for that purpose. These records will be under the control and responsibility of the Records Access Clerk. These records shall contain all pertinent information concerning the individual: employment history, evaluation reports, payroll information, certification status, and other necessary information.

**Release of Personnel Information**

All steps should be taken to protect the privacy of employees of the BOCES. To ensure the individual's privacy, confidential information shall 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 such as matters regarding appointments, assignments, promotions, demotions, remuneration, discipline, dismissal or to aid in the development and implementation of personnel policies. Examination of this information shall be conducted only at executive sessions of the Board.
- b) When the employee grants permission.
- c) When served with a subpoena or other legal document requiring release of the information.

BOCES personnel who violate this policy by releasing information will be subject to disciplinary action.

**Release of Information Concerning Former Employees**

The BOCES shall not release information concerning the employment records, personnel file or past performance of a former employee, unless such information is required to be disclosed by law. Only the initial and final dates of employment and the position held shall be provided through a written response to a written request. The former employee may authorize the release of any additional information.

8 New York Code of Rules and Regulations (NYCRR) Part 84 Public Officers Law Section 87

Adopted: 7/13/1999

Revised: 5/13/2009

Revised: 10/19/2011

Reviewed: 9/17/2014

Reviewed: 9/20/2017

Reviewed: 9/16/2020

**Monroe 2-Orleans BOCES Policy**  
**Series 5000 – Personnel**  
**Policy #5240 – PROFESSIONAL STAFF CONSULTING ACTIVITIES**

The Board acknowledges that a professional employee may be invited to speak, lead a seminar, act as a consultant or become involved in other professional activities outside of the BOCES. The employee may be excused from ~~his/her~~ *their* BOCES duties at the discretion of the District Superintendent or ~~his/her~~ *the District Superintendent's* designee and may be required to request a personal/vacation day.

Adopted: 7/13/1999  
Revised: 5/13/2009  
Reviewed: 10/19/2011  
Revised: 9/17/2014  
Reviewed: 9/20/2017  
Reviewed: 9/16/2020

**Monroe 2-Orleans BOCES Policy**  
**Series 5000 – Personnel**  
**Policy #5241 – OUTSIDE EMPLOYMENT FOR BOCES EMPLOYEES**

~~The first obligation of all Monroe 2-Orleans BOCES employees is to the BOCES. However, the BOCES does not prohibit other employment as long as it does not interfere with work performance as long as the employee is not on a medical leave, and as long as the employee is not on an FMLA leave.~~

*Monroe 2-Orleans BOCES employees are not prohibited from other employment. However, the other employment cannot interfere with the BOCES employee work or work hours or be a conflict of interest. A BOCES employee is prohibited from engaging in other employment if the BOCES employee is on medical leave or on an FMLA leave.*

Adopted: 1/31/2006  
Revised: 5/13/2009  
Reviewed: 10/19/2011  
Reviewed: 9/17/2014  
Reviewed: 9/20/2017  
Reviewed: 9/16/2020

**Monroe 2-Orleans BOCES Policy**  
**Series 5000 – Personnel**  
**Policy #5260 – STAFF USE OF COMPUTERIZED INFORMATION RESOURCES**

The Board will provide staff with access to various computerized information resources through BOCES Computer System (hereinafter referred to as, “BCS”) consisting of software, hardware, computer networks, electronic communication systems, electronic mail, so-called "on-line services," "Internet," portable computing devices, portable media, and removable media devices. It may also include the opportunity for some staff to have independent access to the BCS from their home or other remote locations. All use of the BCS, including independent use off school premises, shall be subject to this policy and accompanying regulations.

The Board encourages staff to make use of the BCS to explore educational topics, conduct research and contact others in the educational world. The BOCES anticipates that staff access to various computerized information resources will both expedite and enhance the performance of tasks associated with their positions and assignments. Toward that end, the Board directs the District Superintendent or ~~his/her~~ *the District Superintendent's* designee(s) to provide staff with training in the proper and effective use of the BCS.

Generally, the same standards of acceptable staff conduct which apply to any aspect of job performance shall apply to use of the BCS. Employees are expected to communicate in a professional manner consistent with applicable BOCES policies and regulations governing the behavior of school staff. The BCS, including electronic mail, portable media, removable media, and portable computing devices, are not to be utilized to share confidential information about students or other employees.

This policy does not attempt to articulate all required and/or acceptable uses of the BCS; nor is it the intention of this policy to define all inappropriate usage. Administrative regulations will further define general guidelines of appropriate staff conduct and use as well as proscribed behavior.

BOCES staff 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 rights of privacy created by federal and state law.

Staff members who engage in unacceptable use may lose access to the BCS and may be subject to further discipline under the law and in accordance with applicable collective bargaining agreements. Legal action may be initiated against a staff member who willfully, maliciously or unlawfully damages or destroys property of BOCES.

### **Privacy Rights**

Staff data files, electronic storage areas, and all aspects of the BCS shall remain BOCES property, subject to BOCES control and inspection. A staff member designated by the District Superintendent may access all such files and communications to insure system integrity and that users are complying with requirements of this policy and accompanying regulations. Staff should **NOT** expect that information on the BCS will be private.

**Monroe 2-Orleans BOCES Policy**

**Series 5000 – Personnel**

**Policy #5260 – STAFF USE OF COMPUTERIZED INFORMATION RESOURCES**

**Implementation**

Administrative regulations will be developed to implement the terms of this policy, addressing general parameters of acceptable staff conduct as well as prohibited activities so as to provide appropriate guidelines for employee use of the BCS.

Adopted: 7/13/1999

Revised: 5/13/2009

Revised: 10/19/2011

Revised: 9/17/2014

Reviewed: 9/20/2017

Reviewed: 9/16/2020



**Monroe 2-Orleans BOCES Policy**

**Series 5000 – Personnel**

**Policy #5261 – PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA – EDUCATION LAW 2-d**

BOCES will maintain the privacy and security of student data and teacher and principal data (hereinafter referred to as “PII”) and will follow all applicable laws and regulations for the handling and storage of this data when disclosing or releasing the data.

BOCES will take steps to minimize the collection, processing, and transmission of PII. BOCES will not sell PII. BOCES will not use or disclose PII for any marketing or commercial purpose. BOCES will not facilitate, use or disclose PII to any other party for any marketing or commercial purposes.

Except as required by law or in the case of educational enrollment data, the BOCES will not report to NYSED the following student data elements:

- a) Juvenile delinquency records;
- b) Criminal records;
- c) Medical and health records; and
- d) Student biometric information.

Nothing in Education Law Section 2-d or this policy should be construed as limiting the administrative use of student data or teacher or principal data by a person acting exclusively in the person's capacity as an employee of the BOCES.

**Data Protection Officer**

BOCES designates Ray Miller, Supervising Manager, as the Data Protection Officer.

The Data Protection Officer is responsible for the implementation and oversight of this policy and any related procedures required by Education Law Section 2-d and the Commissioner's Regulations. The Data Protection Officer is the main point of contact for data privacy and security.

**Data Privacy and Security Standards**

BOCES will protect the privacy of PII by:

- a) Reviewing whether the use and disclosure of PII benefits students and the BOCES by considering, among other criteria, whether the use and/or disclosure will:
  - 1. Improve academic achievement;
  - 2. Empower parents and students with information; and/or
  - 3. Advance efficient and effective program and academic operations.
- b) Excluding PII in public reports and/or other public documents.
- c) Affording all protections under FERPA and the Individuals with Disabilities Education Act and their implementing regulations to parents and/or eligible students.

**Monroe 2-Orleans BOCES Policy****Series 5000 – Personnel****Policy #5261 – PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA – EDUCATION LAW 2-d****Third-Party Contractors**

BOCES will include in contracts with third-party contractors where PII is disclosed to the vendor in the course of doing business with the vendor language obligating the vendor to maintain the privacy and security of the PII in accordance with law, regulation and NIST Cybersecurity Framework, the U.S. Department of Commerce National Institute for Standards and Technology Framework for Improving Critical Infrastructure Cybersecurity (Version 1.1).

The third-party contractor's data privacy and security plan must, at a minimum include the following:

- a) Outline how the third-party contractor will implement all state, federal, and local data privacy and security contract requirements over the life of the contract;
- b) Specify the administrative, operational, and technical safeguards and practices in place to protect PII that the vendor will receive under the contract;
- c) Demonstrate that the third-party contractor complies with the requirements of 8 NYCRR Section 121.3(c);
- d) Specify how officers and/or employees of the third-party contractor and its assignees who have access to PII will receive training on the laws governing confidentiality of this data prior to receiving access;
- e) Specify if the third-party contractor will utilize subcontractors and the plan to ensure the subcontractor protects PII;
- f) Specify how the third-party contractor will identify breaches and unauthorized disclosures, and expediently notify BOCES;
- g) Describe upon the termination or expiration of the contract whether, how, and when data will be returned to BOCES, transitioned to a successor contractor, deleted or destroyed;
- h) Include a copy of the Parents' Bill of Rights for Data Privacy and Security which the contractor must sign;
- i) Explain the technologies, safeguards, and practices that align with the NIST Cybersecurity Framework;
- j) Agree to limit internal access to PII to only those employees or subcontractors that have legitimate educational interests;
- k) Agree not to use the PII for any purpose not explicitly authorized in the contract;
- l) Agree not to disclose any PII to any other party without the prior written consent of the parent or eligible student except:
  1. To authorized representatives of the third-party contractor such as a subcontractor or assignee to the extent they are carrying out the contract and in compliance with law, regulation, and its contract with the BOCES or

**Monroe 2-Orleans BOCES Policy****Series 5000 – Personnel****Policy #5261 – PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA – EDUCATION LAW 2-d**

2. As required by law or court order and the third-party contractor provides a notice of the disclosure to NYSED, the Board, or the institution that provided the information, no later than the time the information is disclosed, unless providing notice of the disclosure is expressly prohibited by law or court order.
  - m) Maintain reasonable administrative, technical, and physical safeguards to protect the security, confidentiality, and integrity of PII in its custody;
  - n) Use encryption to protect PII in its custody while in motion or at rest; and
  - o) Will not sell PII, will not use or disclose PII for any marketing or commercial purpose; will not facilitate, use or disclose PII to any other party for any marketing or commercial purposes.

**Click-Wrap Agreements**

Periodically, BOCES staff may wish to use software, applications, or other technologies in which the user must "click" a button or box to agree to certain online terms of service prior to using the software, application, or other technology. These are known as "click-wrap agreements" and are considered legally binding "contracts or other written agreements" under Education Law Section 2-d and its implementing regulations.

BOCES staff are prohibited from using software, applications, or other technologies pursuant to a click-wrap agreement in which the third-party contractor receives student data or teacher or principal data unless they have received prior approval from the BOCES Data Protection Officer or designee.

**Parents' Bill of Rights for Data Privacy and Security**

BOCES will publish the Parents' Bill of Rights for Data Privacy and Security (Bill of Rights) on its website. The Bill of Rights will be included with every contract or other written agreement it enters into with a third-party contractor where the third-party contractor will receive PII.

The Bill of Rights will state in clear and plain English that:

- a) A student's PII cannot be sold or released for any commercial purposes;
- b) Parents have the right to inspect and review the complete contents of their child's education record;
- c) State and federal laws protect the confidentiality of PII, and safeguards associated with industry standards and best practices, including but not limited to encryption, firewalls, and password protection, must be in place when data is stored or transferred;
- d) A complete list of all student data elements collected by the state is available for public review at <http://www.p12.nysed.gov/irs/sirs/documentation/NYSEDstudentData.xlsx> or by writing to the Office of Information and Reporting Services, New York State Education Department, Room 865 EBA, 89 Washington Avenue, Albany, New York 12234; and
- e) Parents have the right to have complaints about possible breaches of student data addressed. Complaints should be directed in writing to Privacy Complaint, Chief Privacy Officer, New York State Education Department, 89 Washington Avenue, Albany, New

**Monroe 2-Orleans BOCES Policy****Series 5000 – Personnel****Policy #5261 – PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA – EDUCATION LAW 2-d**

York 12234. Complaints may also be submitted using the form available <http://www.nysed.gov/data-privacy-security/report-improper-disclosure>

The Bill of Rights will also include supplemental information for each contract the BOCES enters into with a third-party contractor where the third-party contractor receives PII. The third party contractor will sign the Bill of Rights.

**Supplemental to the Bill of Rights**

The supplemental *document* to the Bill of Rights must include the following information:

- a) The exclusive purposes for which the PII will be used by the third-party contractor, as defined in the contract;
- b) How the third-party contractor will ensure that the subcontractors, or other authorized persons or entities to whom the third-party contractor will disclose the PII will abide by all applicable data protection and security requirements, including but not limited to those outlined in applicable laws and regulations;
- c) The duration of the contract, including the contract's expiration date, and a description of what will happen to the PII upon expiration of the contract or other written agreement;
- d) If and how a parent, student, eligible student, teacher, or principal may challenge the accuracy of the student data or teacher or principal data that is collected;
- e) Where the student data or teacher or principal data will be stored, described in a manner as to protect data security, and the security protections taken to ensure the data will be protected and whether data is encrypted and data privacy and security risks mitigated; and
- f) Address how the data will be protected using encryption while in motion and at rest.

BOCES will publish on its website the supplement *document* to the Bill of Rights for any contract or other written agreement it has entered into with a third-party contractor that will receive PII. The Bill of Rights and supplemental information may be redacted to the extent necessary to safeguard the privacy and/or security of the BOCES data and/or technology infrastructure.

**Right of Parents and Eligible Students to Inspect and Review Students' Education Records**

Consistent with the obligations under FERPA, parents and eligible students have the right to inspect and review a student's education record by making a request directly to the BOCES, see Policy 6320.

**Complaints of Breach or Unauthorized Release of Student Data and/or Teacher or Principal Data**

Parents have the right to submit complaints about possible breaches of student data to the Chief Privacy Officer at NYSED. Parents, eligible students, teachers, principals, and other BOCES staff may file complaints with the BOCES about breaches or unauthorized releases PII as follows:

- a) All complaints must be submitted to the Data Protection Officer in writing.

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**Policy #5261 – PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA – EDUCATION LAW 2-d**

- b) BOCES will promptly acknowledge receipt of the complaint, commence an investigation, and take the necessary precautions to protect PII.
- c) BOCES will provide the individual who filed the complaint with its findings within a reasonable period of time, but no more than sixty (60) calendar days from the receipt of the complaint.
- d) If the BOCES requires additional time, or where the response may compromise security or impede a law enforcement investigation, the BOCES will provide the complainant a written explanation that includes the approximate date when the BOCES anticipates that it will respond to the complaint.

BOCES will maintain a record of all complaints of breaches or unauthorized releases of PII and the disposition in accordance with the Records Retention and Disposition Schedule LGS-01 (1988; rev. 2004).

**Reporting a Breach or Unauthorized Release**

BOCES will report every discovery or report of a breach or unauthorized release of PII to the NYSED Chief Privacy Officer no more than ten (10) calendar days after the discovery.

Each third-party contractor that receives PII will be required to notify the BOCES of any breach of security resulting in an unauthorized release of the PII in violation of applicable laws and regulations, the Parents' Bill of Rights for Student Data Privacy and Security, BOCES policy, and/or binding contractual obligations relating to data privacy and security, in the most expedient way possible and without unreasonable delay, but no more than seven (7) calendar days after the discovery of the breach.

BOCES will in turn notify the Chief Privacy Officer of the breach or unauthorized release of PII no more than ten (10) calendar days after it receives the third-party contractor's notification using a form or format prescribed by NYSED.

**Investigation of Reports of Breach or Unauthorized Release by the Chief Privacy Officer**

The Chief Privacy Officer is authorized to investigate reports of breaches or unauthorized releases of PII by third-party contractors. As part of an investigation, the Chief Privacy Officer may require that the parties submit documentation, provide testimony, and may visit, examine, and/or inspect the third-party contractor's facilities and records.

Upon the belief that a breach or unauthorized release constitutes criminal conduct, the Chief Privacy Officer is required to report the breach and unauthorized release to law enforcement in the most expedient way possible and without unreasonable delay.

Third-party contractors are required to cooperate with the BOCES and law enforcement to protect the integrity of investigations into the breach or unauthorized release of PII.

Upon conclusion of an investigation, if the Chief Privacy Officer determines that a third-party contractor has through its actions or omissions caused student data or teacher or principal data to be breached or released to any person or entity not authorized by law to receive this data in violation of applicable laws and regulations, BOCES policy, and/or any binding contractual obligations, the Chief

**Monroe 2-Orleans BOCES Policy****Series 5000 – Personnel****Policy #5261 – PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA – EDUCATION LAW 2-d**

Privacy Officer is required to notify the third-party contractor of the finding and give the third-party contractor no more than thirty (30) days to submit a written response.

If after reviewing the third-party contractor's written response, the Chief Privacy Officer determines the incident to be a violation of Education Law Section 2-d, the Chief Privacy Officer will be authorized to:

- a) Order the third-party contractor be precluded from accessing PII from the affected educational agency for a fixed period of up to five years; and/or
- b) Order that a third-party contractor or assignee who knowingly or recklessly allowed for the breach or unauthorized release of student data or teacher or principal data be precluded from accessing student data or teacher or principal data from any educational agency in the state for a fixed period of up to five years; and/or
- c) Order that a third-party contractor who knowingly or recklessly allowed for the breach or unauthorized release of student data or teacher or principal data will not be deemed a responsible bidder or offer or on any contract with an educational agency that involves the sharing of student data or teacher or principal data, as applicable for purposes of General Municipal Law Section 103 or State Finance Law Section 163(10)(c), as applicable, for a fixed period of up to five years; and/or
- d) Require the third-party contractor to provide training governing confidentiality of student data and/or teacher or principal data to all its officers and employees with reasonable access to this data and certify that the training has been performed at the contractor's expense. This additional training is required to be performed immediately and include a review of laws, rules, and regulations, including Education Law Section 2-d and its implementing regulations.
- e) Determine no penalty be issued to the third-party contractor if the breach or unauthorized release of student data or teacher or principal data on the part of the third-party contractor or assignee was inadvertent and done without intent, knowledge, recklessness, or gross negligence. The Commissioner would then make a final determination as to whether the breach or unauthorized release was inadvertent and done without intent, knowledge, recklessness or gross negligence and whether or not a penalty should be issued.

Each violation could be punishable by a civil penalty ranging from \$1,000 to \$10,000.

The Commissioner would then make a final determination as to whether the breach or unauthorized release was inadvertent and done without intent, knowledge, recklessness or gross negligence and whether or not a penalty should be issued.

**Notification of a Breach or Unauthorized Release**

BOCES will notify affected parents, eligible students, teachers, and/or principals no more than sixty (60) calendar days after the discovery of a breach or unauthorized release of PII by BOCES or the receipt of a notification of a breach or unauthorized release of PII from a third-party contractor unless that notification would interfere with an ongoing investigation by law enforcement or cause further disclosure of PII by disclosing an unfixed security vulnerability. Where notification is delayed under these circumstances, BOCES will notify parents, eligible students, teachers, and/or principals

**Monroe 2-Orleans BOCES Policy**

**Series 5000 – Personnel**

**Policy #5261 – PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA – EDUCATION LAW 2-d**

within seven (7) calendar days after the security vulnerability has been remedied or the risk of interference with the law enforcement investigation ends.

Notifications will be clear, concise, use language that is plain and easy to understand, and to the extent available, include:

- a) A brief description of the breach or unauthorized release, the dates of the incident and the date of discovery, if known;
- b) A description of the types of PII affected;
- c) An estimate of the number of records affected;
- d) A brief description of the BOCES investigation or plan to investigate; and
- e) Contact information for representatives who can assist parents or eligible students that have additional questions.

Notification will be directly provided to the affected parent, eligible student, teacher, or principal by first-class mail to their last known address, by email, or by telephone.

Where a breach or unauthorized release is attributed to a third-party contractor, the third-party contractor is required to pay for or promptly reimburse the BOCES for the full cost of this notification.

**Annual Data Privacy and Security Training**

BOCES will annually provide data privacy and security awareness training to its officers and staff with access to PII. This training will include, but not be limited to, training on the applicable laws and regulations that protect PII and how staff can comply with these laws and regulations. BOCES may deliver this training using online training tools and this training may be included as part of the training that the BOCES already offers to its workforce.

**Notification of Policy**

BOCES will publish this policy on its website and provide notice of the policy to all its officers and staff.

Education Law § 2-d  
8 NYCRR Part 121

Adopted: 6/17/2020  
Revised: 01/20/2021

**Monroe 2-Orleans BOCES Policy**  
**Series 5000 – Personnel**  
**Policy #5310 – HEALTH INSURANCE**

Health insurance for certificated and classified support staffs shall be in accordance with their respective negotiated agreements or in the Classified Staff Handbook.

**Continuation of Medical Insurance Coverage at Termination of Employment**

Under the provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), employees and their dependents are eligible to continue their insurance coverage under conditions specified in Federal regulation.

**Payments for Health Insurance Premiums by Individuals**

Health insurance premiums due BOCES from employees, former employees or retirees being covered under a BOCES plan, are due on or before the 30<sup>th</sup> of the month prior to which the premium is to be applied.

Paying health insurance premiums for retirees from public funds could be considered an illegal gift of public moneys and therefore coverage will be subject to termination for those not paying their premium by the 30<sup>th</sup> of the month in which the premium is due.

Consolidated Omnibus Budget Reconciliation Act of 1985

Adopted: 7/13/1999  
Revised: 5/13/2009  
Reviewed: 10/19/2011  
Revised: 9/17/2014  
Reviewed: 9/20/2017  
Reviewed: 9/16/2020



**Monroe 2-Orleans BOCES Policy**  
**Series 5000 – Personnel**  
**Policy #5320 – WORKERS COMPENSATION**

Employees injured in the performance of their duties are covered by Workers' Compensation Insurance. Employees shall report work-related injuries immediately to their immediate supervisor. Delay in reporting, if necessary, must be justified to the satisfaction of the BOCES and/or the insurance agency.

Reimbursement for Workers' Compensation Insurance benefits shall be in accordance with their respective negotiated agreements and law.

Education Law Section 2503(10)

Adopted: 7/13/1999  
Revised: 5/13/2009  
Reviewed: 10/19/2011  
Reviewed: 9/17/2014  
Reviewed: 9/20/2017  
Reviewed: 9/16/2020

**Monroe 2-Orleans BOCES Policy**  
**Series 5000 – Personnel**  
**Policy #5330 – FAMILY AND MEDICAL LEAVE ACT**

The Board, in accordance with the Family and Medical Leave Act of 1993 (as amended) (FMLA), gives "eligible" employees of the BOCES the right to take unpaid leave for a period of up to twelve (12) or twenty-six (26) workweeks in a twelve-month period as determined by the BOCES.

The BOCES uses a twelve month look forward period as its method for calculating the leave year period for the commencement of the FMLA leave period. In certain cases, FMLA leave may be taken on an intermittent basis rather than all at once, or the employee may work a part-time schedule.

Employees are "eligible" if they have been employed by the BOCES for at least twelve (12) months and for at least 1,250 hours of service during the previous twelve-month period. Full-time teachers are deemed to meet the 1,250 hour test after one year of service. However, a break in employment within seven years should not interrupt the twelve (12) month requirement and should be counted toward fulfilling this prerequisite. The law covers both full-time and part-time employees.

Qualified employees may be granted leave for one (1) or more of the following reasons:

- a) The birth of a child and care for the infant;
- b) Adoption of a child and care for the infant;
- c) The placement with the employee of a child in foster care;
- d) To care for a spouse, child or parent who has a "serious health condition" as defined by the FMLA;
- e) A "serious health condition" of the employee;
- f) Military Caregiver; or
- g) Qualified Exigency Leave/call to Active Duty.

Administration will develop regulations related to this policy.

Adopted: 7/13/1999  
Revised: 3/17/2010  
Reviewed: 10/19/2011  
Revised: 9/17/2014  
Reviewed: 9/20/2017  
Reviewed: 9/16/2020

**Monroe 2-Orleans BOCES Policy**  
**Series 5000 – Personnel**  
**Policy #5340 – EMPLOYEE ASSISTANCE PROGRAM**

The Board has an interest in the health and well-being of its employees and their dependents. Therefore, the Board provides for a free and strictly confidential counseling service to staff members eligible to receive other fringe benefits. The service will be in the form of an Employee Assistance Program offered through a bona fide confidential counseling service.

Adopted: 7/13/1999  
Revised: 5/13/2009  
Reviewed: 10/19/2011  
Revised: 9/17/2014  
Reviewed: 9/20/2017  
Reviewed: 9/16/2020

**Monroe 2-Orleans BOCES Policy**  
**Series 5000 – Personnel**  
**Policy #5350 – DEFENSE AND INDEMNIFICATION OF BOARD MEMBERS AND EMPLOYEES**

**Liability Protection Pursuant to Education Law**

The Board recognizes its statutory obligation to indemnify BOCES employees (and in certain circumstances, Board members and volunteers) pursuant to the provisions of Sections 3023, 3028 and 3811 of the Education Law. For the purposes of this policy, the term “employee” shall be as defined in the applicable statute(s).

BOCES shall not be subject to the duty to defend unless the employee, within the time prescribed by statute, delivers appropriate notice of the claim to the BOCES.

- 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 BOCES; however, submission of relevant legal documents by the employee to the BOCES 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 BOCES 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~~ *their* duties within the scope of ~~his/her~~ *their* employment or authorized volunteer duties and/or under the direction of the Board.

**Public Officers Law Section 18**

The BOCES hereby also confers the benefits of Section 18 of the New York State Public Officers Law upon the “employees” of BOCES, as defined in Section 18 of the Public Officers Law; and BOCES assumes the liability for the costs incurred in accordance with the provisions of Section 18. The benefits accorded to BOCES employees under Section 18 of the Public Officers Law shall supplement and be available in addition to defense or indemnification protection conferred by other enactments or provisions of law.

The term “employees” shall include members of the Board; the District Superintendent; BOCES officers; BOCES employees; volunteers expressly authorized to participate in a BOCES sponsored volunteer program; or any other person holding a position by election, appointment or employment in the service of BOCES, whether or not compensated. The term “employee” shall also include a former employee, ~~his/her~~ *their* 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

**Monroe 2-Orleans BOCES Policy**  
**Series 5000 – Personnel**  
**Policy #5350 – DEFENSE AND INDEMNIFICATION OF BOARD MEMBERS AND EMPLOYEES**

omission which occurred or allegedly occurred while the employee was acting within the scope of ~~his/her~~ *their* 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~~ *their* 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 BOCES.

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~~ *their* defense, together with the original or a copy of any summons, complaint, process, notice, demand or pleading within ten (10) days after ~~he/she~~ *the employee* is served with such document. Pursuant to Section 18, the full cooperation of the employee in the defense of such action or proceeding and in the defense of any action or proceeding against BOCES based upon the same act or omission, and in the prosecution of any appeal, shall also be required as a condition for BOCES' duty to defend and/or indemnify and save harmless to exist.

**Exceptions to Liability Coverage**

Indemnification coverage and/or provision of legal defense by BOCES will not apply unless the actionable claim is of the type covered by the statute(s) and/or is not otherwise exempt from coverage pursuant to law. Additionally, indemnification coverage and/or the duty to provide a defense shall not arise where such action or proceeding is brought by or on behalf of BOCES.

Public Officers Law Section 18

Education Law Sections 1709(26) and (34-b), 2560, 3023, 3028, and 3811

General Municipal Law Sections 6-n and 52

Adopted: 7/13/1999

Revised: 5/13/2009

Reviewed: 10/19/2011

Revised: 9/17/2014

Reviewed: 9/20/2017

Reviewed: 9/16/2020

9. New Business
  2. First Reading Ad Hoc Policies

## AD HOC POLICY UPDATE CHART

### *Various Policies (September Board Review)*

Italics means added in, strikethrough means to delete. Review means no substantive changes.

<b>POLICY NUMBER</b>	<b>RATIONALE</b>
6209 Physical Restraint	Additional changes made for clarity on further understanding of the law.
6209R Physical Restraint and Corporal Punishment	Additional changes made for clarity on further understanding of the law.
7123 Use of Timeout, Seclusion and Aversive Intervention	Additional changes made for clarity on further understanding of the law.
7123R Use of Timeout, Seclusion and Aversive Intervention	Additional changes made for clarity on further understanding of the law.
7210 Media Preview and Purchasing	Delete policy as the content is addressed in Policy and new Regulation 7240.
7220 Controversial Issues	Changed Policy title. Added language to create a process for parent and community member to objection to controversial materials.
7220R Controversial Issues and Objections to Instructional Materials	New Regulation creates a process for parent and community member objections to instructional materials.
7220F.1 Parent/Community Member/Staff/Component Districts Objection to Instructional Materials/Textbooks/Guest Speakers/Library Materials	New form for a parent/staff/community member to use to object to instructional materials.
7230 Use of Copyrighted Materials	Additional changes made for clarity.
7230R Use of Copyrighted Materials	Additional changes made for clarity.
7240 Textbooks and Other Instructional Materials	Changed Policy title. Added a layer of Board approval.
7240R Selection of Instructional Materials and Selection of Library Materials	New Regulation creates a process for BOCES selection of instructional and library materials.

**Monroe 2-Orleans BOCES Policy**  
**Series 6000 – Students**  
**Policy #6209 – PHYSICAL RESTRAINT *AND CORPORAL PUNISHMENT***

The BOCES holds the belief that the classroom teacher is the key person responsible for the maintenance of acceptable discipline among students. A well-planned program that keeps students engaged with work that is meaningful, interesting and challenging is the best means of preventing disruptive behavior by students. The BOCES recognizes, ~~however,~~ that under certain circumstances, a classroom teacher, *staff member*, supervisor or administrator may find it necessary to resort to ~~reasonable and prudent~~ physical restraint interventions. *However, the use* of Corporal Punishment is prohibited.

The Board designates the District Superintendent with the task of developing regulations related to use of physical restraints.

A copy of this policy and regulation will be posted on the *BOCES* website, *and will be publicly* available at each building and at the Educational Services Center.

Adopted: 9/19/2018  
Revised: 8/18/2021  
Revised: 8/16/2023  
Revised: \_\_\_\_\_



## Monroe 2-Orleans BOCES Regulation

### Series 6000 – Students

#### Regulation #6209R – PHYSICAL RESTRAINT AND CORPORAL PUNISHMENT

The BOCES holds the belief that the classroom teacher is the key person responsible for the maintenance of acceptable discipline among students. A well-planned program that keeps students engaged with work that is meaningful, interesting and challenging is the best means of preventing disruptive behavior by students. The BOCES recognizes, ~~however,~~ that under certain circumstances, a classroom teacher, *staff member*, supervisor or administrator may find it necessary to resort to ~~reasonable and prudent~~ physical restraint interventions. Accordingly, ~~the following actions by a teacher, or staff member, supervisor or administrator are herewith authorized~~ *may implement a physical restraint in accordance with the following:*

#### *Definition of Physical Restraint*

- a) A physical restraint is defined as a personal restriction that immobilizes or reduces the ability of a student to move their arms, legs, body or head freely. ~~but~~ *It* does not include a physical escort or brief physical contact and/or ~~restriction~~ *re-direction* to promote student safety, to calm or comfort a student, guide or prompt a student when teaching a skill or assist a student in completing a task *or other similar purpose*. Mechanical restraint(s) are prohibited unless *certain criteria are met under the Commissioner's Regulations. proscribed by a medical professional and is an approved device for a specific purpose.*

#### Use of Physical Restraints

- b) Physical restraints ~~where physical force is necessary to prevent~~ *may only be used in a situation where immediate intervention involving use of physical force is necessary* to prevent imminent danger of serious physical harm to the student or others. *Physical restraint and* shall not *be* used to prevent property damage except where there is imminent danger of serious physical harm to the student or others and the student has not responded to positive, proactive, intervention strategies. The type of restraint used shall be of the least restrictive technique necessary and be discontinued as soon *as* the imminent danger of serious physical harm to self or others has resolved. Physical restraints *cannot be used as* ~~are not part of~~ a planned intervention on the child's IEP, BIP, 504 or other plan developed by the ~~school~~ *home district*. The time in a physical restraint must be developmentally time appropriate.

#### *Prohibited Use*

- c) Physical restraint (s) shall not be used as a punishment, discipline, or as a substitute for systematic behavioral interventions that are designed to change, replace, modify or eliminate a targeted behavior.

**Monroe 2-Orleans BOCES Regulation  
Series 6000 – Students  
Regulation #6209R – PHYSICAL RESTRAINT AND CORPORAL PUNISHMENT**

**Prone Restraint**

- d) *The use of prone restraint, physical or mechanical restraint while child is face down, is prohibited. The restraint cannot restrict a student’s ability to breathe, communicate or otherwise harm the student.*

**Staff Training**

- e) Staff who may be called upon to implement physical restraint(s) will be provided with annual training.

**Factors**

- f) *Factors that may precipitate use of physical restraint(s) include:*

- *Need to de-escalate and regain control*
- *Positive, proactive intervention strategies failed*
- *Less intrusive and restrictive de-escalation techniques failed*
- *Immediate concern for student’s physical safety or of others*
- *No medical contraindication to such use*
- *Prevent imminent danger of serious physical harm to the student or others*
- *No response to proactive, positive interventions*

**Parent Notice**

The parent(s) of the student shall be notified on the same day whenever a physical restraint is utilized. The Program Administrator must keep a record of attempts to contact the parent(s). If, after reasonable attempts are made and the parent(s) cannot be contacted, the BOCES shall contact the home district CSE chairperson. The notice to the parent shall offer the parent the opportunity to meet regarding the incident. BOCES must provide the parent a copy of documentation of the incident within three (3) school days of the use of a physical restraint. The *BOCES* nurse or *BOCES* medical personnel must evaluate the student following *the use of* the restraint *if believed there were or are actual student injuries* to determine and document if any injuries were sustained ~~or where there is belief there were injuries~~ *during use of the restraint.*

**Debrief With Student**

A school staff member will debrief the incident with the student in a manner that is both age and developmentally appropriate for the student to discuss the behaviors that precipitated the use of the physical restraint.

**Monroe 2-Orleans BOCES Regulation  
Series 6000 – Students  
Regulation #6209R – PHYSICAL RESTRAINT AND CORPORAL PUNISHMENT**

**Documentation**

BOCES will maintain documentation on the use of physical restraint for each student incident including:

- a) Name and date of birth of student;
- b) Setting and location of the incident;
- c) Name of staff or other persons who participated in the implementation, monitoring and supervision of the use of the physical restraint;
- d) Description of the incident used, including duration and type of restraint used;
- e) A statement as to whether the student has an IEP, current behavioral intervention plan, or other plan developed by the school;
- f) Details of any injuries sustained by the student or others, including staff, as a result of the incident;
- g) List of all positive, proactive intervention strategies used prior to the use of the physical restraint *and whether those strategies were consistent with the child's BIP;*
- h) Whether student was evaluated by the nurse;
- i) Date and method of contacting the parents, **and** whether a meeting was held with the parents *and whether the documentation was sent to the parents within three (3) days; and*
- j) Date debriefing was held.

**↳ Note:** This documentation will be reviewed by BOCES supervisory personnel and, if necessary, by the school nurse or other medical personnel.

**Debriefing With Staff**

After use of every physical restraint, the Program Administrator shall meet with staff who participated in the use of the physical restraint to discuss the circumstances leading to the use of the physical restraint, the positive, proactive strategies that were utilized prior to the use of the physical restraint, plan for the prevention and reduction of the future need for a physical restraint including whether a referral for special education services should be made or a review of a student's existing IEP or BIP, *and will direct a staff member to debrief the incident with the student.*

**Monroe 2-Orleans BOCES Regulation**  
**Series 6000 – Students**  
**Regulation #6209R – PHYSICAL RESTRAINT AND CORPORAL PUNISHMENT**

**Review of Documentation**

The Program Administrator shall review the documentation *regularly* on the use of physical restraints to ensure compliance with the policy, ~~and~~ regulation and procedures. If there are multiple incidents in the same classroom involving the same staff, the Program Administrator shall take appropriate steps to address the pattern and frequency of use and bring the pattern to the attention of the Director/designee.

**Staff Training**

All staff shall receive annual training on the policy and procedures ~~on~~ *governing* the use of physical restraints; evidence based positive, proactive strategies; crisis intervention, prevention procedures and de-escalation techniques. In addition, staff who implement physical restraints shall receive annual evidence based training in safe and effective developmentally appropriate physical restraint procedures.

**Reporting**

BOCES will report the data annually to the New York State Education Department on a form prescribed by the New York State Education Department.

**Parent Notice**

A copy of the policy and regulation will be posted on the BOCES website and be made *publicly* available ~~for view~~ at each building and at ~~ESC~~ *the Educational Services Center*.

**Corporal Punishment**

Corporal punishment is defined as any act of physical force upon a student for the purpose of punishing the student. *The use of corporal punishment is prohibited.* However, *corporal punishment* does not include the use of physical restraint(s) to protect another student, the student, teacher or any other person from *imminent* physical ~~injury~~ *harm* when *proactive, positive interventions fail*. ~~alternate procedures and methods not involving the use of physical restraint can't reasonably be employed to achieve those purposes. No teacher, administrator, employee, officer or agent of the BOCES, including SRO's can use corporal punishment against a student unless an exception applies.~~ This prohibition does not apply when the SRO is placing the student under arrest and at that point the SRO can use handcuffs for the safety of the student.

Adopted: 9/19/2018

Revised: 8/18/2021

Revised: 8/16/2023

Revised: \_\_\_\_\_ 2023

**Monroe 2-Orleans BOCES Policy**  
**Series 7000 – Instruction**  
**Policy #7123 – USE OF TIMEOUT, SECLUSION AND AVERSIVE INTERVENTION**

The Board prohibits the use of timeout for disciplinary, *punishment or retaliation* reasons but allows an unlocked room *or location* for the purpose of providing an opportunity for the child to safely de-escalate and re-enter the education program.

Timeout is defined as “a behavior management technique that involves the monitored separation of a student in a non-locked setting and is implemented for the purpose of de-escalating, regaining control and preparing the student to meet expectations to return to their education program.” Timeout shall be used in conjunction with a BIP or in a situation that poses an immediate concern for the physical safety of the student or others. If possible, staff must first use other less restrictive and intrusive interventions and de-escalation techniques. ~~Timeout shall be monitored.~~

Teachers, administrators, officers, employees and agents of the school (including SROs), are prohibited from using seclusion or aversive interventions *as a strategy in place of a physical restraint.* ~~unless the student is under arrest and handcuffs are necessary~~

The Board directs the District Superintendent to create regulations governing use of timeout and in accordance with law.

This Policy *and regulation* will be posted on the BOCES website and will be available for *public* review at each building and at the ESC building.

Adopted: 03/19/2008

Revised: 6/16/2010

Revised: 10/17/2012

Reviewed: 10/21/2015

Reviewed: 9/19/2018

Reviewed: 9/15/2021

Revised: 4/19/2023

Revised: 8/16/2023

Revised: \_\_\_\_\_ 2023

**Monroe 2-Orleans BOCES Regulation  
Series 7000 – Instruction  
Regulation #7123R – USE OF TIMEOUT, SECLUSION AND AVERSIVE  
INTERVENTION**

**Timeout Definition**

Timeout is defined as, “a behavior management technique that involves the monitored separation of a student in non-locked setting and is implemented for the purpose of de-escalating, regaining control and preparing the student to meet expectations to return to their education program.” If timeout is to be used, it must be used in conjunction with a behavioral intervention plan or used in a situation that poses an **imminent immediate** concern for the physical safety of the student or others. If possible staff should use timeout only when other less restrictive and intrusive interventions and de-escalation techniques cannot be used **to prevent imminent danger of serious physical harm to the students or others**. The space shall be monitored. The **student’s** BIP cannot contain **use of physical restraint or corporal punishment or** seclusion.

Timeout cannot be used as discipline or punishment, retaliation, or as a substitute for positive, proactive intervention strategies that are designed to change, replace, ~~or~~ modify or eliminate a targeted behavior.

The definition of timeout does not include a student-**initiated or student** request for a student break **to utilize coping skills, sensory input or self-regulation strategies**; for teacher removal or in-school-suspension; for **other appropriate** disciplinary action; to assist a student to calm **or self-regulate** by using **coping** tools or activities in that location ~~or~~ consistent with the student’s BIP. ~~At a minimum,~~ The use of timeout shall be governed by the following rules and standards:

**Timeout Procedures**

a) **Locks and Monitoring**

~~—BOCES prohibits placing a student in a locked room or space or in a room where the student cannot be continuously observed and supervised. A timeout location shall be unlocked and the door must be able to be opened from the inside. The use of timeout for emergency intervention is allowed provided the location or space is not locked.~~

Staff shall continuously monitor the student in a timeout ~~room~~ location. The staff must be able to see and hear the student at all times.

b) **Factors which may precipitate the use of a timeout. A timeout, if needed to be used, will be based on the following:**

- Need to de-escalate and regain control
- Positive, proactive intervention strategies failed
- Less intrusive and restrictive de-escalation techniques fail
- Immediate concern for student’s physical safety or of others
- As indicated on the child’s BIP
- No medical contraindication to such use
- **Prevent imminent danger of serious physical injury to the student or others**

**Monroe 2-Orleans BOCES Regulation  
Series 7000 – Instruction  
Regulation #7123R – USE OF TIMEOUT, SECLUSION AND AVERSIVE  
INTERVENTION**

c) Time limitations for the use of the timeout room:

- Consistent with the *student's BIP behavioral plan in the child's IEP* but not to exceed 60 minutes, ~~but~~ and as soon as the student has de-escalated, the student should be returned to their *education* program.
- ~~Further, student's IEP shall specify when a behavioral intervention plan includes the use of timeout for a student with a disability, including~~ The maximum amount of time a student will need to be in a timeout as a behavioral intervention as determined on an individual basis in consideration of the student's age and individual needs.

d) Seclusion

Under no circumstances shall a timeout in a program be used for seclusion of the student. "Seclusion" means involuntary confinement of a student alone in a room or space that they are physically prevented from leaving or perceive they cannot leave at will.

e) Aversive Interventions

Use of aversive intervention *on students* is prohibited. Aversive intervention means an intervention used to induce pain or discomfort for the purposes of eliminating or reducing student behavior including:

- 1) contingent application of noxious, painful, intrusive stimuli or activities; strangling, shoving, deep muscle squeezes or other similar stimuli;
- 2) any form of noxious, painful or intrusive spray, inhalant or tastes;
- 3) contingent food programs that include the denial or delay of the provision of meals or intentionally altering staple food or drink in order to make it distasteful;
- 4) movement limitation used as a punishment;
- 5) excluding such interventions as voice control, limited to loud, firm commands; time-limited ignoring of a specific behavior; token fines as part of a token economy system; brief physical prompts to interrupt or prevent a specific behavior; interventions medically necessary for the treatment or protection of the student; or other similar interventions.

f) Prone Restraint

*The use of prone restraint is prohibited. A prone restraint is a physical or mechanical restraint used while the child is face down.*

~~d)~~ Staff training

**Monroe 2-Orleans BOCES Regulation  
Series 7000 – Instruction  
Regulation #7123R – USE OF TIMEOUT, SECLUSION AND AVERSIVE  
INTERVENTION**

*Staff training* on the policies and procedures related to the use of timeout(s) shall include but not be limited to, the following measures:

Such training will occur annually related to the BOCES policy and procedures on use of the timeout; evidence based positive, proactive strategies; crisis intervention and prevention procedures and de-escalation techniques. In addition, staff who implement timeout shall receive annual evidence based training in safe and effective developmentally appropriate timeout ~~and physical restraint~~ procedures.

**Documentation**

BOCES programs shall establish and implement procedures to document the use of timeout for each *student's* incident and when used in connection with the student's BIP.

Such documentation shall include, but is not limited to, the following information:

1. Name and date of birth of the student;
2. Setting and location of incident;
3. Name of staff who participated in the implementation, monitoring, and supervision of use of timeout;
4. Name of other staff involved;
5. A record for each student showing the date and time of each use of the timeout;
6. A detailed account of the antecedent conditions/specific behavior that led to the use of the timeout;
7. The amount of time that the student was in timeout, considering developmental appropriate time;
8. Information to monitor the effectiveness of the use of timeout which resulted in the student being placed in timeout;
9. Whether student has an IEP, BIP or other plan;
10. List of all positive, proactive intervention strategies used prior to the use of timeout and whether those strategies were consistent with the student's BIP;
11. Details of any injuries sustained by student/staff;
12. Whether student was evaluated by the nurse or medical staff;
13. Date and method of contacting the parents, ~~and~~ whether a meeting was held with the parent *and if the documentation was sent to the parent within three (3) days*;
14. Date of a debriefing if held; and
15. Date the incident was reviewed by supervisory personnel and by medical staff (as necessary).

~~f) Information to be provided to parents.~~

**Parent Notice**

The BOCES shall inform the student's parents prior to the initiation of a behavioral intervention plan that will incorporate the use of a timeout for a



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INTERVENTION**

student, ~~and shall give~~ The parent *has* the opportunity to view the physical space that will be used as a timeout and *be* provided ~~the parent~~ with a copy of the policy on the use of timeout.

The ~~student(s)~~ parent(s) shall be notified ~~in~~ *on* the same day a timeout is used ~~including if used~~ in conjunction with the student's BIP. The Program Administrator must keep a record of ~~the~~ attempts to contact the parent(s). If, after reasonable attempts are made and the parent(s) cannot be contacted, the BOCES shall contact the home district CSE chairperson. The notice to the parent shall offer the parent the opportunity to meet regarding the incident. BOCES must provide the parent a copy of documentation of the incident within three(3) school days of the use of a timeout.

☞ **Reporting**

BOCES will report the data annually to the New York State Education Department on a form prescribed by the New York State Education Department.

**Physical Space used as a Timeout Space**

The physical space *or location* used as a timeout may be within a classroom or outside the classroom and must meet certain standards.

- a) The space shall provide a means for continuous visual and auditory monitoring of the student.
- b) The space shall be of adequate width, length and height to allow the student to move about and recline comfortably.
- c) Wall and floor coverings should be designed to prevent injury to the student, and there shall be adequate lighting and ventilation.
- d) The temperature of the space shall be within the normal comfort range and consistent with the rest of the building.
- e) The space shall be clean and free of objects and fixtures that could be potentially dangerous to a student ~~and shall meet all local fire and safety codes~~.
- f) *The space shall be unlocked* and any door ~~shall be~~ *is* capable of being opened from the inside of the space.
- g) *The space shall meet* local fire and safety codes.

**Debriefing *With Staff***

After use of every timeout, the Program Administrator shall meet with staff who participated in the use of timeout to discuss the circumstances leading to the use of timeout, the positive, proactive strategies that were utilized prior to the use of timeout and the plan for the prevention and reduction of the future need for timeout including whether a referral for special education services should be made or a review of a student's existing IEP or BIP. *A staff member will be designated to debrief with the student.*

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**Debriefing *With Students***

A staff member will debrief with the student to discuss the behavior that precipitated use of the timeout in a manner that is age appropriate and according to the child's developmental ability.

**Review of Documentation**

The Program Administrator shall regularly review the documentation on the use of timeout to ensure compliance with the policy, regulation and procedures. If there are multiple incidents in the same classroom or program involving the same staff, the Administrator shall take appropriate steps to address the frequency and pattern of use and bring to the Director's/designee's attention.

Education Law Sections 207, 210, 305, 4401, 4402, 4403, and 4410  
8 New York Code of Rules and Regulations (NYCRR) Sections 19.5, 200.1, 200.4, 200.7, 200.22, and 201.2

Adopted: 10/17/2012  
Reviewed: 10/21/2015  
Reviewed: 9/19/2018  
Revised: 9/15/2021  
Revised: 4/19/2023  
Revised: 8/16/2023  
Revised: \_\_\_\_\_ 2023

**Monroe 2-Orleans BOCES Policy**  
**Series 7000 – Instruction**  
**Policy #7210 – MEDIA PREVIEW AND PURCHASING**

~~The BOCES shall collect and maintain a media library for the purpose of assisting and improving instruction for those component districts which subscribe to its service.~~

~~No media shall be purchased for the BOCES without having been previewed by the Program Administrator in charge of the Media Library.~~

~~Purchase of recommended media by the BOCES is solely for the purpose of making materials available to participating schools and in no way shall be construed to mandate or dictate the use of a specific item by any individual or school district.~~

Adopted: 7/13/1999

Revised: 6/16/2010

Reviewed: 10/17/2012

Revised: 10/21/2015

Reviewed: 9/19/2018

*Removed: \_\_\_\_\_ 2023 (given changes to Policy and new Regulation 7240)*

**Monroe 2-Orleans BOCES Policy****Series 7000 – Instruction****Policy #7220 – CONTROVERSIAL ISSUES *AND OBJECTIONS TO INSTRUCTIONAL MATERIALS***

Controversial issues may be studied as part of the curriculum and teachers shall present these issues in their classrooms in an impartial and objective manner. *Instructional materials, textbooks, BOCES regional library collection and regional union catalog collection will include items that are controversial, whether in print or digitally.*

Any such study of controversial issues should be provided at a level appropriate to the student's readiness, under competent instructors and in an atmosphere where the student may express beliefs and form opinions without fear of jeopardy or reprisals. Balanced instructional materials pertinent to such controversial issues and appropriate to the level of the student(s) should be accessible to the student in order to assure opportunity to examine all sides of an issue.

Teachers wishing to call upon outside speakers in the presentation of controversial issues are required to obtain the approval of the principal/program administrator who shall keep in mind the obligation for presenting opposing views as well, and who shall inform the District Superintendent prior to the presentation.

~~It is also recognized that Parents and citizens of the community members have a right to object to perceived unfair and prejudiced presentations made by a teacher. In considering such objections, the District Superintendent shall provide for a hearing so that both parties may fairly express their views. If requested, the District Superintendent's decision may be appealed to the Board.~~

*Parents and community members have a right to object to instructional materials and controversial issues, or to what they perceive to be unfair and prejudiced presentations made by teacher(s). A parent or community member may make an objection following the process as outlined in the regulation to this policy.*

*Staff who object to the use of instructional materials/textbooks, should follow the same process as community members but are encouraged to speak with their Program Administrator first.*

Adopted: 7/13/1999

Revised: 6/16/2010

Revised: 10/17/2012

Reviewed: 10/21/2015

Reviewed: 9/19/2018

Reviewed: 9/15/2021

**Monroe 2-Orleans BOCES Regulation  
Series 7000 – Instruction**

***Regulation #7220R – CONTROVERSIAL ISSUES AND OBJECTIONS TO INSTRUCTIONAL MATERIALS***

***Objections to Instructional Materials/Textbooks***

*Parents*

*The Board is responsible to prescribe the curriculum in the BOCES and to designate the instructional materials and/or textbooks to be used in the different BOCES programs. The Board is not compelled to use particular instructional materials, textbooks or discontinue the use of particular instructional materials/textbooks. BOCES may not be compelled to assign an alternate assignment to a student based upon a parent's disapproval of a classroom assignment. Students may be excused from instruction in circumstances outlined in law and regulation based typically on religious or medical grounds. Parents are encouraged to voice their concern to the Program Administrator before filing an objection.*

*Staff who object to the use of instructional materials/textbooks, should follow the same process as community members but are encouraged to speak with their Program Administrator first.*

*Community Members*

*Community members who formally object to instructional materials/textbooks must first submit their objection in writing to the District Superintendent. Instructional materials/textbooks that are objected to will remain in use and/or circulation until a final decision has been made. The Board will be informed of any objection the District Superintendent receives.*

*The District Superintendent will designate a review committee to investigate and evaluate the challenged instructional materials/textbooks. The committee will be chaired by the school library system coordinator. Committee members will include representation from at least three (3) component district school library media specialists and four (4) internal BOCES staff, chosen by the District Superintendent. The committee will evaluate the challenged material according to the BOCES criteria for the evaluation and selection of instructional materials/textbooks.*

*The review committee will submit a written report of the results of their review to the District Superintendent within thirty (30) calendar days of receipt of the formal written objection. The District Superintendent will send a written decision to the parent/community member within ten (10) calendar days after receipt of the committee report.*

*The parent/community member can appeal the District Superintendent's decision to the Board within thirty (30) calendar days of receiving the District Superintendent's decision. The Board may hold a hearing during executive session at the next Board meeting where the parent/community member, District Superintendent and their representative may be present. The Board will review the objection form and report to the committee submitted in the same process as a community member. The Board will render a decision within fifteen (15) calendar days and notify the parent/community member in writing. The material(s) will be maintained or removed immediately. The Board may have counsel present at the hearing.*

*Regional Library Collection*

*The BOCES regional library collection, including but not limited to databases, e-books and streaming videos, is intended to meet the needs of students and staff throughout the area. Any of these materials could contain controversial issues. An objection of material(s) from one district will not mean the material(s) are removed from the collection, including the regional union catalog for interlibrary loan. Any objection made to an item in that collection shall be submitted in the same process as a community member.*

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***Regulation #7220R – CONTROVERSIAL ISSUES AND OBJECTIONS TO INSTRUCTIONAL MATERIALS***

*Review Criteria*

*The District Superintendent and committee will be given the materials to read/watch/listen to. The committee will use the criteria in BOCES Regulation 7240 to evaluate the materials and the rationale for the objection.*

*Guest Speakers*

*If an objection is filed as to a guest speaker and time is of the essence, there will be an expedited review. The committee must render a decision within two (2) calendar days of a review. The District Superintendent must render a decision within two (2) calendar days after receiving the committee recommendation. If appealed, the Board must hold a hearing within two (2) calendar days of receiving the appeal and render a decision within one (1) calendar day of the hearing date.*

*Adopted: \_\_\_\_\_ 2023*



7220F.1

PARENT/COMMUNITY MEMBER/STAFF/COMPONENT DISTRICTS  
OBJECTION TO INSTRUCTIONAL MATERIALS/TEXTBOOKS/GUEST SPEAKERS/LIBRARY  
MATERIALS

Complaints, objections, or challenges to instructional materials/textbooks or guest speakers by community members, staff members, parents or component districts must be submitted in writing to the District Superintendent using this form.

**Information about Person Completing Form**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

Relationship to the BOCES:  Parent or person in parental relation  Community member  
 Component district staff member  BOCES staff member

If a parent or person in parental relation, provide your student's name: \_\_\_\_\_

Are you representing a group or an organization?  Yes  No

If yes, provide the group/organization's contact information and your position in the group/organization:

Group/organization's name: \_\_\_\_\_

Address: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Position in the group/organization: \_\_\_\_\_

**Instructional Material/Textbook/Guest Speaker in Question**

Where is the instructional material/textbook/guest speaker being used?

Classroom  Regional Library Collection  Union Catalog Collection  Unsure

What is the type of material?

Textbook  Book  Video  Speaker  
 Magazine/newspaper  Sound recording  Library Materials  Other \_\_\_\_\_

*Include below as many identifying details about the material as possible. This includes, but is not limited to: title, author, publication date, format (physical or digital), location of the material (in the library media center, regional collection, classroom, streaming, etc.), etc.*

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*Respond to the following questions about the material/speaker. If sufficient space is not provided, please use additional sheets of paper.*

1) *Have you read, watched, and/or listened to this material in its entirety?* \_\_\_\_\_

*If not, what parts have you reviewed?* \_\_\_\_\_

2) *Please cite specific passages, pages, that you specifically object to.* \_\_\_\_\_

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3) *Describe overall purpose of the material.* \_\_\_\_\_

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4) *Describe accuracy and/or objectivity of the material.* \_\_\_\_\_

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5) *Describe reputation of the author.* \_\_\_\_\_

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6) *Describe the quality of the writing.* \_\_\_\_\_

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7) *Describe quality of readable and clarity.* \_\_\_\_\_

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8) What age group is this material suited for? \_\_\_\_\_

9) What age group was this material assigned to? \_\_\_\_\_

10) Was your child offered an alternate material/assignment? \_\_\_\_\_

11) Was your child required to read/view this material for a specific class? \_\_\_\_\_

12) Describe if the material is bias or antibias. \_\_\_\_\_

\_\_\_\_\_

13) Describe if the material balances opposing sides of a topic. \_\_\_\_\_

\_\_\_\_\_

14) Describe if the material portrays different backgrounds of various human experiences and is free of stereotypes. \_\_\_\_\_

\_\_\_\_\_

15) What do you think might result from the use of this material(s)? \_\_\_\_\_

16) What materials should be used in place of these materials? \_\_\_\_\_

\_\_\_\_\_

17) What is your desired outcome? \_\_\_\_\_

\_\_\_\_\_

Created: \_\_\_\_\_ 2023

**Monroe 2-Orleans BOCES Policy**  
**Series 7000 – Instruction**  
**Policy #7230 – USE OF COPYRIGHTED MATERIALS**

It is the intent of the BOCES to abide by the provisions of the United States Copyright Law.

All employees and students are prohibited from copying, displaying, publishing, downloading, duplicating, or reproducing materials not specifically allowed by the copyright law, fair use guidelines, licenses or contractual agreements, or the permission of the copyright holder.

Any employee or student who disregards *and/or violates* the copyright law and/or policy shall be in violation of United States Copyright Laws and/or BOCES policy and shall assume any and all liability.

The BOCES copyright officer ~~will~~ *is responsible to* provide information for all employees regarding current copyright law and *will* maintain copyright records *as applicable*. The copyright officer will serve as the designated agent registered with the United States Copyright Office to expeditiously respond to any notices of claimed copyright infringement.

Regulations and procedures shall be developed by the District Superintendent detailing what can and cannot be copied, duplicated, reproduced, downloaded, displayed, or published.

Appropriate copyright notices will be placed on or near all equipment used for duplication, copying, reproducing, and downloading.

Title 17, United States Code Section 101 et seq.

Adopted: 7/13/99

Revised: 9/17/08

Revised: 6/16/10

Reviewed: 10/17/2012

Reviewed: 10/21/2015

Revised: 6/21/2017

Reviewed: 9/19/2018

Reviewed: 9/15/2021

*Revised: \_\_\_\_\_ 2023*

**Monroe 2-Orleans BOCES Regulation**  
**Series 7000 – Instruction**  
**Regulation #7230R – USE OF COPYRIGHTED MATERIALS**

Overview

All BOCES employees and students are bound by the provisions of the United States Copyright Law (Title 17, United States Code, Sections 101, et seq.) which sets the standards for copying, duplicating, downloading, displaying, publishing, and/or reproducing print and non-print materials. It is not the intent of this regulation to provide an inclusive list of all allowed and/or prohibited activities with respect to copyright law.

All employees and students are prohibited from copying materials not specifically allowed by the copyright law, fair use guidelines, licenses or contractual agreements, or the permission of the copyright holder.

Copyright Officer

Any employee or student who disregards *and/or violates* the copyright law and/or policy shall be in violation of United States Copyright Laws and/or BOCES policy and shall assume any and all liability.

The Copyright Officer ~~will~~ *is responsible to* provide information for all employees regarding current copyright law and *will* maintain copyright records *as applicable*. The Copyright Officer will serve as the designated agent registered with the United States Copyright Office to expeditiously respond to any notices of claimed copyright infringement.

General Use of Copyrighted Materials

Copyrighted materials include but are not limited to the following:

- Print and non-print literature, including books, periodicals, Internet websites and materials, computer software and other electronic media
  - Musical and dramatic works
  - Films, videos including YouTube videos, Netflix, Red Box, etc., and all other audiovisual materials, including photographs, images and electronic copying of broadcast materials
1. Reproductions of copyrighted materials will not be produced on BOCES-owned equipment if such copying violates copyright law.
  2. Materials in violation of copyright law will not be used with BOCES-owned equipment, within BOCES-owned facilities, or at BOCES-sponsored functions.
  3. Employees or students found to willfully violate law will be personally liable. The legal and insurance protection of BOCES will not be extended to employees or students who violate copyright law.
  4. Employees who make copies, duplicate, reproduce, download, display, publish, and/or use copyrighted materials in their jobs are expected to be familiar with the concept of fair use and other related exceptions to copyright law. Employees are further expected to be able to provide the BOCES, upon request, the justification based on fair use as defined in copyright law and other related policies.

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**Regulation #7230R – USE OF COPYRIGHTED MATERIALS**

5. Employees who use copyrighted materials that do not fall within fair use must be able to substantiate that the materials meet one of the following tests:
- a. The materials have been purchased from an authorized vendor by the employee or BOCES and a record of the purchase exists.
  - b. The materials are copies covered by a licensing agreement between the copyright owner and BOCES.
  - c. The materials are being previewed or demonstrated by the user to reach a decision about future purchase or licensing and a valid agreement exists that allows for such use.

Definitions:

**Copyright** – Copyright is a right granted by United States Law to an author or producer of a tangible work. A copyright provides the owner with exclusive privileges to publish and sell copies of their work. A copyrighted work may only be copied with the permission of the copyright owner except in certain instances including those set forth below.

**Fair Use** – Provides for the legal use of copyrighted materials when such materials are duplicated, downloaded, copied, or reproduced in part for purposes such as criticism, comment, news reporting, teaching, scholarship or research. The attached checklist is helpful to determine if the use is considered a fair use.

Examples of permissible copying:

- Single copies for use in displaying, teaching or preparation to teach a class are permitted such as a chapter from a book
- Multiple copies (not to exceed one per student in a class) for classroom use provided that each copy includes a notice of copyright and only once per year or if planning ahead, to seek copyright permission from the copyright holder
- A single recording of student performances for evaluation, rehearsal or archival purposes

Examples of copying that may constitute an infringement:

- Copying or display to substitute for purchase of a work or e-book or reprints or periodicals
- Copying on direction of higher authority without permission from copyright holder
- Copying of music or lyrics for performance
- Copying of protected computer software without license agreement
- Copying of entire or substantial portion of works intended to be consumable in the course of teaching, such as workbooks, exercises, standardized tests, and answer sheets
- Copying without inclusion of the copyright notice that appears on the printed copy
- If it is the same item by the same teacher from term to term
- If students are charged more than the actual cost of the copying
- Copying textbooks to avoid purchase of a textbook
- Downloading from the Internet without permission if not a public work
- Copying or reproducing media

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E-books

Digital electronic content, such as e-books, cannot be copied unless the User Agreement specifically allows it or permission is sought from the copyright holder. In most instances such agreements require that e-books be provided for each student or user.

Works Made for Hire

BOCES employees are not independent contractors. As a result, any material developed in the scope of employment is considered a work made for hire. The employee, therefore, is not the copyright owner and has no rights to sell, post, take, display, reproduce, publish, duplicate or distribute any materials such as curriculum or lesson plans. Employees are prohibited from taking such materials upon separation of service from BOCES (such as on a thumb drive) or wiping clean or destroying their electronic file folders of materials they developed while in BOCES employment.

A certified employee could be subject to a Part 83 referral, discipline, litigation, or a monetary fine for a violation of this doctrine especially for destroying materials upon leaving BOCES employment. Non-certificated employees could be subject to monetary fine(s), litigation, or discipline for a violation.

Videos/Movies

Showing of a teacher or student's personal DVD or movie is a copyright violation unless the movie is shown from an institutional account and serves an educational purpose, not for entertainment or non-instructional purpose.

Music

Setting videos to music is permissible provided permission has been granted by the licensor of the music or fair use standard applies. The creation, broadcast, and distribution of the media each have to be analyzed under copyright standards.

Guidelines

The following guidelines were created to assist employees in deciding if use of copyright material is in accordance with the United States Copyright Law.

1. If an employee or student wishes to copy materials for use beyond what is allowable under fair use, he/she should ask for permission as follows:
  - a. The copyright holder of the material must be determined.
  - b. A written request for permission to use such material will be submitted to the owner providing a full number of copies needed, description of how the material is to be used, type of reproduction, and whether or not the materials will be sold.
  - c. Materials may be used only after the owner has granted written permission, or via email provided the materials will be used as requested.

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2. Teachers and/or employees should instruct students about copyright law where it applies to their use of copying, duplicating, downloading, reproducing, or altering, or in use of printed or non-print materials for research and assignments.
3. Permission to use audiovisual works through BOCES' media library shall be obtained at the time of purchase and kept on file.
4. Videotaping

If a particular instance of off-air videotaping is not covered by a specific negotiated agreement with the copyright holder, the fair use guidelines for off-air recording may apply. These guidelines apply to off-air recording by nonprofit educational institutions only. The federal fair use off-air videotaping, unless otherwise noted, and the off-air recording guidelines state that to qualify as fair use, the following conditions must be met:

- a. Broadcast programs may be recorded and retained by a nonprofit educational institution for a period not to exceed forty-five calendar days after the date of recording. At the end of the forty-five-day retention period, all off-air recordings must be erased or destroyed immediately. Broadcast programs are television programs transmitted by television stations and cable companies for reception by the general public without charge.
  - b. Videotaped recordings of broadcast programs may be shown to students only within the first ten school days of the forty-five-day retention period, and they may only be shown two times: once by the teacher(s) in the course of relevant teaching activities and repeated once only when instructional reinforcement is necessary. They may be shown in classrooms and other places devoted to instruction within one building, cluster, or campus or in the homes of students receiving formalized home instruction. After the ten-day period, teachers and/or employees may use the off-air recordings to the end of the forty-five-day retention period only to determine whether to purchase the videotapes.
  - c. Off-air recordings may be made only at the request of and used by a teacher and/or employee. They may not be recorded in anticipation of such requests. No broadcast program may be recorded off the air more than once at the request of the same teacher and/or employee, regardless of the number of times that the program is broadcast.
  - d. A limited number of copies may be made from each off-air recording to meet legitimate teacher needs. For example, if several teachers and/or employees request tapes of the same program, duplicate copies are permitted to fulfill requests. This is not a duplication license. All copies are subject to the same limitations as the original.
  - e. All copies of off-air recordings must include the copyright notice on the broadcast program as recorded. Off-air recordings need not be shown in entirety, but they may not be altered or physically or electronically combined or merged into anthologies or compilations. Educational institutions are expected to establish appropriate control procedures to maintain these guidelines' integrity.
5. Computer Software

All software is protected under copyright law. BOCES has purchased licensed copies of computer software. Unless otherwise provided in the software license, duplication of copyrighted software is a violation of applicable law and this policy. If one becomes aware of

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the use or distribution of unauthorized software by employees or students of BOCES, please notify the Copyright Compliance Officer.

The purchase of computer software does not mean that the purchaser owns the copyright. Rather, it is purchasing the right to use the software under certain restrictions imposed by the copyright owner, typically the software publisher. The precise rules are described in the software license. All employees must adhere to these rules. If an employee copies, distributes, or installs the software in ways that the license prohibits, the employee is violating federal copyright law. If an employee assists someone else in making unauthorized copies, downloads, or duplication, employee is also liable under the copyright law. Also, most recorded music available on Internet sites is protected by copyright. Downloading this material is a violation of BOCES policy and law.

Further, computer software installed on BOCES machines is under license for that machine only. Making copies of this software for repeat installation on home or private computers violates the law and BOCES policy. Some software licensing does include the right for a duplicate installation on employee or student's home computer. Check with the CaTS department for details on software installed on school computers.

Personally owned software shall not be loaded on BOCES computers. Unauthorized software threatens the integrity and security of the computers and networks.

6. Internet and YouTube

Some computer software is available via the Internet. Download of copyrighted software without a license is prohibited just as unauthorized copying of CD-ROM programs or computer or media files. Some software programs are available free to the public. These are referred to as "freeware." Other software may be downloaded and used for a set period of time. These programs are referred to as "shareware" or "demos." Software with a trial period may be purchased online at the end of the trial period. While download of such programs is not a violation of this policy or the law, users must obtain prior written approval of the BOCES network administrator prior to download and installation.

Access to Internet videos (such as YouTube) and use of those videos can be for educational purposes only. The teacher needs to preview the material before class to ensure applicability and appropriateness. The teacher needs to articulate how the video clip supports the goal of the lesson (e.g., used to introduce a concept, theme, initiate a discussion or serve as a writing prompt). Internet videos can be removed without notice so the teacher is advised to check the video's availability prior to class. Short clips for the classroom provide time to discuss what was shown and its significance to the larger lesson. Teachers need to use library media services programs, not Netflix, iTunes, Hulu, Amazon Prime, or Sling, etc. A teacher would search the name of the outlet on a provider's site (PBS for example) and that organization's channel will pop up allowing teachers to search exclusively in PBS's content.

Copyright law protects all websites unless stated otherwise on the site. This includes sites that do not include a copyright symbol. Duplicating a World Wide Website, or portion of a site, is

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prohibited without the explicit permission of the copyright holder. Pictures or text may not be used without the permission of the copyright owner.

7. All BOCES employees will have access to the policy and be educated about its implementation. The copyright law in its entirety is available for reference at <http://www.copyright.gov/title17/>

Adopted: 1/6/2010

Revised: 6/24/2011

Revised: 4/2/2012

Reviewed: 10/17/12

Revised: 6/21/2017

Reviewed: 9/19/2018

Revised: 9/15/2021

*Revised: \_\_\_\_\_ 2023*



**Monroe 2-Orleans BOCES Policy**

**Series 7000 – Instruction**

**Policy #7240 – ~~TEXTBOOKS AND OTHER SELECTION OF~~ INSTRUCTIONAL MATERIALS *AND SELECTION OF LIBRARY MATERIALS***

Textbooks and other instructional *and non-instructional* materials necessary to provide an appropriate educational program for students shall be provided by the BOCES. Textbooks shall be selected by appropriate instructional personnel and recommended to the District Superintendent or his/her designee for approval *who will present to the Board for approval*. Optional materials may be considered for students whose parent(s) and/or guardian(s) find instructional materials objectionable.

Students may be charged for textbooks or supplemental books that have been lost, destroyed, damaged or defaced.

In the BOCES Career and Technical Education program, 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.

*The District Superintendent will create regulations on how to select instructional materials.*

Education Law Section 701 et seq.

Adopted: 7/13/99

Revised: 6/16/2010

Reviewed: 10/17/2012

Reviewed: 10/21/2015

Reviewed: 9/19/2018

Reviewed: 9/15/2021

*Revised: \_\_\_\_\_ 2023*

**Monroe 2-Orleans BOCES Regulation  
Series 7000 – Instruction**

***Regulation #7240R – SELECTION OF INSTRUCTIONAL MATERIALS AND  
SELECTION OF LIBRARY MATERIALS***

*The BOCES selection of instructional materials will align with New York State learning standards, reflect different viewpoints, and meet the varied needs and interests of students, staff and component districts.*

*I. Selection of Instructional Materials*

*A. Definitions*

- 1) Instructional Materials is defined as any print or non-print material with instructional content or an instructional function that is used to facilitate formal or informal learning either in the classroom, library media center, BOCES regional collection or elsewhere in the component District or BOCES. Examples of instructional materials include, but are not limited to: textbooks; workbooks; hardcover and paperback books; ebooks; online databases; DVDs; streaming videos; sound recordings; magazines; newspapers; pamphlets; pictures; charts; games; kits; maps; models; microforms; slides; specimens; and transparencies.*
- 2) “Textbook” is defined as a text, or a text-substitute, that a student is required to use in a particular class or program of the BOCES, including: Books, or book substitutes, workbooks, or manuals; courseware or other content-based instructional materials in an electronic format.*

*B. Evaluation Criteria*

*Where possible, students, instructional staff, component districts, administrators, the Board, and community members will be involved in the evaluation and selection of instructional materials.*

*The value and impact of any instructional material must be judged as a whole. An instructional material may be purchased if it is the most appropriate to fit a given need, even if it does not meet every selection criteria.*

*Instructional materials should be evaluated using the following criteria as a guide noting not all of the criteria need to be met for the material to be selected:*

- 1) The needs of the BOCES program which is based upon the:
  - a) Curriculum;*
  - b) Existing collection;*
  - c) Requests from BOCES and component district staff and students;*
  - d) Needs of the students; and*
  - e) Interests of students;**
- 2) Alignment with New York State learning standards and curriculum guidance;*
- 3) Appropriateness for the subject area, age, emotional development, ability level, learning styles, and social, emotional, and intellectual development of the intended audience;*
- 4) Overall purpose, importance of subject matter, and educational significance;*

**Monroe 2-Orleans BOCES Regulation  
Series 7000 – Instruction**

***Regulation #7240R – SELECTION OF INSTRUCTIONAL MATERIALS AND  
SELECTION OF LIBRARY MATERIALS***

- 5) *Authoritativeness, validity, factual accuracy, and objectivity;*
- 6) *Timeliness or permanence;*
- 7) *Reputation and the significance of the author, artist, composer, publisher, or producer, etc.;*
- 8) *Quality of writing/production;*
- 9) *High degree of readability and/or comprehensibility;*
- 10) *Clarity, adequacy, and scope of the text or presentation;*
- 11) *Organization and presentation of contents;*
- 12) *Artistic quality or literary style;*
- 13) *Anti-bias and anti-discrimination;*
- 14) *Balance of opposing sides of an issue;*
- 15) *Popularity;*
- 16) *Need and value to the collection for which the material is being evaluated;*
- 17) *Variety of formats;*
- 18) *Value commensurate with cost and/or need;*
- 19) *American Library Association (ALA) Library Bill of Rights and the statement on the Freedom to Read..*

*Regional collections often contain content bundles. In these instances, content bundles are evaluated as a whole, and not by each individual item.*

**C. Procedures to Purchase Instructional Materials**

*To purchase textbooks and other instructional materials for classroom use, the following procedures will be used:*

- 1) *Instructional staff work with their program administrator to identify and select appropriate materials.*
- 2) *Instructional staff and their program administrator complete a request for the materials.*
- 3) *The request is then sent to the Assistant Superintendent for Instruction (ASI) or designee.*
- 4) *The ASI or designee evaluates the material. If more information is necessary, they may reach out to the instructional staff and their department head.*
- 5) *The ASI or designee forwards the request to the District Superintendent.*
- 6) *The District Superintendent reviews the materials and submits the request to the Board for action.*
- 7) *The Board will act upon the request as soon as possible.*
- 8) *Affected staff will be informed of the Board's decision as soon as possible following the Board meeting.*
- 9) *If approved by the Board, the material will be ordered through the channel that will supply the material in the shortest time and at the least expense. Preference will be given to those vendors who agree to provide instructional materials in alternative formats.*

**II. Selection of Library Materials**

**A. Definitions**

- 1) *“Library material” means any material which is catalogued and processed as part of the BOCES regional collection or library media center collection for use*

**Monroe 2-Orleans BOCES Regulation  
Series 7000 – Instruction**

***Regulation #7240R – SELECTION OF INSTRUCTIONAL MATERIALS AND  
SELECTION OF LIBRARY MATERIALS***

*by students and staff to augment instruction and foster staff and student growth. Examples of library materials include, but are not limited to: hardcover and paperback books; ebooks; online databases; DVDs; streaming videos; sound recordings; magazines; newspapers; pamphlets; pictures; charts; games; kits; maps; models; microforms; slides; specimens; and transparencies.*

***B. Library Material Selection Process***

*The Library Coordinator is responsible for selecting and purchasing the regional collection materials. Any requests to purchase materials should be given to the Library Coordinator who will evaluate the request. In identifying and selecting materials to be purchased, the Library Coordinator should use the following criteria:*

- 1) The needs of the BOCES program and districts which are based upon the:*
  - Curriculum;*
  - Existing collection;*
  - Requests from BOCES and component district staff and students;*
  - Needs of the students;*
  - Interests of students;*
  - Alignment with New York State learning standards and curriculum guidance;*
  - Alignment with the New York State Library Program Rubric;*
  - Appropriateness for the subject area, age, emotional development, ability level, learning styles, and social, emotional, and intellectual development of the intended audience;*
  - Overall purpose, importance of subject matter, and educational significance;*
  - Authoritativeness, validity, factual accuracy, and objectivity;*
  - Timeliness or permanence;*
  - Reputation and the significance of the author, artist, composer, publisher, or producer, etc.;*
  - Quality of writing/production;*
  - High degree of readability and/or comprehensibility;*
  - Clarity, adequacy, and scope of the text or presentation;*
  - Organization and presentation of contents;*
  - Artistic quality or literary style;*
  - Anti-bias and anti-discrimination;*
  - Balance of opposing sides of an issue;*
  - Popularity;*
  - Need and value to the collection for which the material is being evaluated;*
  - Variety of formats;*
  - Value commensurate with cost and/or need; and*
  - American Library Association (ALA) Library Bill of Rights and the statement on the Freedom to Read.*

*Adopted: \_\_\_\_\_2023*

9. New Business
  3. Resolution to Approve 2023 Regional Summer School Lease Amendments for Hilton CSD and Greece CSD.

MEMORANDUM OF AMENDMENT

This Memorandum of Amendment, by and between Monroe 2-Orleans BOCES (“Tenant”) and HILTON CENTRAL SCHOOL DISTRICT (“Landlord”) hereby amend the 2023 Regional Summer School Year Lease agreement originally executed on or about July 18, 2023, in accordance with Paragraph 7, as follows:

1. All terms and conditions of the original lease shall remain in effect with the following exceptions:

A. Paragraph 33 shall be modified as follows: The annual 12-month rental rate shall be five dollars and eighty-six cents (\$5.86) per square foot prorated to 27 days. The total amount of the rent for the 27-day period shall be seventeen thousand, three hundred and sixty dollars and ninety cents (\$17,360.90) for total square footage of 40,080 feet.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals to this Amendment.

Dated: \_\_\_\_\_, 2023

HILTON CENTRAL SCHOOL DISTRICT

BY: \_\_\_\_\_  
Dr. Casey Kosiorek  
Superintendent

Dated: \_\_\_\_\_, 2023

MONROE 2-ORLEANS BOCES

BY: \_\_\_\_\_  
Jo Anne Antonacci  
District Superintendent

MEMORANDUM OF AMENDMENT

This Memorandum of Amendment, by and between Monroe 2-Orleans BOCES (“Tenant”) and GREECE CENTRAL SCHOOL DISTRICT (“Landlord”) hereby amend the 2023 Regional Summer School Year Lease agreement originally executed on or about July 18, 2023, in accordance with Paragraph 7, as follows:

1. All terms and conditions of the original lease shall remain in effect with the following exceptions:

A. Paragraph 33 shall be modified as follows: The annual 12-month rental rate shall be ten dollars and eighty-eight cents (\$10.88) per square foot prorated to 27 days. The total amount of the rent for the 27-day period shall be twenty-eight thousand, eight hundred and ninety-nine dollars and one cent (\$28,899.01) for total square footage of 35,920 feet.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals to this Amendment.

Dated: \_\_\_\_\_, 2023

GREECE CENTRAL SCHOOL DISTRICT

BY: \_\_\_\_\_  
Ms. Kathleen Graupman  
Superintendent

Dated: \_\_\_\_\_, 2023

MONROE 2-ORLEANS BOCES

BY: \_\_\_\_\_  
Jo Anne Antonacci  
District Superintendent

9. New Business

4. Resolution to Approve 2023 Extended School Year Lease Amendment for Spencerport CSD



MEMORANDUM OF AMENDMENT

This Memorandum of Amendment, by and between Monroe 2-Orleans BOCES (“Tenant”) and SPENCERPORT CENTRAL SCHOOL DISTRICT (“Landlord”) hereby amend the 2023 Extended School Year Lease agreement originally executed on or about September 15, 2023, in accordance with Paragraph 7, as follows:

1. All terms and conditions of the original lease shall remain in effect with the following exceptions:

A. Paragraph 33 shall be modified as follows: The annual 12-month rental rate shall be six dollars and forty-six cents (\$6.46) per square foot prorated to 31 days. The total amount of the rent for the 31-day period shall be nineteen thousand, one hundred and twenty-three dollars and ninety-seven cents (\$19,123.97) for total square footage of 34,864 feet.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals to this Amendment.

Dated: \_\_\_\_\_, 2023

SPENCERPORT CENTRAL SCHOOL DISTRICT

BY: \_\_\_\_\_  
Ty Zinkiewich  
Superintendent

Dated: \_\_\_\_\_, 2023

MONROE 2-ORLEANS BOCES

BY: \_\_\_\_\_  
Jo Anne Antonacci  
District Superintendent

9. New Business
  5. Resolution to Approve Stipulation of Term of Lease Agreement with Tech Park Owner, LLC. (RTP)+

## STIPULATION OF TERM OF LEASE AGREEMENT

THIS AGREEMENT made as of the \_\_\_\_ day of September, 2023 between TECH PARK OWNER LLC, a Delaware limited liability company, having an address at 120 West 45<sup>th</sup> Street, Suite 1010, New York, NY 10036 (“**Lessor**”) and **MONROE 2-ORLEANS BOCES**, a board of cooperative educational services company formed and presently existing under the laws of the State of New York, with offices and principal place of business at 3599 Big Ridge Road, Spencerport, New York 14559 (“**Lessee**”).

WHEREAS, Lessor and Lessee have entered into a certain lease dated August 30, 2022 which lease provides for the use and occupancy of 64,050 square feet of space at Rochester Technology Park located at 771 Elmgrove Rd., Building 2, Rochester, New York 14624 (the “**Premises**”) by Lessee, as more fully set forth in the lease (hereafter, the lease and all future amendments and modification thereto, and extensions thereof, shall be referred to as the “**Lease**”); and all provisions contained in the Lease remain the same unless agreed to in writing by the parties stated above.

NOW, THEREFORE, in consideration of the above, the mutual promises hereinafter set forth, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Lessor and Lessee hereby agree that the Term of the Lease shall be ten (10) years and zero (0) months, commencing **August 1, 2023** and ending **July 31, 2033**. The Lessee shall pay to Lessor in US dollars the amount of \$4,957.25 for the period of time the Lessee occupied the leased premises from January 17, 2023 until July 31, 2023.

Estoppel. Lessee hereby agrees that the Lease is in full force and effect, that as of the date hereof there are no known defaults by Lessor, that all conditions to the effectiveness or continuing effectiveness of the Lease required to be satisfied as of the date hereof have been satisfied, that the Lease has not been modified or amended and that the Lease is a complete statement of the agreement of Lessee and Lessor with respect to the Premises.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be properly executed by their duly authorized representatives as of the date first above written.

LESSEE:

MONROE 2-ORLEANS BOCES, INC.  
a board of cooperative educational services company  
formed and presently existing under the laws of the  
State of New York.

By: \_\_\_\_\_

Name:

Title:

STATE OF \_\_\_\_\_ )

) ss:

COUNTY OF \_\_\_\_\_ )

The foregoing instrument as acknowledged before me in the state of New York this \_\_\_\_ day of September, 2023, by \_\_\_\_\_, as \_\_\_\_\_ of MONROE 2-ORLEANS BOCES, a board of cooperative educational services company formed and presently existing under the laws of the State of New York.

My commission expires: \_\_\_\_\_

Notary Public: \_\_\_\_\_

LESSOR:

TECH PARK OWNER LLC, a Delaware limited liability company

By: \_\_\_\_\_

Name:

Title:

STATE OF \_\_\_\_)

) ss:

COUNTY OF \_\_\_\_\_)

The foregoing instrument as acknowledged before me in the State of New York this \_\_\_\_ day of September, 2023, by \_\_\_\_\_, as \_\_\_\_\_ of TECH PARK OWNER LLC, a Delaware limited liability company, on behalf of the said limited liability company.

My commission expires: \_\_\_\_\_

Notary Public: \_\_\_\_\_

9. New Business
  6. Resolution to Accept Donation of a 20 Ton Bearing Press from Danny's Equipment

# GIFTS AND DONATIONS

## Donor Information:

Company or Individual Name: Danny's Equipment

If Company, Contact Person: Nancy Di

Address: 122 West Albion St. Route 31 ~~Holly~~ Holley NY

Phone Number: 585-638-5793 E-Mail: \_\_\_\_\_

Description of item(s) to be donated; if additional space is need, please add additional page and check here:

20 Ton Bearing Press

Is Item(s) in Working Condition: Yes If not, please explain: \_\_\_\_\_

When can BOCES 2 Staff view the item: Sunday 8/20/23

Your signature indicates your offer to donate the above item(s). Only the Board may accept gifts of either money or merchandise. Any gifts or grants donated and accepted will be by official action through Board resolution. The Board will not accept gifts that place encumbrances on future boards or result in unreasonable additional or hidden costs. The Board will not accept a gift which constitutes a conflict of interest and/or gives the appearance of impropriety. All gifts, grants, and/or bequests shall become the sole property of the BOCES. The District Superintendent or designee will acknowledge, in writing, the receipt of the gift or donation on behalf of the Board, but does not assign a value for tax purposes.

Signature of Donor: Nancy Di

Date: 8-20-23

## To Be Completed By BOCES 2 Staff:

Staff Member Name: Sean Cogan / Chris Cohen Dept: CWD Welding Phone Ext: \_\_\_\_\_

Name of Staff Member to be notified upon Board Approval: \_\_\_\_\_ Supervisor Name and Review: \_\_\_\_\_

Proposed Use of Donated Item: use for weld test Fillet Weld Fracture Test

How will the Item Reduce Costs or Benefit the Program: Its Free and students can be taught how to conduct a useful weld test on their own

Board Date: \_\_\_\_\_

[Signature]  
Cabinet Administrator Signature

8/21/23  
Date

[Signature]  
Date 8/31/23

[Signature]  
District Superintendent  
JoAnne L. Antonacci

9/5/2023  
Date

Board Action: Accept

Board Action: Reject





9. New Business
  7. Resolution to Accept Donation of a Chandelier from Mrs. Jo Anne Antonacci

### GIFTS AND DONATIONS

**Donor Information:**

Company or Individual Name: John Antonacci If Company, Contact Person: \_\_\_\_\_

Address: 75 Saint Elias Circle

Phone Number: 585-305-8876 E-Mail: justonac@numroe2booces.org

Description of item(s) to be donated; if additional space is needed, please add additional page and check here:   
Twenty three year old Chandelier

Is Item(s) in Working Condition: NO If not, please explain: Wiring not functional

When can BOCES 2 Staff view the item: Anytime

*Your signature indicates your offer to donate the above item(s). Only the Board may accept gifts of either money, trusts, or merchandise. Any gifts or grants donated and accepted will be by official action through Board resolution. The Board will not accept gifts that place encumbrances on future boards or result in unreasonable, additional or hidden costs. The Board will not accept a gift which constitutes a conflict of interest and/or gives the appearance of impropriety. All gifts, grants, and/or bequests shall become the sole property of the BOCES. The District Superintendent or designee will acknowledge, in writing, the receipt of the gift or donation on behalf of the Board, but does not assign a value for tax purposes.*

Signature of Donor: John Antonacci Date: 9/19/2023

**To Be Completed By BOCES 2 Staff:**

Staff Member Name: Mike Schmitt Dept: CTE Phone Ext: 2226

Name of staff member to be notified upon Board approval: Mike Schmitt

Supervisor name and review: Theresa Cortez

Proposed use of donated item:  
The chandelier is being donated to the Electrical program to problem solve, repair then hang as a display.

How will the item reduce costs or benefit the program:  
This donation will serve as an applied lesson to explore why the chandelier malfunctioned and repair it. There will be no cost to the program.

Board Date: 9/27/2023

[Signature]  
Cabinet Administrator Signature

9/19/23  
Date

[Signature]  
District Superintendent

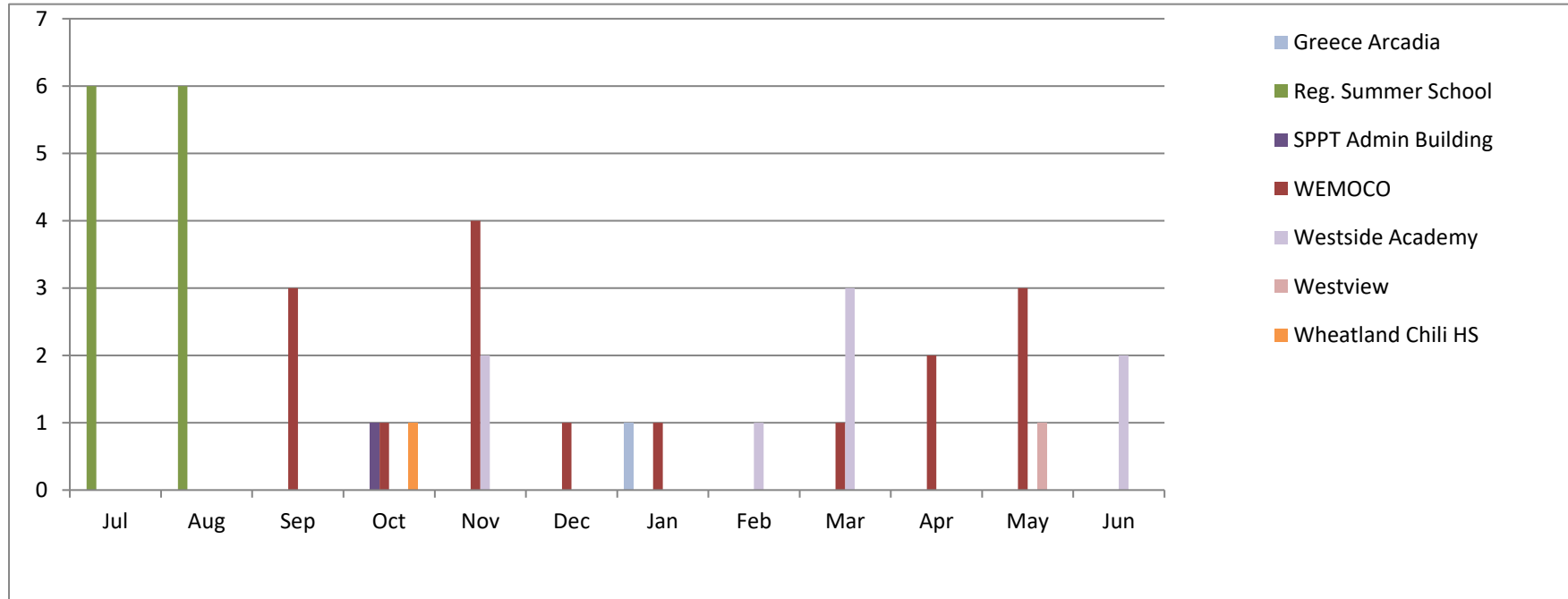
9/19/23  
Date

Board Action: Accept

Board Action: Reject

9. New Business
8. Annual Update on School Safety and the Educational Climate (SSEC) (Tom Schulte)

## 2022-2023 STUDENT SAFETY AND EDUCATIONAL CLIMATE (SSEC)



Building	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Totals
Greece Arcadia	0	0	0	0	0	0	1	0	0	0	0	0	1
Reg. Summer School	6	6	0	0	0	0	0	0	0	0	0	0	12
SPPT Admin Building	0	0	0	1	0	0	0	0	0	0	0	0	1
WEMOCO	0	0	3	1	4	1	1	0	1	2	3	0	16
Westside Academy	0	0	0	0	2	0	0	1	3	0	0	2	8
Westview	0	0	0	0	0	0	0	0	0	0	1	0	1
Wheatland Chili HS	0	0	0	1	0	0	0	0	0	0	0	0	1
<b>Totals</b>	<b>6</b>	<b>6</b>	<b>3</b>	<b>3</b>	<b>6</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>4</b>	<b>2</b>	<b>4</b>	<b>2</b>	<b>40</b>

9. New Business

9. Review of NYSSBA Convention Proposed Resolutions

**NYSBBA 2023 Resolutions Cabinet Feedback**

<b>PROPOSED RESOLUTIONS RECOMMENDED BY THE RESOLUTIONS COMMITTEE FOR ADOPTION</b>		
<b>Proposed Resolution</b>	<b>Notes</b>	<b>Feedback</b>
Resolution 1 <b><i>Sunsetting</i></b> Peru and Sachem School Boards	NYSSBA opposes any legislative and regulatory mandates that would impose new unfunded or underfunded mandates.	
Resolution 2 <b><i>Sunsetting</i></b> Peru School Board	NYSSBA supports legislation at the state level to hold school districts financially harmless whenever they experience the unanticipated, significant loss of revenue due to tax certiorari cases or the unexpected loss of a significant portion of the value of their taxable property.	
Resolution 3 <b><i>Sunsetting</i></b> Peru School Board	NYSSBA support legislative proposals that would allow districts to adopt an earlier start to the instructional year with those dates being eligible for state aid and also allow for extending the school year beyond the last Regents exams.	JA – Agree MP - Agree SR - Agree
Resolution 4: <b><i>Sunsetting</i></b> Peru School Board	NYSSBA support preserving Medicaid funding to school districts, while also seeking to streamline associated reporting requirements and provide reimbursement for all required administrative costs.	JA – Agree MP - Agree SR - Agree
Resolution 5 <b><i>Sunsetting</i></b> Peru School Board	NYSSBA support additional state and federal funding which would be dedicated for school safety programs, staff and equipment and include prevention programs directed toward social emotional development and mental health programs.	JA – Agree MP - Agree SR – Agree TS - Would fully support
Resolution 6 <b><i>Sunsetting</i></b> Peru School Board	NYSSBA supports proposals establishing additional dedicated funding for student health and mental health services.	JA – Agree MP - Agree SR – Agree TS - Would fully support
Resolution 7 <b><i>Sunsetting</i></b> Peru, Arlington, Beacon, Dutchess BOCES, Millbrook, Poughkeepsie, Red Hook, and Wappingers School Boards	NYSSBA opposes shifting financial responsibility for pre school special education from counties to school districts.	JA – Entire financial process needs to be restructured MP - Agree with NYSBBA opposing this shift SR – Agree; however, the whole system needs to be overhauled
Resolution 8 <b><i>Sunsetting</i></b> Peru School Board	NYSSBA supports legislation that allows the date of the annual reorganizational meeting to be on or before the Monday following the 20th of July.	JA – Support MP - Agree TS - With the current funding model I would support this opposition.
Resolution 9 <b><i>Sunsetting</i></b> Peru School Board	NYSSBA supports legislation to exempt expenditures related to school safety from the tax cap.	JA – Agree SR- Agree
Resolution 10 <b><i>Sunsetting</i></b> Peru School Board	NYSSBA supports legislation that would substantially increase the earning limitations for retired police and other law enforcement officers who are serving as school resource or safety officers.	JA – Support KB - Support for rationale stated MP - Agree SR – Disagree TS – Support

Resolution 11 <b>Sunsetting</b> Peru School Board	NYSSBA opposes any legislative or regulatory effort to grant tenure status to non-instructional school employees.	JA – Support KB - Support for rationale stated MP – Agree with NYSSBA opposing SR - Agree in concept but oppose the word “any” TS – Fully support this opposition
Resolution 12 <b>Sunsetting</b> Peru School Board	NYSSBA shall seek legislation to streamline the tenured teacher hearing process set forth in Education Law §3020-a in a way that preserves due process while addressing spiraling costs and the extraordinary length of time to conduct hearings.	JA – Support KB - Support for rationale stated MP - Agree SR - Agree
Resolution 13 <b>Sunsetting</b> Peru School Board	NYSSBA supports all efforts to improve school safety by limiting or reducing unauthorized access to guns in schools.	JA – Support MP - Agree SR – Vague TS - Don’t like the language of this. It seems to imply that unauthorized access to guns is occurring in schools. Generally support the resolution.
Resolution 14 <b>Sunsetting</b> Peru School Board	NYSSBA shall take a leadership role in raising awareness and understanding of the importance of all school districts’ leaders in understanding and taking action to address disproportionality in the education workforce and in student outcomes as it relates to diverse backgrounds.	JA – Support MP - Agree SR - Disagree; Agree with the concept of diversity but ultimately believe in meritocracy
Resolution 15 Pine Valley, Dunkirk, E2CCB, Frewsburg and Springville-Griffith Institute School Boards	NYSSBA support legislation and regulatory changes at the state level that would authorize school districts and BOCES to directly offer childcare, as automatically licensed providers with processes that are acceptable for employment in public schools, if the school district or BOCES demonstrates a community need for such care and directly charges families for such care. Such care would be eligible for the same family subsidies as a traditional childcare facility.	JA – Support MP - Agree SR - Interesting concept but I believe staffing it would be a problem TS - Not sure I would support this unless there was also language related to funding to schools. The overhead costs of running these programs might make costs to families difficult.
Resolution 16 NYSSBA BOD	NYSSBA supports the state providing needs-based funding for dual enrollment courses for students.	JA – Support MP -Agree TS - Support
Resolution 17 NYSSBA BOD	NYSSBA supports a requirement to have district-supplied naloxone (aka Narcan) available for use in all school buildings.	JA – Support MP - Agree SR – Agree TS - I would like to see the requirement be that all schools need to participate in Opioid Overdose Prevention programs instead of just simply requiring all buildings have Narcan

Resolution 18 NYSSBA BOD	NYSSBA supports state investments to support local “grow your own” teaching programs.	JA – Support MP - Agree TS – Fully Support
Resolution 19 Port Washington School Board	NYSSBA advocate for the State to conduct feasibility studies/review regarding utilities/infrastructure, logistical, and fiscal aspects of the zero-emission school vehicle mandate, and to revise the mandate as the reviews/studies deem necessary.	JA – Support MP - Agree
Resolution 20 Hewlett Woodmere and Sachem School Boards	NYSSBA supports legislation to eliminate Regents Exam testing at the high school level in favor of State Final Exams that comply with ESSA (Every Student Succeeds Act) regulations in 10-11th grade for ELA (1 exam), Math (1 exam), and Science (1 exam).	JA – Need multiple pathways MP - Disagree – until Blue Ribbon Commission issues findings and information from PLAN Pilot is gathered TS - I’d like to see what recommendations come from the Blue Ribbon Commission before I comment on this proposal. I think this is premature at this point.
Resolution 21 Wappingers, Arlington, Beacon, Dutchess BOCES, Millbrook, Poughkeepsie, and Red Hook School Boards	NYSSBA will advocate for an update to the rates established for compensating providers for pre school services provided to students with special needs/exceptionalities.	JA – Support MP - Agree SR – Strongly Agree
Resolution 22 Wappingers, Arlington, Beacon, Dutchess BOCES, Millbrook, Poughkeepsie, and Red Hook School Boards	NYSSBA supports changes to the laws and regulations regarding the provision of pre school educational services to special needs students, including section 4410, in order to remove specific barriers to the efficient and effective delivery of these services.	JA -Support MP - Agree SR - Agree
Resolution 23 Onteora School Board	NYSSBA supports full individual WIFI and cellular access for every household across New York State.	JA – support MP- Agree
Resolution 24 Uniondale School Board	NYSSBA includes as a legislative priority issue, reforms to funding for charter schools thereby removing the burden from high need districts and shifting the burden to New York State and federal sources.	JA – Support MP - Agree
Resolution 25 Guilderland School Board	NYSSBA support legislation at the state level that would allow school districts whose prekindergarten programs are oversubscribed to show enrollment preference to students who would be eligible for free and reduced-price lunch and/or are English language learners.	JA – Support MP – Agree SR - Disagree; slippery slope TS - Not completely opposed to this but am concerned about allowing a district-by-district approach to determining “greatest need”
Resolution 26 Port Washington School Board	NYSSBA will advocate that the State research if New York students who are already being administered the grades 3-8 tests via computer perform better on computer-based tests vs. paper-based tests, and for full-funding of such computer-based testing.	JA – Support MP - Agree TS - NYSED is not already doing this?!?!?!?



Resolution 27 Plainview- Old Bethpage School Board	NYSSBA supports legislation that amends the current civil service system to bring it up to date with changes to the duties potential employees will be assigned.	JA – Support KB - Support for rationale stated MP - Agree SR - Agree
Resolution 28 Harborfields and Middle Country School Boards	NYSSBA support legislation to exempt debt service expenditures related to litigation under the Child Victims Act from the tax cap.	JA – Support SR - Agree
Resolution 29 Sachem School Board	NYSSBA ADVOCATE for passage of legislation that would seek to “de-couple” student standardized test scores as a metric in determining a teacher’s APPR Rating.	JA – Support MP - Disagree – teacher APPR should include measures of student learning SR - Agree
Resolution 30 Sachem and Saranac Lake School Boards	New York State School Boards Association supports legislation that would fully fund Universal Access to Free Meals programs for every K-12 student within the State.	JA – Support MP - Agree SR - Agree
Resolution 31 Albany School Board	New York State School Boards Association supports legislation that would allow, but not require, New York school districts to offer early voting in the annual school budget vote and Board of Education election, consistent with early voting allowed in non-school-district elections in New York.	JA – Support TS - Not familiar enough with early voting timing so would need to do more reading. Depending on timing what would this mean for timing of budget development, etc.?
Resolution 32 Albany School Board	New York State School Boards Association supports legislation that would revise New York's school receivership law to remove punitive consequences and provide a more supportive, equitable system for assisting schools and school districts in need of improvement.	JA – Support MP- Agree

**PROPOSED RESOLUTIONS NOT RECOMMENDED  
BY THE RESOLUTIONS COMMITTEE FOR ADOPTION**

<b>Proposed Resolution</b>	<b>Notes</b>	<b>Feedback</b>
RESOLUTION 33 Submitted by: Peru School Board	RESOLVED, that the New York State School Boards Association supports legislation that would require the Smart Schools Review Board (“SSRB”) to meet monthly and promptly acknowledge, review and act on all school district submissions.	JA – Agree with committee to not support MP - Agree to not recommend
RESOLUTION 34 <b>Sunsetting</b> Submitted by: Peru School Board	RESOLVED, that the New York State School Boards Association supports proposals that would make kindergarten attendance mandatory.	JA – Agree with committee to not support MP - Agree to not recommend
RESOLUTION 35 Submitted by: McGraw School Board	RESOLVED, that NYSSBA support legislation at the state and/or federal level for a waiver for small and rural school districts from the law that mandates that all school vehicles be zero emission vehicles.	SR – Agree with resolution MP - Agree to not recommend
RESOLUTION 36 Submitted by: McGraw School Board	RESOLVED, that NYSSBA supports the repeal of the law that mandates all school vehicles be zero emission vehicles.	MP - Agree to not recommend SR – Agree with resolution
RESOLUTION 37 Submitted by: Peru School Board	RESOLVED, that the New York State School Boards Association support legislation that would reduce the required number of Lockdown Drills conducted each year. involvement by providing access to curricula and instructional materials, and legally protect a parent’s right to withdraw a child from portions of school curriculum.	JA – Agree with committee to not support MP - Agree to not recommend
RESOLUTION 38 Submitted by: Hewlett-Woodmere, Garden City, Hicksville, Locust Valley, Massapequa and Smithtown School Boards	RESOLVED, that the New York State School Boards Association oppose any legislation or Budget initiatives that would allow NYS to overrule local zoning ordinances.	JA – Agree with committee to not support SR - Agree with Resolution in concept but oppose the word “any”
RESOLUTION 39 Submitted by: Newark School Board	RESOLVED, that the New York State School Board Association support law or requirement that each board member attain six hours professional development each year after they complete the required mandated training.	JA – Agree with committee to not support MP - Agree to not recommend
RESOLUTION 40 Submitted by: Uniondale School Board	RESOLVED, that the New York State School Boards Association, include as a legislative priority issue, additions to the general municipal law allowing board members who serve on a local board of education the ability to participate in a district's life insurance plan at no cost to the board member and upon approval of the board of education. Such board member’s participation in such plan will increase when the member is no longer serving on the board.	JA – Agree with committee to not support
RESOLUTION 41 Submitted by: Uniondale School Board	RESOLVED, that the New York State School Boards Association include as a legislative priority issue, changes to the education law allowing districts to vacate the position of a teacher or teaching assistant on leave for one year or more.	JA – Agree with committee to not support
RESOLUTION 42 Submitted by: Baldwinsville School Board	RESOLVED, that the New York State School Boards Association supports and encourages legislation that modifies New York State's compulsory education law to require all minors who turn five years old on or before September 1 in any school	JA – Agree with committee to not support

	<p>year to receive full-time instruction from the first day school is in session in September of such school year, and minors who turn five years old after September 1 of a school year to receive full-time instruction from the first day of school in the following September.</p>	
<p>RESOLUTION 43 Submitted by: Plattsburgh, East Williston and Malone School Boards</p>	<p>RESOLVED, that the New York State School Boards Association work with the New York State Educational Conference Board and its supportive members, to call on the New York State Legislature to improve Tier 6 in the current retirement systems for school employees and that we seek support and legislation to establish Tier Equity for Tier 5 and 6 to be more aligned with Tiers 1 through 4.</p>	<p>JA – Agree with committee to not support SR - Disagree with Resolution</p>
<p>RESOLUTION 44 Submitted by: Beacon School Board</p>	<p>RESOLVED, that the New York State School Boards Association supports legislation that would require the state to develop and fully fund climate change curriculum for all public elementary and secondary schools in New York State.</p>	<p>JA – Agree with committee to not support MP - Agree to not recommend TS - Should increase priority of science instruction in elementary schools, and develop statewide, standards-based units that can be shared with all districts.</p>
<p>RESOLUTION 45 Submitted by: Schenectady School Board</p>	<p>RESOLVED, that the New York State School Boards Association supports a revision of the state legislation to allow New York State Education Department, Charter Schools, or Nonpublic School employees to serve on New York State Boards of Education.</p>	<p>JA – Agree with committee to not support SR - Disagree with Resolution</p>
<p>RESOLUTION 46 Submitted by: Massapequa, Carle Place, Garden City, Island Trees, Locust Valley and Sachem School Boards</p>	<p>RESOLVED, that the New York State School Boards Association will ADVOCATE for the reinstatement of the religious exemption to immunization.</p>	<p>JA – Agree with committee to not support MP - Agree to not recommend</p>
<p>RESOLUTION 47 Submitted by: Massapequa, Carle Place, Garden City, Hicksville and Island Trees School Boards</p>	<p>RESOLVED, that the New York State School Boards Association will ADVOCATE for adoption of Parental Rights Legislation.</p>	<p>JA – Agree with committee to not support</p>
<p>RESOLUTION 48 Submitted by: Massapequa, Carle Place, Garden City, Hicksville, Island Trees, Locust Valley and Sachem School Boards</p>	<p>RESOLVED, that the New York State School Boards Association will OPPOSE any mandates from the State Education department regarding matters not pertaining to academic standards/subjects (i.e. math, science, reading, writing, social studies) that have not been approved by an up/down vote of the NYS legislature.</p>	<p>JA – Agree with committee to not support SR - Agree with Resolution in concept but oppose the word “any”</p>

<p>RESOLUTION 49 Submitted by: Massapequa, Carle Place, Garden City, Hicksville, Island Trees, Locust Valley and Sachem School Boards</p>	<p>RESOLVED, that the New York State School Boards Association will ADVOCATE for Local Control by School Boards and/or County Executives.</p>	<p>JA – Agree with committee to not support</p>
<p>RESOLUTION 50 Submitted by: Massapequa, Carle Place, Garden City, Island Trees, Locust Valley and Sachem School Board</p>	<p>RESOLVED, that the New York State School Boards Association will OPPOSE any legislation or NYSED regulation mandating comprehensive K-12 gender and sexuality education.</p>	<p>JA – Agree with committee to not support MP - Agree to not recommend TS - I think a more measured approach to this conversation is needed. At this time, I would support the opposition.</p>
<p>RESOLUTION 51 Submitted by: Massapequa, Carle Place, Garden City, Hicksville, Island Trees, Locust Valley and Sachem School Boards</p>	<p>RESOLVED, that the New York State School Boards Association will OPPOSE any reduction to the requirements and/or standards related to history and civics in the NYS School Curriculum. In addition, ADVOCATE to keep Regents exams in U.S. History, Government and Global History as a requirement of end of year course work.</p>	<p>JA – Agree with committee to not support MP - Agree NYSSBA should oppose any reduction to requirements and advocate to keep Regents exams for now. SR - Agree with Resolution in concept but oppose the word “any” TS - I would support the opposition in this resolution as the history and civic education are essential. I don’t necessarily support the advocacy as I don’t believe a Regents exam is best way for a student to demonstrate learning about history and civics.</p>
<p>RESOLUTION 52 Submitted by: Massapequa, Carle Place, Garden City, Hicksville, Island Trees and Locust Valley School Boards</p>	<p>RESOLVED, that the New York State School Boards Association will Advocate to further prioritize school district, student and school staff safety by expanding New York City’s and Counties Police Department’s School Resource Program which have been successful in areas of NY state where utilized.</p>	<p>JA – Agree with committee to not support</p>
<p>RESOLUTION 53 Submitted by: Massapequa, Carle Place and Island Trees School Boards</p>	<p>RESOLVED, that the New York State School Boards Association work together with affected School districts and others, to rescind or modify the Board of Regents policy re: School Mascots and imagery.</p>	<p>SR - Agree with Resolution; slippery slope. Who should decide what is offensive? I believe the local municipality.</p>
<p>RESOLUTION 54 Submitted by: Sachem School Board</p>	<p>RESOLVED, the New York State School Boards Association does now proclaim its full support and endorsement of the requirement that school Security Guards receive, and be</p>	

	required to obtain, the specialized school specific security training.	
RESOLUTION 55 Submitted by: Hicksville School Board	RESOLVED, that the New York State School Boards Association supports legislation at the state level that would set limits on the start time for schools, to be no earlier than 8 AM.	TS - The research on this is sound. What I wonder is what the broader impact will be on afterschool programming, and union related issues.
RESOLUTION 56 Submitted by: Hicksville School Board	RESOLVED, that the New York State School Boards Association oppose the reformulation of SMART SNACKS in schools which serve to confuse students and parents as to the true nutritional value of such snacks - cookies, chips, etc. SMART SNACKS should return to the USDA's 2014 original intent of more healthy options such as fresh fruit, and vegetables. Currently many SMART SNACKS offered are virtually indistinguishable versions widely sold outside of schools.	

10. Personnel and Staffing

1. Resolution to Approve Personnel and Staffing Agenda

8/01/2023

Return to Human Resources by 9/1/2023

HUMAN RESOURCES

AUG 29 2023

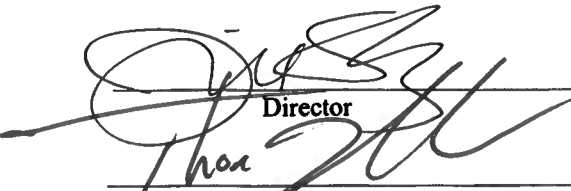


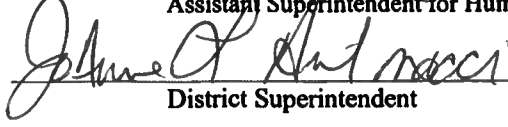
MONROE 2 - ORLEANS  
BOCES

**Monroe 2-Orleans BOCES**  
**3599 BIG RIDGE ROAD**

**RECOMMENDATION FOR TENURE APPOINTMENT**

- I. **Identifying Information:** Name: Jamiela A. DiMora  
 Eligible for Tenure: 01/30/2024  
 Notify Board: 09/27/2023  
 Board Action: 10/18/2023  
 Tenure Area: Nurse's Assisting 7-12
  
- II. **Education Training:** AOS – Excelsior College, 5/16
  
- III. **Certification:** Initial – Nurse’s Assisting 7-12, 2/1/20-2/1/25
  
- IV. **Previous Experience:** Lakeside Memorial Hospital, 1999-2009  
 Orleans County Nursing Facility, 4/03-8/03  
 Lakeside Urgent Care, 6/09-4/11  
 Lakeside Physician Offices, 4/11-5/11  
 Lakeside Operative Scrub Nurse, 5/11-6/13  
 Dept. of Health Immunization Clinic, 10/14-1/16  
 Wesley Gardens, 4/15-7/15  
 Rochester Regional Immediate Care, 7/15-11/18  
 Unity Hospital, 10/16-11/18
  
- V. **Experience with BOCES:** Jamiela A. DiMora has been employed by Monroe 2-Orleans BOCES as a(n) Teacher-Career & Technical Ed. teacher since 01/31/2020.
  
- VI. **Comments to be given on one of the following attachments located under H.R. Managerial forms.**

Attachment A - Teacher  
Attachment B - Administrator

8/28/2023 _____ Date	 _____ Director
8/30/23 _____ Date	 _____ Assistant Superintendent
8/30/23 _____ Date	 _____ Assistant Superintendent for Human Resources
8/30/23 _____ Date	 _____ District Superintendent

### **Planning and Preparation:**

Jamie has thorough knowledge of the important concepts in the Nurse Assisting curriculum. She uses a wide range of pedagogical approaches and instructional strategies to teach program content. Additionally, Jamie works to know each of her students as individuals. She knows their behaviors and abilities, and she seeks to help each individual accomplish their goals within the health care field. Jamie designs lessons that are aligned to specific outcomes, and they are timely in relation to the Nurse Assisting Atlas curriculum map. Each day learning targets are clearly posted and communicated so that students know what is expected of them. Jamie delivers instruction in various modalities as to meet the needs of all learners in the classroom. She is thoughtful when planning group work and will often allow student choice in completion of projects or assignments. Jamie designs assessments that prepare students both for clinical experiences and their Prometric licensing exam.

### **Classroom Work/Environment:**

Creating an environment of respect and rapport is one of Jamie's strengths. She is patient and compassionate yet holds high expectations for all nurse assisting students. She has supportive and professional relationships with students, staff, and industry partners. When delivering instruction in the classroom, she is able to clearly communicate expectations and manage student behaviors. When students do not meet Jamie's expectations, she works with them and their families to find a solution or alternative behavior. It is clear that Jamie has established classroom rules and procedures as little to no instructional time is lost during transitions or between activities. Jamie models patient care and empathy while acting as a clinical supervisor at Rochester Regional Health. Students are comfortable to approach Jamie with questions and concerns, and she actively listens and problem-solves to find answers.

### **Delivery of Instruction or Services:**

Jamie clearly communicates expectations, directions, and learning targets to students. Students seem to easily follow her instruction. When planning and delivering lessons, Jamie is intentional about asking higher-order questions. She provides opportunities for students to discuss various topics and will actively listen and provide feedback or ideas. Overall, Jamie's lessons are well-planned and engaging. She is always willing to try new strategies to spark student interest. Often in her lessons, Jamie includes small group work, movement, and choice, which works well for the diverse population in the nurse assisting classroom. Jamie assesses student learning regularly. During small group work, she circulates and "takes the pulse" of the classroom. Her feedback to students is specific and timely, and she has students reflect on their real-world, clinical experiences.

### **Professional Responsibilities:**

Jamie regularly reflects on her practice. She monitors and adjusts lesson and unit plans as necessary. Jamie has excellent communication and record keeping skills. She often supports her nurse assisting team and students by openly communicating with parents and members of her internal team, both in times when students are doing well and when they need improvement. Jamie has supportive and collaborative relationships with her colleagues. She takes advantage of opportunities to grow in her profession, and she participates in activities beyond her contractual obligations (i.e., optional EAS study group). This year, Jamie worked closely with administration to trouble-shoot hiring and recruitment concerns. She gave very insightful and valuable feedback. Jamie always advocates for the nurse assisting program and the healthcare profession. She demonstrates ethics and integrity in all she does.



11. Bids/Lease Purchases

1. Resolution to Accept Installation of Security Film Bid.
2. Resolution to Accept Print Shop Supplies Bid.
3. Resolution to Accept Cooperative Audio-Visual Equipment Installation Service Bid.
4. Resolution to Accept Cooperative Fine Paper Bid.
5. Resolution to Accept Participating in WFL BOCES bid WFL 2024-21 Master Lease Purchase Agreement for Acquisition or Refinance of Equipment.

**BOARD OF COOPERATIVE EDUCATIONAL SERVICES  
Second Supervisory District of Monroe and Orleans Counties  
3599 Big Ridge Road, Spencerport, NY 14559**

**BID RECOMMENDATION**

Installation of Security Film

Bid #RFB-2068-23 was opened on August 30, 2023, at 2:00 p.m. My recommendation for the award of this bid is as follows:

Awarded Vendor: Apex Window Films - \$26,862.50

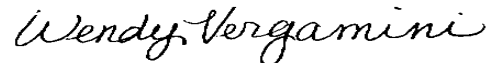
- Bids Obtained - 9
- Bids Received - 3

Bid Analysis

The bid for the installation of security film has been recommended for award to the lowest responsive and responsible bidder that meets all required bid specifications. This equipment will be used for the safety and security of Monroe 2 – Orleans students and staff.

Funds to be provided from the 2023-2024 budget.

September 13, 2023  
Date

  
\_\_\_\_\_  
Director of Procurement

**BOARD OF COOPERATIVE EDUCATIONAL SERVICES**  
**Second Supervisory District of Monroe and Orleans Counties**  
**3599 Big Ridge Road, Spencerport, NY 14559**

BID RECOMMENDATION

PRINT SHOP SUPPLIES

Bid #RFB-2055-24 was opened on September 7, 2023, at 2:00 p.m. My recommendation for the award of this contract is as follows:

Mark Andy Print Products            \$96,016.21

Bids obtained: 22                      Bids submitted: 1

Bid Analysis

The bid for Print Shop Supplies has been recommended for award on a line by line basis to the lowest responsive and responsible bidder that met all required specifications.

Funds to be provided from the 2023-2024 and 2024-2025 CATS budget.

September 16, 2023  
Date

  
\_\_\_\_\_  
Director of Procurement

**BOARD OF COOPERATIVE EDUCATIONAL SERVICES**  
**Second Supervisory District of Monroe and Orleans Counties**  
**3599 Big Ridge Road, Spencerport, NY 14559**

BID RECOMMENDATION

COOPERATIVE AUDIO-VISUAL  
EQUIPMENT INSTALLATION SERVICE

Bid #RFB-2071-23 was opened on September 8, 2023, at 2:00 p.m. My recommendation for the award of this contract is as follows:

The Smart Guys                      \$104,890.00

Bids obtained: 20

Bids returned: 2

BID ANALYSIS

The bid for Cooperative Audio-Visual Equipment Installation Service has been recommended for award to the lowest responsive and responsible bidder that met all required specifications. The bid for Cooperative Audio-Visual Equipment Installation Service will be used for installations at BOCES 2 and component School Districts.

Funds to be provided from the 2023-2024 and 2024-2025 CATS budget.

September 12, 2023  
Date

  
\_\_\_\_\_  
Director of Procurement

**BOARD OF COOPERATIVE EDUCATIONAL SERVICES**  
**Second Supervisory District of Monroe and Orleans Counties**  
**3599 Big Ridge Road, Spencerport, NY 14559**

BID RECOMMENDATION

COOPERATIVE FINE PAPER

Bid# RFB-2054-23 was opened on September 7, 2023, at 2:00 p.m. My recommendation for the award of this contract is as follows:

WB Mason	\$511,657.95
Economy Paper Co.	\$230,593.44
Lindenmeyr-Munroe.	\$245,297.91
Check-O-Matic	\$9,210.50

Bids obtained: 24

Bids submitted: 5

No Bid: 2

Bid Analysis

The bid for Cooperative Fine Paper Supplies has been recommended for award on a line by line basis to the lowest responsive and responsible bidders that met all the required specifications. The Fine Paper Bid is used by CaTS print shop and all other BOCES programs for copying and classroom supplies.

Funds to be provided from the 2023-2024 All Program Budgets.

September 16, 2023

Date

*Wendy Vergamini*

\_\_\_\_\_  
Director of Procurement

**BOARD RESOLUTION**  
**FOR THE PURPOSE OF**  
**PARTICIPATING IN A COOPERATIVE BID COORDINATED BY**  
**THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES OF**  
**ONTARIO, SENECA, WAYNE AND YATES COUNTIES**  
**FOR**

<b>WFL 2024-21 MASTER LEASE PURCHASE AGREEMENT</b> <b>for the</b> <b>ACQUISITION OR REFINANCE OF EQUIPMENT</b>
--

WHEREAS, The Board of Monroe 2-Orleans BOCES desires to participate in a Cooperative Bidding Program conducted by The Board of Cooperative Educational Services of Ontario, Seneca, Wayne and Yates Counties from year to year or, until this Resolution is rescinded, for a Master Lease Purchase Agreement for the Acquisition or Refinance of Equipment. And...

WHEREAS, The Board of Monroe 2-Orleans BOCES is desirous of participating with The Board of Cooperative Educational Services of Ontario, Seneca, Wayne and Yates Counties in the joint Master Lease Purchase Agreement Bid as authorized by General Municipal Law, Section 119-o... And...

WHEREAS, The Board of Monroe 2-Orleans BOCES has appointed The Board of Cooperative Educational Services of Ontario, Seneca, Wayne and Yates Counties as representative to assume the responsibility for drafting of specifications, advertising for bids, accepting and opening bids, tabulating bids, reporting the results to the Board of Monroe 2-Orleans BOCES and making recommendations thereon...

THEREFORE...

BE IT RESOLVED, That the Board of Monroe 2-Orleans BOCES and The Board of Cooperative Educational Services of Ontario, Seneca, Wayne and Yates Counties hereby accepts the appointment of The Board of Cooperative Educational Services of Ontario, Seneca, Wayne and Yates Counties to represent it in all matters related above... And...

NOW, THEREFORE, BE IT RESOLVED, That the Board of Monroe 2-Orleans BOCES hereby is authorized to participate in cooperative bidding conducted by The Board of Cooperative Educational Services of Ontario, Seneca, Wayne and Yates Counties for Master Lease Purchase Agreement for the Acquisition or Refinance of Equipment The Board of Cooperative Educational Services of Ontario, Seneca, Wayne and Yates Counties is hereby authorized to award cooperative bids to the bidder deemed to be the lowest responsive and responsible meeting the bid specifications and otherwise complying with Article 5-A of the General Municipal Law of the State of New York relating to public bids and contracts.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Board Clerk of Monroe 2-Orleans BOCES

12. Executive Officer's Reports

1. Albany D.S. Report
2. Local Update

### 13. Committee Reports

1. Labor Relations Committee
2. Legislative Committee
3. Information Exchange



14. Upcoming Meetings/Calendar Events

- Sept. 21 8:00 am MCSBA Law Conference DoubleTree
- Oct. 1-3 NYSCOSS Fall Leadership Summit  
Saratoga Springs
- Oct. 4 Noon MCSBA Legislative Committee DoubleTree
- Oct. 6 NYSSBA Board Officer Academy Virtual
- Oct. 9 BOCES Closed Indigenous People's/Columbus Day
- Oct. 10 7:00 pm Hilton Board Meeting
- Oct 11 Noon MCSBA Information Exchange DoubleTree
- 5:45 pm MCSBA Executive Committee Monroe's  
Pittsford
- Oct. 16 4:00 pm NYSSBA Annual Business Meeting Virtual
- Oct 16-20 Board Appreciation Week
- Oct. 18 5:15 pm BOCES Audit Committee Meeting ESC,  
Board Room
- 6:00 pm Monroe 2-Orleans BOCES Board Meeting  
ESC, Board Room

## 15. Other Items

16. Executive Session

## 17. Adjournment