

Educational Services That Transform Lives

# **EMPLOYEE HANDBOOK 2023-2024**

---

January 2024

## Table of Contents

INTRODUCTION .....	1
I. WHAT IS A BOCES? .....	1
II. ATTENDANCE .....	8
A. Use of Substitutes.....	8
B. Requests to Use Vacation, Personal, and Floating Holiday Time .....	8
C. Jury Duty .....	8
D. ESBOCES Calendars.....	8
III. PROFESSIONAL DEVELOPMENT/ENVIRONMENT .....	9
IV. RESPONSIBILITY TO KNOW AND ADHERE TO ALL AGENCY POLICIES, REGULATIONS, AND PROCEDURES .....	9
V. EMPLOYEE EMAIL.....	9
VI. PAYDAY.....	9
A. Paychecks .....	9
B. <i>WinCapWeb</i> .....	9
C. Ten-Month Details .....	10
D. Twelve-Month Details .....	10
E. Deductions.....	10
1. Health, Life, Dental, and Vision.....	10
2. Union Dues .....	10
3. Retirement – ERS/TRS .....	11
4. Flexible Spending Accounts.....	11
5. Credit Union and Direct Deposit.....	11
6. Tax-Deferred Plans .....	11
VII. SALARY INCREMENTS .....	12
A. Professional Advancement – BEES (Teachers) .....	12
B. Educational Incentive.....	13
1. Para Educators/Sign Language Interpreters.....	13

2. UPSEU.....	13
3. CSEA #8768-01 .....	14
4. DP Middle Management.....	14
5. Adult Nursing Instructors.....	14
VIII. BENEFITS.....	14
A. Health Insurance.....	15
1. Beginning Dates.....	15
2. Eligibility for Health Insurance.....	15
3. End Dates .....	15
4. Lost or Stolen Cards .....	15
5. Open Enrollment .....	15
6. Eligible Dependents .....	15
7. COBRA .....	15
8. Survivor Coverage .....	15
B. Life Insurance .....	15
1. Beginning and End Dates .....	15
2. Supplemental Insurance .....	15
C. AFLAC New York .....	15
D. Dental Insurance .....	16
1. Beginning and End Dates .....	16
2. Eligible Dependents .....	16
3. Late Enrollee.....	16
4. Survivor Coverage .....	16
5. COBRA .....	16
E. Long Term Disability Insurance .....	16
1. Beginning and End Dates .....	16
2. Filing Requirements .....	16
F. Workers' Compensation – On-the-Job Injuries .....	16
IX. RETIREMENT .....	18

A. TRS.....	18
B. ERS .....	18
X. LEAVES OF ABSENCE .....	19
A. End of Leave.....	19
B. Benefits Common to All Leaves.....	19
1. Seniority .....	19
2. Salary Placement.....	19
3. Benefits .....	19
4. Returns from Leaves of Absence (BEES/BEES Paras).....	20
C. Types of Leaves .....	20
1. Child Rearing Leave of Absence .....	20
2. Disability/Medical Leave of Absence .....	20
3. Educational Leave of Absence .....	21
4. Personal Leave of Absence .....	21
5. Military Leave of Absence.....	22
6. Cancer Screenings .....	22
7. Blood Donation .....	22
8. Bone Marrow Donation .....	22
9. Nursing Mothers.....	22
10. Victims of Domestic Abuse .....	23
11. Military Spouse Leave.....	23
12. Volunteer Emergency Responder Leave .....	23
13. Adoptive Parents Leave.....	24
XI. SAFE WORKPLACE.....	24
A. ESBOCES Identification System .....	25
1. ID Cards.....	25
2. Visitor Management System .....	25
B. Obtaining Information and Assistance on Health and Safety Issues .....	25

XII. ANNUAL INFORMATION POSTINGS AND PUBLIC NOTIFICATIONS.....	26
A. Fifth Disease Exposure.....	26
B. Hepatitis B .....	26
C. Pesticide Notification .....	26
D. AHERA Notification Compliance .....	27
XIII. OPERATIONAL PROCEDURES .....	27
A. Emergency Closings.....	27
B. Inclement Weather and Emergency Closing Procedures .....	28
1. School Closings .....	28
2. Delayed Openings.....	28
3. Early Dismissals.....	29
C. Travel Pay .....	29
D. Legal Documents.....	30
E. Petty Cash (Policy 4450) .....	30
F. Reimbursement for Expenses.....	31
G. Inquiries from the Press .....	31
XIV. MISCELLANEOUS.....	31
A. Certification.....	31
B. Employee Assistance Program.....	32
XV. INSTRUCTIONAL STAFF .....	32
A. Staff Meetings.....	32
B. Staff Hours.....	32
C. Itinerant Staff .....	32
D. Telephone Calls.....	33
E. Professional Development.....	33
F. Instructional Staff Responsibility Regarding Use of Substitutes .....	33
G. Lesson Plans.....	34
H. Substitute Evaluations .....	34
I. Student Attendance (Policy 6110).....	34

J. Employee/Student Accidents/Emergency Procedures .....	34
K. Guidelines for Handling of Bodily Fluids .....	35
L. Bus Drills/Fire Drills.....	36
M. Educational Outings/Field Trips Procedure.....	36
N. Medication on Educational Outings/Field Trips .....	36
O. Transportation Requests .....	36

## APPENDICES

A. Board Policies/Regulations/Procedures	
Cash in ESBOCES Facilities – Policy 4450 .....	38
Child Abuse and Maltreatment – Policy 6550 .....	39
Code of Conduct – Policy 2410/Regulation 2410R.1 .....	43
Code of Ethics for All ESBOCES Officers and Employees – Policy 5110 .....	106
Communicable Diseases – Policy 6513.....	110
Communications and Disseminated Materials (ESBOCES) – Policy 2130/ Regulation 2130R.1 (Logo) .....	111
Complaints and Grievances by Employees – Policy 5180.....	121
Dignity for All Students Act – Policy 6100 .....	122
Drug-Free Workplace – Policy 5160 .....	127
Employee Attendance at Conferences – Policy 5210/Regulation 5210R.1 .....	128
Employee Injury/Incident Report – Regulation 5320R.1 .....	134
Employee Personal Identifying Information – Policy 5221/Regulation 5221R.1.....	135
Employee/Board Member Use of ESBOCES Communication Systems – Policy 5112/Regulation 5112R.1 .....	138
Employee Vacation – Policy 5361.....	145
Equal Employment Opportunity – Policy 5120.....	146
Equity, Inclusivity, and Diversity in Education – Policy 5124 .....	148
Exposure Control Program – Policy 4532 .....	154
Expense Reimbursement – Employees – Policy 5211/Regulation 5211R.1.....	156
Extraordinary Circumstances – Policy 2170 .....	159
Facilities (Use of ESBOCES) – Policy 2230 .....	160

Family and Medical Leave Act – Policy 5352/Regulation 5352R.1/Procedure 5352P.1 .....	161
Educational Outings/Field Trips – Policy 7320/Regulation 7320R.1 .....	171
Fire and Emergency Drills, Bomb Threats, and Bus Emergency Drills – Policy 7111.....	175
Human Immunodeficiency Virus (HIV)-Related Illnesses – Policy 5141 .....	178
Human Immunodeficiency Virus (HIV)-Related Illnesses (Students) – Policy 6530.....	179
Idling School Buses and ESBOCES Vehicles on ESBOCES Grounds – Policy 4552/Regulation 4552R.1 .....	180
Legal Postings – Policy 5400/Regulation 5400R.1 .....	183
Medicaid Compliance Program – Policy 4490 .....	186
Medication (Administering) – Regulation 6511R.1 .....	188
Medication and Personal Care Items – Policy 6511 .....	193
Non-Discrimination and Anti-Harassment – Policy 5121 .....	198
Personal Property Accountability (ESBOCES) – Policy 4470 .....	206
Purchasing – Policy 4310.....	211
Recruitment, Selection and Appointment of Employees – Policy 5150 .....	213
Smoking/Tobacco Use – Policy 4540 .....	214
Social Networking Sites – Regulation 5112R.2.....	216
Student Attendance – Policy 6110 .....	219
Student Records (Confidentiality of) – Access and Challenge – Policy 6420.....	223
Student Use of Electronic Communications and Telecommunications Equipment – Policy 6216 .....	224
Surveillance Cameras (Use of) on ESBOCES Property - Policy 4535/Regulation 4535R.1 .....	228
Threats of Violence in ESBOCES Facilities – Policy 2430 .....	232
Title IX and Sex Discrimination – Policy 5123.....	233
Workers’ Compensation – Policy 5320 .....	249
B. ESBOCES Office Closings Calendar .....	250
C. ESBOCES School Closings Calendar .....	251
D. No-Charge Workers’ Compensation Guidelines .....	252

E.	Payroll Dates/Timesheet Submission Schedule .....	259
F.	Omni Flyer.....	260
G.	Teaching Assistant Flyer.....	261
H.	ESBOCES FORMS	
	Absence Request (Vacation, Personal, Floating Holiday) – Form 8004F.5 .....	262
	Approval for Article 7 Staff Development Completion – Form 5380F.3.....	264
	Compensatory Time Bi-Weekly Timesheet – Form 4411F.8 .....	266
	Coach Trip Only Request – Form 7320F.3 .....	267
	Confidential Report of Alleged Child Abuse in an Educational Setting – Form 6550F.1.....	269
	Educational Incentive Request (Para Educator/Sign Language Interpreter) – Form 8004F.7.....	270
	Educational Incentive Request (UPSEU, CSEA ANI) – Form 8004F.6.....	272
	Election of Number of Paychecks – Form 4411F.12.....	273
	Employee Injury/Incident Report – Form 5320F.1.....	274
	Hepatitis B Vaccination Authorization – Form 4532F.4.....	277
	Course Approval for Professional Advancement – Form 5380F.1 .....	278
	Professional Day Request – Form 5150F.8 .....	280
	Substitute Feedback – Form 5152F.2.....	281
	Transportation Request – Form 7320F.2 .....	282



## INTRODUCTION

The Eastern Suffolk BOCES (hereinafter *ESBOCES* or *the Agency*) Employee Handbook is designed to provide employees with easy reference to Agency information, policies, regulations, procedures, and forms. All ESBOCES employees are responsible for knowing and adhering to the material set forth in this Handbook, which is designed to be a quick reference **only** and does not encompass all Agency policies and regulations for which employees are responsible. For more detailed information about Agency policies, regulations, procedures, and forms, refer to the ESBOCES website <https://www.esboces.org> and to the internal ESBOCES document management system *DocuShare* <http://docushare.esboces.org>

### I. WHAT IS A BOCES?

The core mission of Boards of Cooperative Educational Services (BOCES), in partnership with local school districts and their communities, Board of Regents, and the Commissioner of Education, are to be leaders in providing quality, cost-effective programs and services that support school districts and their communities to achieve higher standards through enhanced educational opportunities.

There are 37 District Superintendents responsible for the supervisory districts throughout New York State, except for the “Big Five” school districts.

Eastern Suffolk BOCES utilizes a two person leadership team, a District Superintendent and a Chief Operating Officer. The individuals in these roles work together to be vigorous agents for reform, effectively advocating for educational excellence and equity on behalf of all learners in the region. Doing this requires collaboration and leadership at both the regional and State levels, in partnership with the Commissioner of Education, the Board of Regents, and local school districts.

The District Superintendent reports to both the Commissioner of Education and the Eastern Suffolk BOCES Board. The Chief Operating Officer reports directly to the Eastern Suffolk BOCES Board. The expectations of the leadership of BOCES is to provide leadership to assist the region with:

- implementing State standards;
- leading local improvements in closing student performance gaps;
- creating capacity to recruit and prepare school leaders;
- engaging the community to support a system that yields the best educated people in the world;
- detecting, reporting, and resolving problems in the region; and
- being effective leaders of the BOCES by:
  - using BOCES resources effectively to support local reform efforts and
  - improving its cost effectiveness.

ESBOCES is the largest pre-collegiate public educational institution in New York State outside of the “Big Five” city school districts. ESBOCES provides educational and support services to 51 component school districts within the First Supervisory District of Suffolk County. Its geographic region includes central and eastern Suffolk County from Hauppauge in the west to Montauk in the east. The Agency promotes shared services between school districts and provides occupational and special education services to students enrolled in component school districts. ESBOCES was established in 1994 as the result of the merger of Suffolk County BOCES 1 and BOCES 2. The adopted 2023-2024 budget is \$437,143,844, with approximately half that amount supporting the

extensive Special Education Program. ESBOCES staff, numbering approximately 2,061 teaching and support personnel, serves over 4,000 children and 3,500 adults. The Agency is supported through revenues received from school districts that purchase services, as well as through grants and tuition. The Agency meets annually with its stakeholders to review the successes in meeting the goals within the Strategic Plan and to brainstorm goals for the future.

The next few pages will enlighten you on ESBOCES, its history, mission, goals, and achievements.

### **2023-24 ESBOCES Sites with Acronyms**

Barton Avenue Armory (BAA)  
Bayshore Adult Education Center (BSAEC)  
Bellport Academic Center (BAC)  
Brookhaven Learning Center (BLC)  
Brookhaven Learning Center @ Samoset Middle School  
Gary D. Bixhorn Technical Center (BTC)  
Edward J. Milliken Technical Center (MTC)  
Educational Programs for Incarcerated Persons (Jail Ed)  
Employee Assistance Program (EAP)  
Family Education Outreach Program (FEOP)  
Harry B. Ward Technical Center (WTC)  
Instructional Support Center @ Sequoya (ISCS)  
Islip Academic Center (IAC)  
Islip Career Center (ICC)  
Islip Office Center (IOC)  
James Hines Administration Center (HAC)  
Jefferson Academic Center (JAC)  
Jefferson Academic Center (JAC) @ Oregon Middle School  
Outreach House Academic Center (Outreach)  
Premm Learning Center (PLC)  
Premm Learning Center (PLC) @ Merrimac Elementary School  
Premm Learning Center (PLC) @ Stony Brook Hospital  
Premm Learning Center (PLC) @ Timber Point Elementary School  
Raymond A. DeFeo Administration Building (DAB)  
Sayville Adult Education Center (SAEC)  
Sayville Elementary School (SES)  
Sayville Elementary School (SES) @ Edna Louise Spear Elementary School  
Sayville Elementary School (SES) @ Sayville Adult Education Center  
School Library System (SLS)  
Sequoya High School (SHS)  
Student Assistance Service (SAS)  
Tecumseh Elementary School (TES)  
Tecumseh Elementary School (TES) @ Sherwood Elementary School  
Tecumseh Elementary School (TES) @ Stony Brook Hospital  
Transition Services Program@ BLC (TSP)  
Westhampton Beach Learning Center (WHBLC)  
Westhampton Beach Learning Center (WHBLC) @ East Moriches Elementary Learning Center  
Westhampton Beach Learning Center (WHBLC) @ East Moriches Middle School Learning Center



### **Yesterday, Today and Tomorrow**

Since 1998, the development and implementation of the Eastern Suffolk BOCES Strategic Plan has been a top priority of the Agency. As testament to the strength of our strategic planning process Eastern Suffolk BOCES is accredited by the Middle States Association Commission on Elementary and Secondary Schools. Throughout the 2023-24 school year we will be creating a new strategic plan that will serve to guide our path for the next seven-year period through July 2031. The theme for our 2024-2031 strategic plan will be **Reimagining Educational Services to Build Bridges for Success**. The Agency will once again be working with Middle States Association to receive accreditation. The first step is to perform a self-evaluation process to determine the Agency's compliance with the Middle States Standards for Accreditation. This self-study will involve a survey to determine the perceived level of compliance with the research-based best practices for learning service providers. All employees are encouraged to respond to the survey. Throughout 2023-24 work groups will be reviewing the Eastern Suffolk BOCES mission, beliefs, and goals to make updates as needed and will be creating new strategic action plans based on the findings of our self-study.

The current plan, which is available on the ESBOCES website, <https://www.esboces.org/stratplanbook2023> is comprised of four major components:

- **MISSION STATEMENT**
- **AGENCY BELIEFS**
- **AGENCY GOALS**
- **STRATEGIC ACTION PLANS**

It is important to recognize that the plan is developed within parameters established by the ESBOCES Board, staff, parents, community members, representatives of our component school districts, local business owners, and government officials are all represented in the planning process.

If you have any questions about our Strategic Plan, please feel free to call Elaine Romeyk, Program Administrator for Strategic Planning at (631) 687-3293.

### **Agency Mission**

Eastern Suffolk BOCES, an inclusive educational cooperative of 51 Long Island school districts, provides regional leadership and advocacy, direct instruction, management, and support through quality, cost-effective instructional programs, and shared services. These programs and services maximize inclusive educational and career opportunities and equitable access for Long Island's diverse community promoting lifelong learning for both children and adults, to achieve excellence and enhance the operational effectiveness of the region.

### **Agency Beliefs**

We believe that...

- Successful inclusive organizations create effective operational systems and enable diverse individuals to take responsibility for their actions, be accountable for the programs and services they deliver, and use all of their expertise and resources to meet the expectations of those they serve.
- Everyone has the right to a safe, healthy, caring, and inclusive environment which fosters equity and cultural proficiency, respect and high expectations, maximizes potential, motivates interest and enthusiasm, and encourages the sharing of ideas.
- We are a diverse inclusive community of reflective, lifelong learners, both children and adults.
- Our diverse community of children and adult learners is a valuable resource entitled to high quality equitable instruction and services.
- Respect, inclusivity, honesty, trust, and integrity are essential in all of our interactions.

- The foundation of our organizational success is grounded in continuous evaluation, high standards, innovation, and effective communication through a lens of equity and inclusivity.
- The integrity, equity, and high standards of our educational programs are reflected in our student outcomes, and provide students with the skills they need to become responsible citizens and contributing members of the global society.
- Effective communication which provides space for all voices to be heard and accurate information to be exchanged, improves understanding, and enhances engagement of all stakeholders.
- Quality, equitable outcomes depend on the collective effort of a diverse, inclusive, well-developed, and motivated workforce that embraces the agency's mission and beliefs.

#### **Agency Goals 2017-2024**

In order to continue providing cost-effective equitable and inclusive programs and services that address the needs of our diverse learning communities and support the success of all students in the supervisory district, Eastern Suffolk BOCES has established the following goals for the 2017-2024 period:

##### **I. HIGH STANDARDS FOR STUDENT ACHIEVEMENT**

Eastern Suffolk BOCES will ensure that every student who is educated in an Eastern Suffolk BOCES program meets or exceeds expectations set by the New York State Board of Regents and/or is prepared for career or post-secondary opportunities.

##### **II. STAFF DEVELOPMENT**

Eastern Suffolk BOCES will provide continued professional growth for current and future educators, leaders, and support staff through coordinated programs of effective, affordable, and accessible professional development based on regional needs.

##### **III. SHARED SERVICES**

Eastern Suffolk BOCES will promote and offer a wide array of inclusive services designed to meet the needs of school districts within the region, and facilitate partnerships between school districts, business and industry, municipalities, and institutions of higher education.

##### **IV. PROGRAM AND SERVICES AVAILABILITY**

Eastern Suffolk BOCES will be responsive to the diverse needs of the region through the creation and equitable delivery of high-quality, innovative programs and inclusive services.

##### **V. COST EFFECTIVENESS, QUALITY MANAGEMENT, AND OPERATIONAL EFFICIENCY**

Eastern Suffolk BOCES will operate with optimum efficiency consistent with the delivery of high-quality, cost-effective programs and services, will utilize best management practices, and will actively seek new funding sources to aid in accomplishing its goals.

##### **VI. TECHNOLOGY**

Eastern Suffolk BOCES will continuously use an integrated system of technology to enhance operational and instructional effectiveness, efficiency, and equity to support improved outcomes for all members of the educational community.

##### **VII. STRATEGIC PLANNING**

Eastern Suffolk BOCES will regularly seek stakeholder input to identify, assess, prioritize, and communicate its goals and objectives using a flexible strategic planning and budgetary process to support this endeavor.

##### **VIII. HEALTH, SAFETY, SECURITY, AND SPACE**

Eastern Suffolk BOCES will ensure that all students and staff have a safe, secure, and healthy environment in which to learn and work, in appropriate space available throughout the region.

##### **IX. PUBLIC INFORMATION**

Eastern Suffolk BOCES will ensure that all stakeholders and their communities are knowledgeable about the full range and benefits of Eastern Suffolk BOCES programs and services in an effort to ensure equitable access.

##### **X. INTERNAL COMMUNICATIONS**

Eastern Suffolk BOCES will ensure that all staff are fully informed about programs, services, and our commitment to strategic planning.

**XI. HUMAN RESOURCES**

Eastern Suffolk BOCES will recruit and retain, and support a highly-qualified and diverse staff, and serve as a regional resource for human resource administration while promoting equity and inclusivity.

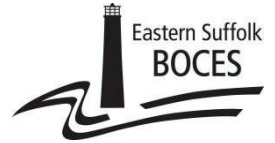
**XII. RESEARCH, PROGRAM IMPROVEMENT, AND REGIONAL ADVOCACY**

Eastern Suffolk BOCES will meet the present and future needs of its diverse stakeholders through outreach, research, program improvement, and regional advocacy.

## Strategic Action Plans 2017-2024

TITLE	OBJECTIVE
<b>I. Educational Outcomes</b>	By July 2024, there will be a measurable improvement in the educational outcomes of Eastern Suffolk BOCES special education and career education students.
<b>II. Educational Outcomes – Adult Education</b>	By July 2024, there will be a measurable improvement in the educational outcomes of Eastern Suffolk BOCES Adult Career and Technical Education students.
<b>III. Educational Support Services</b>	By July 2024, Eastern Suffolk BOCES support services and regional networks will have provided high-quality, innovative programs and services through an outstanding customer service focus to the local education agencies we serve.
<b>IV. Regional Technology Services</b>	By July 2024, Eastern Suffolk BOCES will continue to be a regional leader in technology services, offering new and enhanced technologies to improve efficiencies and strengthen the quality of the programs and services offered to all members of our educational community.
<b>V. Human Resources</b>	<b>By July 2024</b> , the Eastern Suffolk BOCES Department of Human Resources will be a resource: both internally to the agency and regionally to component school districts, promoting best practices that ensure compliance with local, state, and federal employment laws; maintain a highly skilled workforce that will promote best practices within the Agency and the region to recruit and retain a culturally and ethnically diverse workforce that represents the demographic diversity of the region's students and community; while meeting a full range of student needs; and improve operational and fiscal efficacy.
<b>VI. Communications and Public Relations</b>	By July 2024, there will be a measurable increase in the engagement with all members of the Eastern Suffolk BOCES community, both internal and external, by productively interacting with the media; developing and identifying new and innovative methods of communication; complying with all federal, state, and local regulatory authorities regarding print and electronic communication; and aligning all activities with the mission, beliefs, and goals of the agency.
<b>VII. Research, Program Improvement, and Regional Advocacy</b>	By July 2024, Eastern Suffolk BOCES will continue to improve its capacity for research, program/service evaluation and improvement, regional advocacy and research through strategic planning, following the Middle States Association's Adding Educational Value protocol and process, facilitation of grants management, advocacy activities, and ongoing programs and services evaluations.
<b>VIII. Operations, Management, and Finance</b>	By July 2024, Eastern Suffolk BOCES will effect a measurable improvement in Operations, Management, and Finance by evaluating and updating its Board Policies, Administrative Regulations, Procedures, and Forms; ensuring alignment with federal and state requirements, agency mission, beliefs, and goals; evaluating and improving the agency's operations to maximize efficiencies and best practices; and providing expanded regional leadership and resources to school districts in the areas of operations and school business finance.
<b>IX. School Facilities Management</b>	By July 2024, Eastern Suffolk BOCES will continue to effect a measurable improvement in school facilities management by providing healthy, safe, and secure facilities for students and staff, as well as leading the region in best practices for school facilities management.





**Special Education Program Completer**

Students who complete a program of study in the Eastern Suffolk BOCES Department of Special Education programs will demonstrate a range of competencies in areas of academic, social/behavioral, transition/living skills, and employability skills, based on individual strengths, abilities, and cognitive functioning. These include:

- Successful completion of New York State requirements to obtain a Regents Diploma, a Skills Commencement Credential, or a Career Development and Occupational Studies (CDOS) Commencement Credential.
- Competencies in academic foundation skill areas of reading, writing, mathematics, speaking, and listening skills that reflect New York State Standards at a commencement level, or as outlined in the student's Individualized Education Plan.
- Competencies in transition skill areas leading to a range of post-graduate outcomes including post-secondary training (higher education, vocational education, supported employment), Adult Career and Continuing Education Services (ACCES), assisted living placements, or acceptance into the military services.
- Competencies in the utilization of technology to research and evaluate information, as well as to communicate effectively through correspondence through presentations, or by use of augmentative or assistive communication devices.
- Competencies in social and behavioral skills as reflected in effective functioning in post-secondary training/higher education, employment, military services, assisted living, and small and large group environments.
- Knowledge of, and competency in, interacting with people of diverse backgrounds.

**Special Career Education (SCE) Program Completer**

The purpose of Special Career Education is to provide quality career education programs that will transition each student from secondary education to competitive employment. Students who complete a program of study in any of the Eastern Suffolk BOCES SCE programs will be able to demonstrate:

- Competency in specific technical skills and knowledge through participation in the special career education program of his/her choosing. Achievement will be reflected in each student's Employability Profile Report and quarterly grade.
- Successful completion in a paid or unpaid work-based learning experience leading to well-developed employability skills/work ethics and permanent employment.
- Increased confidence, awareness of self-worth and maturity, as well as knowledge of, and competency in, interacting with people of diverse backgrounds.
- Participation in appropriate transition planning.

***This plan may lead to the following outcomes:***

- Obtaining an entry level position in the workforce as the first step in his/her career path.
- Articulation into our Academy Program, Eastern Suffolk BOCES Adult and Health Sciences Program, a college or a trade school as a result of his/her course of study with our program.
- Acceptance into other career training programs such as Supported Employment and other community-based agency programs.
- Referrals to various state agencies for continued support, such as ACCES/Vocational Rehabilitation and the Office for People With Developmental Disabilities/Office of Mental Health.
- Successful completion of New York State requirements to be eligible to receive a Skills and Achievement Commencement Credential or a Career Development and Occupational Studies (CDOS) Credential.

**Adult Education Program Completer**

A student who completes a career training program through rigorous coursework, articulations, and real-world experiences in the Eastern Suffolk BOCES Adult Education programs will demonstrate a range of competencies that will prepare them for both college and the workplace.

**Adult CTE students:**

- Possess knowledge and can apply purposeful and specific technical skills, problem-solving, critical thinking, and are proficient in the use of innovative tools, resources, and systems.
- Demonstrate achievement of specific technical skills as reflected in course completion, certification, licensure, and/or employment.
- May have participated in internships, clinical experiences, pre-apprenticeships, and work-based learning opportunities.
- Earn industry-recognized certifications and stackable credentials preparing them for entry-level positions in the workforce.
- Have knowledge of, and competency in, interacting with people of diverse backgrounds.
- Are proficient in the use of technology aligned with industry standards.

**Career and Technical Education (CTE) Program Completer**

When a student completes a program of study in any of the Eastern Long Island Academy of Applied Technology programs, recommendations are made to the home school district to grant an endorsement on the student's high school diploma. The district then awards endorsements based on that recommendation. Through rigorous coursework, articulations, and real-world experiences, students completing a program at the Eastern Long Island Academy of Applied Technology have the advantage of graduating from high school prepared for both college and the workplace.



**CTE students:**

- Possess knowledge and can apply purposeful and specific technical skills, problem-solving, critical thinking, and are proficient in the use of innovative tools, resources, and systems.
- Demonstrate achievement of specific technical skills as reflected in his/her Employability Profile Report.
- Have earned college credits, giving them an extra advantage when entering higher education.
- Experienced internships, pre-apprenticeships, and work-based learning opportunities.
- Engaged in local and national clubs, industry-specific organizations.
- Developed interpersonal and leadership skills that enhance academic, personal, and career development.
- Earned industry-recognized certifications and stackable credentials preparing them for entry-level positions in the workforce.
- Have knowledge of, and competency in, interacting with people of diverse backgrounds.
- Have competency in the use of technology that is aligned with industry standards.

## II. ATTENDANCE

Employee absence directly affects the quality and continuity of programs for students. Employees are asked to help in maintaining our program quality by setting a high personal standard of attendance.

Employees who find it necessary to be absent due to illness should be aware that a note from a healthcare provider may be required indicating the illness and the need for home confinement. Review your Collective Bargaining Agreement for specific information. This does not apply to hourly employees. Non-Represented employees can review their contracts.

To help keep track of your attendance throughout the year, please use the Attendance Records Calendar located on ESBOCES website, **For Staff** tab, select Human Resources and scroll down to **Calendars**.

### A. Use of Substitutes

Daily absences of instructional personnel and custodial staff should be called in to the Substitute Service Office automated system (Absence Management/AESOP) at 1-800-942-3767 using individual ID and PIN numbers or created through the website at <http://www.frontlinek12.com/aesop>, using individual user name and password created by the staff member. The Substitute Service Office is available at 631-218-5353 for instructional staff and 631-218-5384 for custodial staff between the hours of 5:30 a.m. and 1:30 p.m. to answer related questions.

### B. Requests to Use Vacation, Personal, and Floating Holiday Time

Form 8004F.5 (*Absence Request*) is to be used for Vacation, Personal, and Floating Holiday time requests. To access this form, type "<https://docushare.esboces.org>" in the internet browser address bar; click on *Forms* and then *Human Resources*.

To request the use of personal time, Para Educators and Sign Language Interpreters should refer to their Collective Bargaining Agreement (*Article 4, Section G, Personal Leave*) and utilize Forms 8004F.9 and 8004F.10 as appropriate. To access these forms, type "<https://docushare.esboces.org>" in the internet browser address bar; click on *Forms* and then *Human Resources*.

### C. Jury Duty

Upon being called for jury duty, an employee should inform their program administrator of the dates. An authorized statement attesting to the days served must be obtained by the employee and submitted to the Department of Human Resources. Grand Jury notices should be forwarded to the Department of Human Resources immediately, with notification to the supervising administrator, since appearance is mandatory.

### D. ESBOCES Calendars

The ESBOCES school closings AND office closings calendars can be accessed through the ESBOCES website (<https://www.esboces.org>) under the **For Staff** tab. To access the calendars, navigate to the **For Staff** tab, select Human Resources and scroll down to **Calendars**



- III. **PROFESSIONAL DEVELOPMENT/ENVIRONMENT** – It is expected that all ESBOCES employees take part in professional development that pertains to their jobs and enhances their ability to perform their job duties.
- IV. **RESPONSIBILITY TO KNOW AND ADHERE TO ALL AGENCY POLICIES, REGULATIONS, AND PROCEDURES** – It is expected that all ESBOCES employees will familiarize themselves with the Policies, Regulations, and Procedures contained in this Handbook.
- V. **EMPLOYEE EMAIL** – – It is the responsibility of every employee to check their ESBOCES email on a regular basis as email is the Agency's means of communication for pertinent information, including, but not limited to, announcements, policies, regulations, procedures, meetings, postings, location of policies, etc. Employees who do not access their emails for greater than 180 days will have their accounts disabled, and will require a request from their department administrator to reactivate.
- VI. **PAYDAY** – ESBOCES runs on a fiscal year of July 1 to June 30. Paydays are bi-weekly on alternate Fridays. If a holiday falls on a payday, checks will be ready the preceding business day. Overtime, additional pay, and any other timesheet pay is delayed for processing in accordance with the published annual payroll calendar (See Appendix).

#### **A. Paychecks**

1. New employees with less than two weeks lead time will miss the current pay date.
2. All members of the BEES, BEES Para Educators, and UPSEU Health personnel will receive their final salary checks on the last working day in June.
3. Due to confidentiality concerns, the Payroll Department will speak only with the employee regarding payroll matters.

#### **B. WinCapWeb**

1. All timecard data is entered in *WinCapWeb* in accordance with the published Timesheet Submission Schedule. Choose the proper building name when selecting your job/duty. If you are unsure of the building acronym indicated in the job/duty, please see the building office staff. If you select an incorrect job/duty code, your payment may be delayed. ALL OVERTIME REQUIRES PRE-APPROVAL FROM YOUR SUPERVISOR. For overtime preapproval, please utilize form 4411F.14 in accordance with policy 4411. To access these forms, type <http://docushare.esboces.org> in the internet browser address bar; click on forms, Business Services and then Payroll. ALL EMPLOYEES WORKING OVERTIME ARE REQUIRED TO ENTER A DESCRIPTION OF THE OVERTIME IN THE TIMECARD NOTE FIELD. All timecard approvers are required to confirm that notes are entered in the timecard note field PRIOR to approval. Substitutes must enter the person for whom subbing each day in the timecard note field when entering time in *WinCapWeb*. By entering time in *WinCapWeb*, employees certify that the time worked is accurate and true.
2. Direct deposit pay advices are available through *WinCapWeb* Employee Self-Service.

3. You may opt to print your W-2 quickly and conveniently through *WinCapWeb* Employee Self-Service (My W-2s/My W-2 Consent Elections).
4. You may change your payroll tax status and exemption through *WinCapWeb* Employee Self-Service.
5. Salary notices are available in *WinCapWeb* Employee Self-Service.
6. *WinCapWeb* training/instructional documents may be found at <http://docushare.esboces.org> in the *WinCap* folder.

**C. Ten-Month Details** – Ten-month salaried employees have an option of choosing either 21 or 26 paychecks per year. There may be partial checks at the beginning and end of the year depending upon the calendar. Those choosing the 26-pay option will receive a lump sum payment on the last pay date in June or on the last pay of the leave of absence or termination. Employees will be committed to whichever option has been selected for that year; however, it may be changed for the following year with notification to the Department of Human Resources by August 31. However, if an employee comes off payroll during the year, salaries will be prorated based on time worked. To access Form 4411F.12 (*Election of Number of Paychecks*), type “<https://docushare.esboces.org>” in the internet browser address bar; click on *Forms* and then *Human Resources*. Certain Collective Bargaining Agreements contain provisions for a three-day lag payroll system. Please refer to your Collective Bargaining Agreement to determine if you are subject to a three-day lag payroll system. All new ten-month employees hired after 9/1 will be placed on the 21 paycheck schedule, and will have the option to change their election of number of paychecks for the following school year.

**D. Twelve-Month Details** – Twelve-month salaried employees will receive 26 paychecks per year. There may be partial checks at the beginning and end of the year depending upon the calendar. All other checks are regular bi-weekly pays.

**E. Deductions** – Applicable paycheck deductions are as follows:

1. **Health** – The monthly health insurance deductions for the employee share of premium are split and taken in two payrolls per month. For 10-month and 11-month employees, July and August deductions will occur January through June.

**Life, Dental and Vision** - will be deducted once a month. For 10-month and 11-month employees, July and August deductions will occur during the months of May and June.

Any questions concerning these deductions should be directed to the Department of Human Resources Benefits Office by emailing [HRBenefits@esboces.org](mailto:HRBenefits@esboces.org). The rates are determined by types and amounts of insurance, based on the applicable contract. Certain benefit deductions (i.e., life insurance and domestic partner medical) have a taxable value as determined by the Internal Revenue Service. These taxes will be deducted on a quarterly basis, and the pay date will be identified with a “T” on the published payroll calendar.

2. **Union Dues** – Employees who have elected\* to join one of the bargaining unions at ESBOCES will be required to pay union dues. The dues schedules are issued by the respective unions and taken as a payroll deduction. Questions concerning union dues may

be directed to the Payroll Department at 631-687-3081; however, you may also contact your union representative.

\*On June 27, 2018, the United States Supreme Court held that compulsory payments to a public-sector union violate a person's First Amendment rights. The position in which you serve may be part of a bargaining unit that has elected to be represented by a union. However, in accordance with New York State law:

- Union membership is not required as a condition of your employment.
  - The terms and conditions outlined in your bargaining unit's contract apply to you regardless of your membership choice.
  - It is illegal for anyone to coerce or interfere with your right to not join or to join a union.
  - It is illegal for anyone to discriminate against you for not being a union member or for being a union member.
3. **Retirement – ERS/TRS** – Most full-time employees are required to join either ERS or TRS. Provisional Civil Service employees may elect, but are not required, to join until they become permanent. Aides, 10-month Civil Service, part-time, or per diem employees have the option of joining the system. If you are a member of either the Employees' Retirement System or Teachers' Retirement System and a Tier 3, 4, 5, or 6 member, you are required to make an employee contribution. The contribution amount differs between Tiers and is a percentage of your gross salary. Federal taxes are deferred from this amount. Employees with name changes must file the change with their respective Retirement System.
  4. **Flexible Spending Accounts** – These accounts allow you to participate in benefits offered on a "pre-tax" basis. The two types of accounts are Health Care Reimbursement and Dependent Care Reimbursement. The enrollment period is during the month of November and becomes effective on January 1 of the following year. Minimum and maximum amounts are established by the Internal Revenue Service annually. You will be reimbursed from the Third-Party Administrator upon submission of appropriate documentation for qualifying out-of-pocket expenses. For further information, you may email the Department of Human Resources Benefits Office at [HRbenefits@esboces.org](mailto:HRbenefits@esboces.org).
  5. **Credit Union and Direct Deposit** – This is a payroll process which allows automatic deposit to your personal bank accounts. Credit Union deduction is a set amount deposited to your account in the Teachers Federal Credit Union. Direct Deposit allows for your whole net paycheck to be deposited to your designated bank account. Forms for these authorizations may be obtained from the Payroll Office at 631-687-3081. Direct deposit is mandatory for all members of the Administrative/Supervisory, Adult Nursing Instructors, BEES Teachers, CSEA 8768-01, Para Educators, UPSEU, and Staff Developers units; all non-represented employees; and all hourly and daily employees.
  6. **Tax-Deferred/ROTH Plans** – ESBOCES offers its employees two different retirement plans.

The first is a 403(b) plan. ESBOCES has engaged OMNI as a third-party administrator to assist ESBOCES and its employees in this plan. OMNI may be contacted by calling 1-877-544-OMNI or via the website at <http://www.omni403b.com>. For a listing of participating 403(b) companies, please go to the OMNI website at <http://www.omni403b.com>. Go to "Employees" and select what you want to do, enter the Employer State and Employer Name (*Eastern Suffolk BOCES*) and follow the prompts. You must select a 403b plan from one of the participating service providers applicable to ESBOCES.

10 Month instructional employees who participate in the 26 pay option and choose a 12 month 403b plan will have the deduction occur five times the normal amount on the “Big Payment”.

The second tax-deferred plan is the New York State Deferred Compensation Plan (457) and ROTH 457 Plan. ESBOCES has engaged OMNI as a third-party administrator to assist ESBOCES and its employees in this plan as well. When contacting the New York State Deferred Compensation Plan, you will be required to have the ESBOCES ID number, which is 211251. Information on the plan may be obtained by calling 1-800-422-8463 or via the website at <http://www.nysdcp.com>. Once you have opened the account (or desire to make changes to an existing account), you must contact OMNI at 1-877-544-OMNI or <http://www.omni403b.com> and complete the OMNI 457 Salary Reduction Agreement.

You should consult with your financial advisor before investing in any annuities. ESBOCES does not make recommendations or endorsements of any plans. Also refer to the OMNI flyer in the Appendices of this Handbook for additional information.

## VII. SALARY INCREMENTS

- A. Professional Advancement – BEES (Teachers)** – Upon approval from your Director, Professional Advancement gives teachers an opportunity to increase salary by taking additional graduate and in-service courses, thereby moving across the salary schedule. Coursework, including degree programs, must be in the educational field. **Prior approval for all graduate coursework or in-service credit must be obtained from your Director by completing Form 5380F.1 (Course Approval for Professional Advancement) for all salary advancements.** To access this form, type “<https://docushare.esboces.org>” in the internet browser address bar; click on *Forms* and then *Human Resources*.

It is your responsibility to keep track of these credits and to request an increase in your salary when you have completed the appropriate number of credits for the next increment. The request to increase your salary after course completion must be forwarded to the Department of Human Resources by using Form 5380F.2 (*Professional Advancement Request*). To access this form, type “<https://docushare.esboces.org>” in the internet browser address bar; click on *Forms* and then *Human Resources*.

All coursework used to bring about the advancement must be listed. If you have carry-over credits from a previous increment, you should also note on the form that they are already on record.

Salary adjustments for Professional Advancement are effective September 1 and February 1, to coincide with the end of college semesters. Request for advancement must be received by the Department of Human Resources by one month after these dates (October 1 and March 1, respectively). All coursework must be completed prior to the increment date, and official documentation must be on file prior to the increase being granted. The timeframe for providing official transcripts is more lenient since you have limited control over the colleges forwarding transcripts.

Once all information is received and verified, your salary will be adjusted (retroactively, if needed).

- SCOPE and MESTRACT courses are acceptable for advancement without approval. Other in-service coursework requires prior approval of your Director and is evaluated based on its individual application to your role within ESBOCES. To request acceptance for credit for an

external in-service course, Form 5380F.1 (*Course Approval for Professional Advancement*) must be completed and forwarded to your Director. To access this form, type “<https://docushare.esboces.org>” in the internet browser address bar; click on *Forms* and then *Human Resources*. To ascertain whether the course will be accepted, you should request approval prior to the start of the course. Approval can still be requested after the course, but its acceptability is not guaranteed.

- In-service credits are given at a rate of one credit per 15 hours of instruction, assuming the in-service course fulfills all other requirements. Any courses with less than 15 hours are not considered.
- Each increment must include at least nine graduate credits.
- Teachers who earn a Master’s Degree, required for certification during employment, may submit proof of educational attainment at the completion of their program. If you have not attained prior approval or salary increment increases during this process, you may move horizontally on the salary scale to the MA column. This in no way will be considered retroactive.

**FOR CTE TEACHERS ONLY:** CTE Teachers who are required to take undergraduate courses for the purpose of obtaining certification or to obtain a Bachelor’s Degree do not require prior approval. Once you have obtained a degree, additional coursework must be on the graduate level and requires prior approval.

For additional information regarding Professional Advancement, email the Department of Human Resources at [humanresources2@esboces.org](mailto:humanresources2@esboces.org) and refer to your Collective Bargaining Agreement.

**LICENSES - BEES** – Licensed and registered speech teachers, social workers, and psychologists shall receive an annual stipend of \$500. This stipend will generally be paid in the first June payroll. Copies of renewed registration certificates must be received by the Department of Human Resources no later than April 1 of the year of renewal.

**B. Educational Incentive** – Educational Incentive is available in varying forms for different bargaining units. Please refer to your Collective Bargaining Agreement for further details.

1. **Para Educators/Sign Language Interpreters** – Upon completion of approved coursework, please complete Form 8004F.7 (*Para Educator/Sign Language Interpreter Educational Incentive Request*). To access this form, type “<https://docushare.esboces.org>” in the internet browser address bar; click on *Forms* and then *Human Resources*. This form, along with official transcripts, should be forwarded to the Department of Human Resources.
2. **UPSEU** – Upon completion of approved coursework, please complete Form 8004F.6 (*UPSEU/CSEA ANI Educational Incentive Request*). To access this form, type “<https://docushare.esboces.org>” in the internet browser address bar; click on *Forms* and then *Human Resources*. This form, along with official transcripts, should be forwarded to the Department of Human Resources.



3. **CSEA #8768-01** – Members have a tuition reimbursement program for all management pre-approved relevant coursework completed with a minimum grade of **B**. The employee should send a memorandum to the appropriate Director requesting course approval and forward the approval to the Department of Human Resources for the employee's file. Official transcripts and paid tuition receipts should be forwarded to the Department of Human Resources as coursework is completed. Once the Department of Human Resources has approved your completed coursework, notification will be sent to the Director for initiation of a purchase requisition.
4. **DP Middle Management** – Members have a tuition reimbursement program for all management pre-approved relevant coursework completed with a minimum grade of **B**. The employee should send a memorandum to the appropriate Director requesting course approval and forward the approval to the Department of Human Resources for the employee's file. Official transcripts and paid tuition receipts should be forwarded to the Department of Human Resources as coursework is completed. Once the Department of Human Resources has approved your completed coursework, notification will be sent to the Director for initiation of a purchase requisition.
5. **Adult Nursing Instructors** – Upon completion of approved coursework, please complete Form 8004F.6 (*UPSEU/CSEA ANI Educational Incentive Request*). To access this form, type "https://docushare.esboces.org" in the internet browser address bar; click on *Forms* and then *Human Resources*. This form, along with official transcripts, should be forwarded to the Department of Human Resources.

If there are additional questions on professional advancement or educational incentive, contact the Department of Human Resources at [humanresources2@esboces.org](mailto:humanresources2@esboces.org).

**VIII. BENEFITS – Unless otherwise prohibited by Federal or State law, the following guidance describes ESBOCES benefits.**

Health insurance is offered to all full-time employees in accordance with the Affordable Care Act.

Life, Dental, and Disability insurance are available for full-time contract employees. **Appointments must be for a minimum of three months.** Health insurance is also available to some part-time contract employees. Optical coverage is available to members of some bargaining units (refer to your respective Collective Bargaining Agreement to determine eligibility).

**Change of Status** – If you have a change of status for yourself or any of your dependents (i.e., marriage, divorce, birth or adoption, death of a dependent, or a change in a dependent's student status), email [HRBenefits@esboces.org](mailto:HRBenefits@esboces.org) with your request.

**Change of Personal Information** – It is your responsibility to ensure that the Department of Human Resources always has your most current personal information. If you have a change of name, address, or telephone number, it is important that you complete Form 8004F.8 (*Employee Change of Personal Data*). To access this form, type "https://docushare.esboces.org" in the internet browser address bar; click on *Forms* and then *Human Resources*.

## A. Health Insurance

1. **Beginning Dates** – Eligible employees represented by UPSEU or certain non-represented employees will receive health insurance coverage beginning the first of the month as close to, but not more than, 90 days after their start date. Other employees begin their health insurance coverage the first of the month following their start date.
2. **Eligibility for Health Insurance Coverage** – Individual bargaining agreements define your eligibility for Health Insurance.
3. **End Dates** – Upon resignation, with at least two weeks' notice, health insurance coverage ends the last day of the month following your termination date. If you terminate employment without notice, health insurance will end the last day of the month in which you give notice.
4. **Lost or Stolen Cards** – For lost or stolen Empire or East End Health Plan insurance cards, email [HRBenefits@esboces.org](mailto:HRBenefits@esboces.org) with your request. For all other insurances, please contact the carrier directly.
5. **Open Enrollment** – You may request to change your health insurance plan once a year, during the month of November. Requests received during November become effective the following January. Contact the Department of Human Resources Benefits Office in writing in November of your desire to change your choice of plan. Off-cycle changes are possible only if there is a qualifying event.
6. **Eligible Dependents** – Dependents are defined as follows: spouses, children to age 26, and/or disabled children of any age. Documentation must be forwarded to the Department of Human Resources when you add a new dependent.
7. **COBRA** – If you and/or your dependents are no longer covered by insurance, (termination, dependent reaches maximum age, etc.), you can purchase this insurance, for a limited time, by emailing [HRBenefits@esboces.org](mailto:HRBenefits@esboces.org).
8. **Survivor Coverage** – Survivor coverage is provided for spouses and eligible dependents of deceased employees through the end of the third month following the date of occurrence for medical and dental insurances.

## B. Life Insurance

1. **Beginning and End Dates** – If elected, life Insurance coverage begins on the first of the month following your date of hire. Life Insurance coverage ends the last day of the month in which your employment ends.
2. **Supplemental Insurance** – Supplemental life insurance may be available to you through payroll deduction. Please refer to your Collective Bargaining Agreement for more information. Additional procedures are necessary if you apply for supplemental life insurance after your initial coverage period. Email [HRBenefits@esboces.org](mailto:HRBenefits@esboces.org) with your request.

- C. **AFLAC New York** – ESBOCES offers a voluntary cancer and accident plan through AFLAC New York. These plans are available as a payroll deduction option for all eligible employees. For enrollment and additional information, please contact Gavin Meier at 718-423-6000 x 214.

#### D. Dental Insurance

1. **Beginning and End Dates** – Dental insurance coverage begins on the first of the month following your date of hire. Dental Insurance coverage ends the last day of the month in which employment ends.
2. **Eligible Dependents** – Spouses, children, and stepchildren are covered under family insurance plans, which, in most cases, involves an additional cost through payroll deduction. Children and stepchildren under the age of 19, disabled children of any age, or full-time students under the age of 25 are covered. Full-time students ages 19 through 24 must verify, directly with the carrier, full-time student status each semester. Contact [HRBenefits@esboces.org](mailto:HRBenefits@esboces.org) to add or remove a dependent. Coverage may be reinstated if a child returns to full-time student status prior to their 25<sup>th</sup> birthday.
3. **Late Enrollee** – There are rules that apply if you choose to subscribe to a family dental insurance plan after your original eligibility period. Please contact [HRBenefits@esboces.org](mailto:HRBenefits@esboces.org) for more information.
4. **Survivor Coverage** – Survivor coverage is provided for spouses and eligible dependents of deceased employees through the end of the third month following the date of death.
5. **COBRA** – If you and/or your dependents are no longer covered by insurance (termination, dependent reaches maximum age, etc.), you may purchase this insurance, for a limited time. You will be notified by the dental insurance carrier.

#### E. Long Term Disability Insurance

1. **Beginning and End Dates** – Full Time Benefit Eligible employees are enrolled in ESBOCES' Long Term Disability policy on the first of the month following date of hire. Disability insurance coverage ends on the last day of active service. You must be out of work due to an illness or injury at least 90 consecutive days to qualify for the ESBOCES long-term disability insurance coverage. The full disability plan document can be found at <http://info/HR/Shared%20Documents/Forms/AllItems.aspx>. **ESBOCES does not carry short-term disability insurance.**
2. **Filing Requirements** – If your healthcare provider indicates that you will be out of work at least 90 consecutive days, contact the Department of Human Resources Benefits Office at 631-687-3180 for the procedures for filing for disability.

#### F. Workers' Compensation – On-the-Job Injuries – If you are injured in the performance of your duties at ESBOCES, the following steps must be taken:

1. Immediately notify your supervisor of the injury.
2. Complete Form 5320F.1 (*Employee Injury/Incident Report*) immediately and forward to your administrator for signature. To access this form, type "https://docushare.esboces.org" in the internet browser address bar; click on *Forms* and then *Administrative Services OR* access the form on the ESBOCES website (<http://www.esboces.org>) under the **For Staff** tab and select Workers Compensation Forms to ensure you are using the most current version.



3. Obtain medical attention, if necessary. You must advise your healthcare provider that you were injured on the job, making sure he/she will accept Workers' Compensation cases. Most healthcare providers and hospitals will accept direct payment from the carrier. Provide the following information regarding our Workers' Compensation Insurance carrier to your medical provider:

**The Travelers Insurance Companies**  
**PO Box 4614**  
**Buffalo, NY 14240**  
**Telephone: 1-800-987-4735**  
**Policy #UB 0N878392-23 51 K**

If you are absent as a result of the injury, you will be charged ½ Sick time and ½ Workers' Compensation time, provided your absence immediately follows your injury. If you are absent at a later date as a result of the job injury, you will need to provide medical documentation that the absence is a direct result of your injury. Medical documentation should be provided to HRMedicalnotes@esboces.org and workerscomp@esboces.org. ALL MEDICAL DOCUMENTATION MUST REFERENCE YOUR DATE OF INJURY. Working remotely in lieu of working in the office while an employee has an open Workers' Compensation case will be determined as per ESBOCES Workers' Compensation Insurance Plan Terms and Agency provisions.

If you are an employee who is awarded vacation days and you exhaust sick and personal time, you may request to use vacation days at ½ Vacation and ½ Workers' Compensation. The requirements for providing medical documentation remain the same.

Upon exhaustion of all available time, you must apply for disability coverage as explained in the benefit section of this booklet.

When you return to full duty and follow up appointments with your healthcare provider related to the injury need to be made, you shall make every effort to schedule these appointments after hours. Requests to utilize Workers Compensation time for appointments occurring after your return to full duty will require supporting medical documentation that verifies the appointment was a result of your injury, and will be reviewed on a case-by-case basis for approval.

Workers' Compensation hearings can occur several years after you are injured. When you are requested to attend a hearing regarding your injury, you will be charged ½ Sick time and ½ Workers' Compensation time, upon receipt of a copy of your notice of hearing. Please forward this copy to the Department of Human Resources, Attention: Attendance.

If, as a result of the hearing, ESBOCES is compensated for wages paid to you during your absence, you may be reimbursed for lost sick, personal, or vacation time (pro-rated according to the monetary compensation received). You will be notified in writing if any time reimbursement is due.

Several bargaining units within ESBOCES have a "No-Charge Workers' Compensation" clause in their Collective Bargaining Agreements. This clause generally covers lost time when an injury is the direct result of actions by students or parents/persons in parental relation. Adherence to the very specific guidelines outlined in this provision is imperative. Refer to your Collective Bargaining Agreement to determine if this clause is applicable. If so, familiarize yourself with the appendix hereto titled *No-Charge Workers' Compensation Guidelines*. All forms may be

accessed via the ESBOCES website (<http://www.esboces.org>) under the **For Staff** tab and select Workers' Compensation Forms to ensure that you are using the most current version. Contact the Department of Human Resources if you have any questions or need assistance.

**IX. RETIREMENT – Review your Collective Bargaining Agreement for specific notification requirements. If your Collective Bargaining Agreement does not contain specific notification requirements, you must notify ESBOCES as soon as possible so the Agency may address its staffing requirements.**

**When you have made the decision to retire, you must notify your supervisor and submit to the Department of Human Resources Form 8004F.15 (*Retirement Notification*).** As your retirement date approaches, you will receive an electronic package from the Department of Human Resources detailing your benefits into retirement, which includes an informative video.

- A. TRS –** Within five years prior to your anticipated retirement date, contact the NYS Teachers' Retirement System (TRS) directly to determine your eligibility to retire and your retirement benefits, to discuss options, and to calculate the compensation you may expect to receive as a retiree. You must be vested in TRS to be eligible to retire. In addition, proof of eligibility to retire (e.g., letter from TRS accepting the retirement) must be submitted to the Department of Human Resources.

Retirement counseling is available at the Instructional Support Center. You must make an appointment by calling 1-800-348-7298, extension 6100. You will receive a confirmation of this appointment by mail, and the appointment will take place utilizing a two-way computer hook-up between Albany and you.

You must complete and forward a retirement application at least 30, but not more than 90, days prior to the effective date of your retirement to TRS. These applications are available in the Department of Human Resources or via the TRS website at <https://www.nystrs.org>.

Members of TRS can log onto <https://www.nystrs.org/Retirement-Planning> to obtain further retirement information. You can also create an on line account under Active Members; My NYSTRS Login, which will enable you to view your personal information.

- B. ERS –** Within five years prior to your anticipated retirement date, contact the NYS and Local Retirement System (ERS) directly to determine your eligibility to retire and your retirement benefits, to discuss options, and to calculate the compensation you may expect to receive as a retiree. You must be vested in ERS to be eligible to retire. Consultations are by appointment only and must be scheduled by calling 1-866-805-0990.

You must complete and forward a retirement application at least 15, but not more than 90, days prior to the effective date of your retirement to ERS. These applications are available in the Department of Human Resources or via the ERS website at <https://www.osc.state.ny.us/retirement>.

If you are eligible to retire and are not a member of the Retirement System, you must provide documentation from Social Security that you have been approved for retirement benefits.

Members of ERS can log onto <https://www.osc.state.ny.us/retirement> to obtain further retirement information, which can be found in the Planning for Retirement section. You can also create a Retirement Online account, which will enable you to view your personal information.

- X. LEAVES OF ABSENCE** – In the following section of this Handbook, you will find important information about leave eligibility, benefits during your leave, seniority issues, salary placement, and other items affected by your leave that may be of concern to you. This Handbook is formulated in conjunction with Board policies, regulations, and Collective Bargaining Agreements. The contractual agreements with your bargaining unit include specific information regarding benefits and other issues. This Handbook is created in an effort to simplify some of this information and to inform you of your rights and benefits as an ESBOCES employee. If there is a conflict between the descriptions of benefits herein and in your Collective Bargaining Agreement, the contractual language governs. You are required to keep your immediate supervisor, as well as the Department of Human Resources, fully informed of your needs and plans so that a smooth transition can be attained and Agency program requirements can be addressed.

Each Collective Bargaining Agreement specifies the types of leaves available to each member. All leaves of absence require formal Board approval. Therefore, it is necessary for you to put your request for leave in writing, stating the reason for the requested leave. In all cases, you are required to provide documentation indicating the necessity for the leave. You will be notified in writing when the Board has approved your leave.

- A. End of Leave** – Please notify the Department of Human Resources at least one month prior to the end of your scheduled leave whether you will be returning to your position, extending your leave, or resigning. Upon returning from a leave of absence, you must notify the Payroll Department to reactivate your direct deposit if all information remains the same. **Submit new direct deposit forms if direct deposit information has changed.**

**B. Benefits Common to All Leaves**

1. **Seniority** – While you are on payroll, your seniority is not affected. Once you are on an unpaid leave of absence, you may not continue to accrue time; therefore, it may cause a change in your seniority status.

For all instructional employees (including all paraprofessionals), your seniority date is adjusted based on the length of your unpaid absence, except for Military Leave. For specific details, please review your Collective Bargaining Agreement or contact the Department of Human Resources.

The Civil Service Laws applicable to those holding competitive Civil Service titles require that the original appointment/retention date be maintained during approved unpaid leaves of absence. For more information, contact the Suffolk County Department of Human Resources, Personnel & Civil Service directly. In certain Collective Bargaining Agreements, this provision also applies to all non-competitive employees.

2. **Salary Placement** – While on a leave of absence, you retain your salary level. However, in job categories with salary steps, you will not advance unless you have worked for a minimum of one semester in the school year of the leave and in the year prior to your leave. Upon returning to work, your salary will be adjusted to the current school year contractual rate.
3. **Benefits** – You may be covered for certain benefits under the Family Medical Leave Act (FMLA), if eligible. If ineligible for FMLA, you can pay (full premiums) to continue your benefits while on approved leave of absence. Please refer to Policy 5352 (*Family and Medical Leave Act*) in the Appendices of this Handbook.

4. **Returns from Leaves of Absence (BEES/BEES Paras)** – Employees scheduled to return from approved leaves of absence must notify the Department of Human Resources, in writing, confirming their intention to return at the conclusion of their current leave, or requesting an extension of said leave, on or before August 1 of each school year, or 30 days prior to their scheduled date of return, if they are scheduled for a return at a time other than the beginning of a school year.

Employees who do not respond as indicated will be subject to departmental review of staffing needs upon their request to return. The leaves for such employees will be continued until student enrollment supports their return or until commencement of the next school semester.

### C. Types of Leaves

This section is designed to explain leaves common to most bargaining units. Some bargaining units have other types of leaves that are not specified in this Handbook and which may be approved by the Board. Please refer to your Collective Bargaining Agreement for further leave eligibility.

Information concerning employee insurance benefits may be obtained by emailing the Department of Human Resources Benefits Office at [HRBenefits@esboces.org](mailto:HRBenefits@esboces.org).

Information regarding sick leave, leaves of absence, or any other concern may be obtained by contacting the Department of Human Resources at 631-687-3005.

1. **Child Rearing Leave of Absence** – Child rearing leave is available to any parent immediately following the birth or adoption of a child. Many parents choose to remain at home and care for their children during their early years, and all ESBOCES contracts provide for unpaid leaves of absence for use by male and female parents. During the period of medical disability due to pregnancy, an employee may remain on payroll utilizing any available sick and personal time accumulated. Under normal circumstances, and with medical verification, an employee is generally treated as disabled for up to six weeks following a normal delivery or up to eight weeks following a Cesarean delivery. After the birth of your child, please provide to the Department of Human Resources a note from a healthcare provider indicating the date and type of delivery and the anticipated length of your medical disability so that we can determine your eligibility to remain on payroll. Vacation time, if applicable, may be requested to extend this time on payroll.

Per certain Collective Bargaining Agreements, 60-days' advance notice is requested for child rearing leaves. Although you are eligible for two years of leave, we suggest you make application for six months at a time. In some cases, such as with classroom personnel (Teachers, Aides, and Teaching Assistants), the scheduled return from a leave of absence must be at the beginning of a semester break or school year. In other cases, the scheduled return date can be planned in concert with your immediate supervisor.

The provisions of the Family Medical Leave Act (FMLA) may also affect your health-related benefits (health, dental, and optical insurance) if applicable, during the leave. Life and disability insurance will stop at the end of the month in which you come off payroll.

2. **Disability/Medical Leave of Absence** – All salaried employees may be eligible for a Disability/Medical Leave of Absence for up to two years. During your period of disability, you

may remain on payroll using all accumulated sick, personal, and vacation time. After three months, or upon exhaustion of all accumulated time, you are eligible to apply for Long Term Disability (LTD). If your LTD claim is approved by the insurance carrier, you may receive a benefit of 66  $\frac{2}{3}$ % of your contract salary, up to \$7,000 per month (inclusive of any other benefits). At the expiration of the Disability/Medical Leave of Absence, salaried employees may be eligible for additional leave and/or other possible accommodations in accordance with applicable laws.

In addition to applying for disability insurance, you must submit a letter requesting a medical leave and substantiate the necessity with medical documentation.

The provisions of the Family Medical Leave Act (FMLA) may also affect your health-related benefits (health, dental, and optical insurance) if applicable, during the leave. Life insurance will end at the end of the month in which you come off payroll, and disability insurance will end on the last day of active service.

Those eligible for LTD must apply for Social Security benefits, and any benefit you may receive from Social Security or other qualified sources will be used to offset the disability award. Certain exceptions may apply if you are over age 60 when you become disabled. Please refer to your employee LTD booklet for further information.

If you are covered under the Empire Plan or the East End Health Plan, you may be eligible for a waiver of premium if you are on a Board-approved unpaid leave for at least three months. This enables you to be covered for health insurance while you are not actively on payroll. Waivers may be granted for a maximum of one year. If you are still unable to return to work at the end of the approved waiver period, you are eligible to continue your health insurance at your own expense for the duration of your leave. If you are covered under any other health insurance plan not specified above, you may continue your health benefits at your expense during your leave.

You may be eligible for a waiver on your life insurance premium if you become disabled before age 60 and if you have met the required elimination period of six months. Please refer to your life insurance booklet or email [HRBenefits@esboces.org](mailto:HRBenefits@esboces.org) for more information.

All other benefits will cease the end of the month in which you come off payroll. You may continue optical and dental insurance at your own expense. All benefits will be reactivated upon your return from leave.

3. **Educational Leave of Absence** – Certain Collective Bargaining Agreements provide for educational leaves for up to one year. We recommend that you submit a request in writing 60 days prior to your leave. Your health insurance benefits will remain in effect until the last day of the month following your last day on payroll. All other benefits cease at the end of the month in which you come off payroll. You may continue certain benefits during your unpaid leave of absence at your own expense. All benefits will be reactivated upon your return from leave.
4. **Personal Leave of Absence** – An unpaid personal leave of up to one year is usually granted to care for an ill family member, or for extenuating circumstances, which may be approved by the Chief Operating Officer or designee. We recommend that you submit a request in writing 60 days prior to your leave.



Your health insurance benefits will remain in effect until the last day of the month following your last day on payroll. All other benefits cease at the end of the month in which you come off payroll. You may continue certain benefits during your unpaid leave of absence at your own expense. Certain types of personal leave, which may be approved by the Chief Operating Officer or designee, may be FMLA eligible. All benefits will be reactivated upon your return from leave.

5. **Military Leave of Absence** – Military leave of absence is available to all ESBOCES employees. Such leave will be for the duration of ordered military duty.

Absence for military duty is not considered an interruption of employment; therefore, salary and seniority will be reinstated upon an employee's return from military leave as if the employee had been actively at work.

6. **Cancer Screenings** – Full-time employees who undergo screening for cancer will be eligible for a one-time leave occurrence of up to four hours per fiscal year (September 1 – June 30 for 10-month employees; July 1 – June 30 for 12-month employees).

Full-time employees will be charged sick/personal time until properly completed Form 8004F.26 (*Cancer Screening Appointment Verification*) is received in the Department of Human Resources (Attention: Attendance). This form is located at <https://docushare.esboces.org> (click on *Forms* and then *Human Resources*). All information requested on the form must be provided.

7. **Blood Donation** – ESBOCES shall allow its employees, without use of accumulated leave time, to donate blood during work hours, at an ESBOCES onsite location, at least two times per year at a convenient time and place set by the District Superintendent, Chief Operating Officer, or designee.

ESBOCES shall not retaliate against an employee for requesting or obtaining a leave of absence under this section. Additional leaves for the purpose of blood donation under any other provision of law shall not be prevented.

8. **Bone Marrow Donation** – Employees seeking to undergo a medical procedure to donate bone marrow shall be granted leaves to do so, the combined length of the leaves to be determined by the healthcare provider, but may not exceed 24 work hours unless agreed to by the District Superintendent, Chief Operating Officer, or designee. ESBOCES shall require verification for the purpose and length of each leave requested by the employee for this purpose. Leave taken under this policy will be unpaid, but employees may use their accumulated leave time. ESBOCES will not tolerate retaliation against an employee for requesting or taking bone marrow donation leave.

9. **Nursing Mothers** – ESBOCES shall provide reasonable unpaid break time or permit the use of paid break time or meal time each day to allow an employee to express breast milk for the nursing child for up to three years following childbirth. ESBOCES shall make reasonable efforts to provide a room or other location in close proximity to the work area where the nursing mother can express milk in privacy. ESBOCES shall not discriminate against an employee who chooses to express breast milk in the workplace.

Reasonable unpaid break time is generally no less than 20 minutes and no more than 30 minutes dependent upon on the proximity of the designated location for expressing breast milk. In most situations, ESBOCES is required to provide unpaid break time at least once

every three hours if requested by the employee. At the employee's option, ESBOCES shall allow the employee to work before or after their normal shift to make up the amount of time used during the unpaid break time(s) so long as such additional time requested falls within ESBOCES normal work hours. ESBOCES will provide this break time for up to three years following the birth of a child.

ESBOCES shall provide written notice to employees who are returning to work following the birth of a child of their right to take unpaid leave for the purpose of expressing breast milk. Such notice may either be provided individually to affected employees or to all employees generally through publication of such notice in the Employee Handbook or posting of the notice in a central location.

Any employee wishing to avail themselves of this benefit is required to give ESBOCES advance notice, preferably prior to their return to work, to allow ESBOCES an opportunity to establish a location and schedule leave time to accommodate employees as needed. The employee should discuss with their building administrator or program administrator the location to express breast milk and for storage of expressed milk and make any other necessary arrangements.

10. **Victims of Domestic Abuse** – ESBOCES will provide employees with an unpaid leave to appear as a witness, consult with the District Attorney, or exercise the employee's statutory rights as the victim of, or witness to, a crime of domestic violence. In addition, a victim of domestic violence may need one or more of these types of leave.

To use this leave, the employee shall provide notice of the need for leave at any time prior to the actual day of leave. Employers are permitted to ask the employee who sought the attendance or testimony of the employee to provide verification of the employee's service. Penalizing or discharging an employee for absences by reason of a required appearance as a witness in a criminal proceeding, consultation with the District Attorney, or exercising their rights as provided under the law constitutes a Class B misdemeanor by the employer.

11. **Military Spouse Leave** – An employee who works an average of 20 or more hours per week, who is the spouse of a member of the United States armed forces, national guard, or reserves who has been deployed during a period of military conflict (to a combat zone of operations or a combat theater) may be allowed up to 10 days of unpaid leave to use when their spouse is on leave. An employee who qualifies for this provision may request approval to use vacation or personal time for leave. An employee who seeks leave under this policy may be required to provide documentation to support their request.

For purposes of this policy, "period of military conflict" means a period of war declared by the United States Congress, or in which a member of a reserve component of the armed forces is ordered to active duty.

ESBOCES will not retaliate or tolerate retaliation or harassment against employees for requesting or taking military spouse leave.

12. **Volunteer Emergency Responder Leave** – Eligible employees will be allowed time off from work to perform duties as a volunteer firefighter or member of a volunteer ambulance service during a declared state of emergency, unless providing the leave would impose an undue hardship on ESBOCES business operations.

To be eligible for leave under this policy, employees must have previously provided ESBOCES with written documentation from the volunteer fire department or ambulance service notifying ESBOCES of the employee's status as a volunteer firefighter or volunteer ambulance service member, and the employee's volunteer duties must be related to the declared emergency.

Leave under this policy will be unpaid except that employees who qualify for this leave may request approval to use accrued vacation or personal time.

ESBOCES may request certification of the need for leave in the form of a notarized statement from the head of the fire department or ambulance service certifying the time period that the employee's volunteer services were required.

13. **Adoptive Parents Leave** – Employees who are adoptive parents will be permitted to take leave under the same terms as leave provided to biological parents, for the adoption of a child upon the start of the parent-child relationship. Leave will only be granted to employees who adopt children of preschool age or younger, or who adopt children under the age of 18 who are considered "hard to place" or handicapped under New York law.

For further information or to request leave under this policy, contact the Department of Human Resources.

## **XI. SAFE WORKPLACE**

The ESBOCES Health and Safety Office administers comprehensive school safety and health programs for ESBOCES buildings and Suffolk County School Districts. Our office staff assists administrators, faculty, and staff with reducing employee and student accidents and injuries, exceeding government environmental and occupational health and safety standards, and "optimizing each child's and employee's right to an environmentally safe and healthy learning environment which is clean and in good repair."

In order to keep ESBOCES in compliance with all applicable OSHA regulations, it is imperative that no chemical-containing items be brought in from home. This would include, but not be limited to: dish soap, hand soap, glues, white out, window cleaners, polishers, computer cleaners, pesticides, etc. The only items that are permitted in class, bathrooms, and faculty rooms are those issued through ESBOCES, and storage of these materials should be in such a manner as to not allow for unauthorized and/or unsupervised use.

The Health and Safety Office also coordinates the ESBOCES Safety Committee. The mission of the Safety Committee is to have all employees of ESBOCES recognize, understand, and promote safety and health in order to reduce accidents and improve safety. On ESBOCES grounds and roadways entering and exiting ESBOCES locations, please always obey the posted speed limit and traffic control signs. The Safety Committee meets on a regular basis to support the Agency's health and safety needs. Committee members appreciate your input. For further information, contact the Health and Safety Office at 631-472-8785.



## **A. ESBOCES Identification System**

1. **ID Cards** – A photo identification card system is utilized for all full-time, permanent ESBOCES employees and Board Members.

**All ESBOCES employees must utilize their identification cards for entry into all buildings and must display their identification cards at all times during working hours.**

2. **Visitor Management System** – A visitor management system has also been initiated throughout ESBOCES locations. All visitors must follow Federal, State and local laws and regulations and ESBOCES policies, regulations and procedures regarding health and safety protocols. Some basic procedures involved are as follows:
  - A temporary visitor pass is issued to all visitors (which may include parents/persons in parental relation, outside contractors, sales/repair people, or union representatives).
  - The visitor will be asked to produce a driver's license to verify their identity. In the absence of a driver's license, another form of identification will be accepted.
  - The visitor should display the Temporary Visitor Pass at all times while in the building.
  - A pass is to be used only for the date indicated on the pass.
  - The main office/receptionist will notify the employee/office/classroom to be visited and announce the visitor.
  - At the discretion of the building administrator, the visitor will wait for an escort before leaving the main office/reception area, or the visitor will be given directions to the employee/office/classroom to be visited.
  - When leaving the building, the visitor should return the pass.

- B. Obtaining Information and Assistance on Health and Safety Issues** – ESBOCES safety and security policies are located on the ESBOCES website (<https://docushare.esboces.org> – click on *Policies*) or may be obtained by contacting your building administrator.

Additional safety and health information and procedures are available in the following written programs located at your building and/or available through your program office:

Right-to-Know/Hazard Communication Program  
Exposure Control/Blood borne Pathogen Program  
Project SAVE/School Emergency/Disaster Preparedness Plan  
Lockout/Tagout Program  
Asbestos Management Plan  
Personal Protective Equipment Program  
Pesticide Notification (409H Ed. Law)

The Health and Safety Office and its qualified staff are available to support each ESBOCES building and program as needed, either through technical assistance or site visit. This office can be reached at 631-472-8785. These support services are available to all ESBOCES employees upon request of the building administrator.

## **XII. ANNUAL INFORMATION POSTINGS AND PUBLIC NOTIFICATIONS**

### **A. Fifth Disease Exposure**

1. When a case of Fifth Disease is detected in any of our buildings, a general announcement will be made to all employees in the affected building.
2. The action to be taken by a pregnant employee will be determined by the employee in consultation with the employee's healthcare provider.

### **B. Hepatitis B**

1. In the event that potential transmission of Hepatitis B has occurred to an employee, ESBOCES will authorize an immune globulin inoculation of the affected person: (a) following consultation with the Suffolk County Department of Health Services and employee's healthcare provider, and (b) at the request of the affected employee.
2. Administration of the immune globulin is to be done as rapidly as possible following the potential transmission (and certainly within 48 hours).
3. Form 4532F.4 (*Hepatitis B Vaccination Authorization*) is available by typing "<https://docushare.esboces.org>" in the internet browser address bar; click on *Forms* and then *Human Resources*.

### **C. Pesticide Notification** – New York State Education Law Section 409-H, effective July 1, 2001, requires all public and nonpublic elementary and secondary schools to provide written notification to all persons in parental relation, faculty, and employees regarding the potential use of pesticides periodically throughout the school year.

ESBOCES is required to maintain a list of persons in parental relation, faculty, and staff who wish to receive 48-hour prior written notification of certain pesticide applications. The following pesticide applications are not subject to prior notification requirements:

- a building remaining unoccupied for a continuous 72 hours following an application;
- antimicrobial products;
- nonvolatile rodenticides in tamper-resistant bait stations in areas inaccessible to children;
- nonvolatile insecticidal baits in tamper-resistant bait stations in areas inaccessible to children;
- silica gels and other nonvolatile ready-to-use pastes, foams, or gels in areas inaccessible to children;
- boric acid and disodium octaborate tetrahydrate;
- the application of EPA-designated biopesticides;
- the application of EPA-designated exempt materials under 40 CFR 152.25; and

- the use of aerosol products with a directed spray in containers of 18 fluid ounces or less, when used to protect individuals from an imminent threat from stinging and biting insects, including venomous spiders, bees, wasps, and hornets.

In the event of an emergency application necessary to protect against an imminent threat to human health, a good faith effort will be made to supply written notification to those on the 48-hour prior notification list.

If you would like to receive 48-hour prior notification of pesticide applications that are scheduled to occur in your building, please complete the Pesticide Notification form, which can be obtained from the Operations and Maintenance Office at 100 Barton Avenue, Patchogue, NY 11772.

Please feel free to contact the Director of Facilities, the ESBOCES pesticide representative, at 631-472-8771 for further information on these requirements. You may also fax your request for further information to the Director of Facilities 631-472-8795.

- D. AHERA Notification Compliance** – ESBOCES is required annually to notify the public of AHERA inspection information as follows:

**INFORMATION ABOUT ASBESTOS-CONTAINING BUILDING MATERIALS, PURSUANT TO AHERA, SECTION 40, CFR 763.84(c), 763.93(d) AND 763.93(g)(4), IS ON FILE IN THE DISTRICT MANAGEMENT PLAN AND IS AVAILABLE FOR REVIEW WITH THE COMPLIANCE OFFICER, IN THE OPERATIONS AND MAINTENANCE OFFICE AT 100 BARTON AVENUE, PATCHOGUE, NY 11772.**

Buildings in ESBOCES undergo a rigorous inspection process to ensure that all of our buildings provide a safe and healthy environment for our students and staff.

### **XIII. OPERATIONAL PROCEDURES**

- A. Emergency Closings** – The Chief Operating Officer (or designated alternate) will initiate the *Blackboard Connect* system to notify designated ESBOCES employees in the event of emergency closings.

When classes are scheduled to be in session, all staff is advised of any closings via the *Blackboard Connect* automated emergency notification system. Employees should report to their workplace unless notified to the contrary.

You may also check the ESBOCES bulletin board (631-244-4002), TV Channel 12 News website (<http://www.longislandnews12.com> – click on the *School Closings* link), ESBOCES website (<http://www.esboces.org>), and ESBOCES *Facebook*, *Twitter*, and *Instagram*.

Specific procedures are determined by each program and/or department. Refer to documentation from your supervisor regarding procedures to follow during school closing and/or delayed opening and/or early dismissal.

During inclement weather, please drive carefully. Roads and parking lots can be slippery due to snow and ice. Also, please remember to wear appropriate footwear for the winter inclement weather. Some surfaces may be icy or uneven, so please use caution when walking.

## **B. Inclement Weather and Emergency Closing Procedures**

### **1. School Closings**

**ESBOCES Programs** – In the event that ESBOCES is closed, students and staff do not report to school. Parents/persons in parental relation and all staff will receive a notification regarding school closing through the *Blackboard Connect* System. Parents/persons in parental relation and staff are also advised to check with television networks, and ESBOCES website.

**Included Districts Programs** – In the event that ESBOCES is open and the Included District is closed, students do not report to school. If staff members who are assigned to included sites are informed of the district closing prior to 8:00 p.m. the night before, they are to report to the home site of the program. If they are informed of the district closing after 8:00 p.m. the night before the closing, they do not need to report.

**Itinerant Related Service and Special Subject Teachers** – Staff with split assignments (ESBOCES and District locations) are to follow the procedures in the opening day packets they received from their Program Administrator. Staff assigned to local districts full-time should follow the established procedures.

### **2. Delayed Openings**

#### **ESBOCES Programs**

- In the event that ESBOCES has a delayed opening, both ESBOCES students and full-time staff will report in accordance with their department's procedures. The closing hours of each site will remain consistent with the standard closing time for that individual site.
- Parents/persons in parental relation and all staff will receive a notification regarding school closing through the *Blackboard Connect* System. Parents/persons in parental relation and staff are also advised to check with television networks, and ESBOCES website.
- For buses not arriving at your site, please confirm with individual bus companies whether they are transporting students.
- During inclement weather, please drive carefully. Roads and parking lots can be slippery due to snow and ice. Also, please remember to wear appropriate footwear for inclement weather. Some surfaces may be icy or uneven, so please use caution when walking.

#### **Included Districts Programs**

- In the event of a delayed opening in an included district site when ESBOCES is open, both ESBOCES students and full-time staff will report in accordance with their department's procedures. The closing hours of each site will remain consistent with the standard closing time for that individual site.

- Staff assigned part-time to multiple sites are to report to the site experiencing the delayed opening in accordance with their department's procedures, or to their next scheduled assignment, whichever occurs first.
- It is imperative that Principals review these procedures and advise parents/persons in parental relation, in writing, how a delayed opening will affect their child's school. Principals will use the emergency telephone chain to advise staff of the delayed opening. Parents/persons in parental relation should be advised, in writing, to check television networks for specific district emergency closing information.

### 3. Early Dismissals

#### **ESBOCES Programs and District Included Sites**

- If ESBOCES closes school before 10:30 a.m., morning buses will return to pick up students and bring them to their home/home district. Full-day students are returned home. CTE am students are returned to their home district. SCE am students are returned home.
- If ESBOCES closes after 12:00 p.m., afternoon buses will report to the facilities and transport students to their homes/home districts. Full-day students are returned home. CTE pm students are returned to their home district. SCE pm students are returned home.
- For dismissals after 12:00 p.m., students located at large campuses must be in the building where they are normally in when picked up to go home. Central Administration will release staff to go home after ALL campus students have been dismissed, when approved by the Chief Operating Officer.
- Campuses that house multiple buildings/programs will all be closed together.
- Itinerant teachers assigned to school district locations are required to follow the calendar and emergency cancellation procedures of the districts to which they are assigned.

For specific start and end times, ESBOCES staff are to refer to their Department's procedures.

**C. Travel Pay** – When official travel with a personal vehicle has been authorized, mileage reimbursement shall be made at the IRS mileage rate in effect on the date(s) of travel and in compliance with Policy 5211 and Regulation 5211R.1 (both entitled *Expense Reimbursement – Employees*). An Expense Voucher Form 5211F.2 (*Expense Voucher*) (located on *DocuShare*; type “<https://docushare.esboces.org>” in the internet browser address bar; click on *Forms*, then *Business Services*, and then *Purchasing, Contracts, Accounts Payable*) must be filled out with destination and mileage and signed by the appropriate supervisor, then forwarded to the Business Services Office. Employees should submit their expense vouchers **monthly**. Employee expense reimbursements can be directly deposited into your bank account. Please complete Form 5211F.3 (*Direct Deposit Authorization for Employee Expense Reimbursement*) (located on *DocuShare*; type “<https://docushare.esboces.org>” in the internet browser address bar; click on *Forms*, then *Business Services*) and submit to the Department of Business Services to initiate direct deposit of your expenses.

## D. Legal Documents

To ensure adherence to the proper procedure for acceptance of and response to legal documents (including, but not limited to, subpoenas, FOIL requests, and Orders of Protection), all individuals attempting to deliver legal documents should be directed to the Hines Administration Center. The following employees are authorized to receive service of legal documents:

1. Associate Superintendent for Management Services;
2. Director of Administrative Services;
3. Secretarial Assistant and Senior Office Assistant in the Department of Administrative Services;
4. Executive Assistant in the Office of the District Superintendent/Chief Operating Officer; and
5. Any Administrative Council member housed in the Hines Administration Center.

## E. Petty Cash (Policy 4450)

**Purpose** – Petty cash is to be used **only** for the acquisition of those unanticipated items that require an immediate cash payment and can be purchased locally. *IT SHOULD NOT BE USED AS A MEANS TO CIRCUMVENT THE PROPER PURCHASING PROCEDURES FOR VARIOUS ITEMS.* In all cases, petty cash purchases must be pre-approved and individual purchases should not exceed **\$25**.

**Establishment** – Petty cash accounts are established by Board resolution in July. The initial check to establish an account and all reimbursement checks will be made payable to the custodian of the account (i.e., *John Doe, Custodian of Petty Cash*).

**Security** – Cash must be kept in a locked metal box at all times and stored in a locked cabinet or desk drawer or ideally in a safe if available. The keys to the box and cabinet or desk should be available **only** to the custodian or designee and access to the contents of the petty cash fund limited **only** to these individuals.

**Disbursement** – The petty cash custodian or their designee is responsible for the maintenance and disbursement of petty cash funds on a daily basis.

An individual requesting a reimbursement from a petty cash account must submit a paid receipt for the **pre-approved** expenditure made. A **pre-numbered** petty cash receipt must be completed, approved by the fund's custodian or designee and signed, using a full signature by the person receiving the reimbursement. Petty cash receipt books are available through the Business Office.

It is recognized that in certain circumstances, although not sound business practice, it may be necessary to disburse an amount from petty cash to make a purchase. In such case, a detailed notation/record of the amount, date and to whom the cash was given must be made with an immediate follow-up for any unresolved transaction.

**Replenishment and Close Out of Petty Cash** – The petty cash custodian should complete Form 4450F.1 (*Request for Petty Cash Reimbursement*) located on *DocuShare* (type "<https://docushare.esboces.org>" in the internet browser address bar; click on *Forms*, then *Business Services*, and then *Purchasing, Contracts, Accounts Payable*). Send completed form



to Accounts Payable. In June, a memo directing the petty cash custodian to forward the petty cash close is sent out. Use the same form to close out the petty cash fund along with any unspent funds to equal the original disbursement amount. The memo will direct where the close out documents should be sent.

**Sales Tax** – It is the practice of the Agency, in compliance with New York State Law, **NOT** to reimburse for sales tax. In instances where sales tax could be charged, the employee should obtain a tax-exemption letter and provide it to the vendor when making the purchase. This letter should be obtained from the fund's custodian or designee at the time that a pre-approval is given.

**F. Reimbursement for Expenses** – Employees must follow Policy 5211 and Regulation 5211R.1 (both entitled *Expense Reimbursement – Employees* and included in the Appendices of this Handbook) concerning reimbursement for expenses. Form 5211F.2 (*Expense Voucher*) is located on *DocuShare* (type "<https://docushare.esboces.org>" in the internet browser address bar; click on *Forms*, then *Business Services*, and then *Purchasing Contracts and Accounts Payable*).

**G. Inquiries From the Press** – Inquiries from the press are to be responded to through the Office of the Chief Operating Officer or the Office of Communications in accordance with Board Policy. The proper process for handling such inquiries is as follows:

1. When a call is received from the press, staff is to take a message regarding the nature of the inquiry, and the name and phone number of the reporter. Staff should not offer any information to the reporter except to indicate that "a representative from the Agency will respond to the call."
2. If the inquiry is in regard to media coverage for an event, the information should be sent immediately to the Office of Communications at 631-687-3267, which will coordinate with the Program Administrator.
3. If the inquiry is related to a crisis situation, request for information, or a request for a statement from the Agency, the information must be sent immediately to the office of the Chief Operating Officer.

#### **XIV. MISCELLANEOUS**

**A. Certification** – A Regional Certification Office is located at the Hines Administration Center. This office acts as a liaison between an individual seeking certification and the New York State Education Department, Office of Teaching Initiatives.

Inquiries regarding teaching, administrative, pupil personnel, teaching assistant, and coaching certificates should be addressed to this office. You may contact the Regional Certification Office at 631-687-3020 or [teachercert@esboces.org](mailto:teachercert@esboces.org).

All applications for certificates must be submitted via your TEACH account at <http://www.highered.nysed.gov/tcert>. Information regarding testing can be found online at <http://www.nystce.nesinc.com>. Evaluations for most certificate titles may be processed through this office. Other information related to certification is also available.

All Teaching Assistants employed by ESBOCES must be certified. Individuals being hired as Teaching Assistants should contact the Regional Certification Office for information on how to apply for their certificate, as well as what testing is needed to become certified. Requirements for [Teaching Assistant Certificate Instructions](#).

Please refer to the Teaching Assistant Certification flyer in the *Appendices of this Handbook*. You may also contact the Regional Certification Office at 631-687-3020

- B. Employee Assistance Program** – ESBOCES offers an Employee Assistance Program to help employees and their families who are facing problems in their lives. This office offers referral services for marital problems, alcoholism, drug abuse, and many problems that could confront a person.

Please utilize the program if necessary. For further information on the Employee Assistance Program, please call 631-289-0480 or access information on the services offered via the ESBOCES website (<https://www.esboces.org>). All calls remain confidential.

## **XV. INSTRUCTIONAL STAFF**

- A. Staff Meetings** – Periodically, administrators will arrange for staff meetings. It is expected that employees will adjust their schedules accordingly and attend. It is the professional responsibility of all employees to attend evening meetings outside of the school day called by ESBOCES in which the instruction of students is discussed.
- B. Staff Hours** – When it is found necessary to use employees for non-instructional duties to protect student health and safety, supervise the lunchroom, playground, and bus arrival and departure, these duties will be equally distributed. It is expected that all employees will adjust beyond their hours should the occasion demand it.

All employees will sign in upon arriving and sign out upon leaving their respective facilities.

An employee may leave the facility only during their lunch break. The employee must sign in and out in the main office.

### **C. Itinerant Staff**

Staff members in the following titles are considered Itinerant and, therefore, can be assigned at the discretion of ESBOCES as needed:

- Curriculum Teachers/CTE Academic Teachers
- ESL Teachers (excludes Adult Education Staff)
- Guidance Counselor
- LOTE Teachers
- Instructional Technology Teacher
- School Counselor
- School Psychologist
- School Social Worker
- Teacher of Art
- Teacher of Health
- Teacher of Home Economics/Technology
- Teacher of Music
- Teacher of Physical Education
- Teacher of the Blind & Visually Impaired/Mobility
- Teacher of the Deaf & Hearing Impaired
- Teacher of the Speech & Hearing Handicapped
- Work Experience Coordinator



Itinerant Staff assignments may change from year to year and/or during a given school year. Staff in these titles may submit requests for specific assignments which will be considered during the annual process of scheduling the assignments of itinerant staff. An Assignment Preference Form will be distributed to Related Service and Special Subject staff in May so that, should an assignment change be necessary, location preference will be considered. Completion of this form does not ensure placement in the preferred location, nor does it indicate that an assignment change will occur.

September assignments are reviewed based upon student and program needs and aligned with staff preferences as requested. The following are considered in staff placement and subsequent movement if needed during the school year:

- student need,
- specialized staff skills (DASA, CPI, PECS/PROMPT training, health certification);
- Medicaid aidable eligibility (licensed Psychologist, LCSW, or SLP) based upon size of program and percentage of Medicaid eligible identified students;
- staff preference;
- support specialized to new staff.

Letters are mailed to staff indicating placement one week prior to the start of the school year. If employees are moved outside of their chosen preferences, they are contacted by an administrator to discuss the placement. If changes are needed after initial placement, one week's notice is observed prior to the start of the new placement. The Association Vice President for Itinerants will be notified simultaneously.

Revised 12-7-2015 (BEES Pro-Practice Meeting)

- D. Telephone Calls** – Telephone calls to all employees during the school day will be taken in the office, and a message will be emailed to the employee, placed in the employee's mailbox, or hand delivered to the employee. Only in cases of emergency will the employee be called from the classroom to take a phone call. In such cases, arrangements will be made for someone to cover the employee's assignment so that no students are left unsupervised.
- E. Professional Development** – All certificated instructional staff is expected to complete professional development hours according to their contractual and/or NYSED certification requirements. It is the responsibility of each employee to choose professional development appropriate to their assignment. Please refer to the *Help* icon or *My File Library* in *Frontline* (formerly known as *MyLearningPlan (MLP)*) for assistance with tracking your professional development, as well as your Collective Bargaining Agreement for additional information (excludes Adult Education Staff)

For professional visitations or meetings not included in *Frontline*, you should complete Form 5150F.8 (*Professional Day Request*) and forward to your immediate supervisor at least two weeks prior to the day requested. To access this form, type "<https://docushare.esboces.org>" in the internet browser address bar; click on *Forms* and then *Educational Services*.

- F. Instructional Staff Responsibility Regarding Use of Substitutes** – When a teacher is aware of the fact that he/she will be absent (personal days, workshops, etc.), the teacher should leave detailed instructions specifically outlining the agenda and student/staff needs for the school day. Program procedures should be followed when developing substitute lesson plans.

**G. Lesson Plans** – Planned lessons are essential for effective instruction. Lesson plans should include consideration of student ability and the difficulty of subject matter. Lesson plans should be completed in detail for one week in advance. They should be as comprehensive as possible in order to build a better curriculum for students and should:

- be NYS standards based;
- provide structure to the daily routine;
- demonstrate a well-organized, integrated, and sequenced curriculum for each student;
- support meeting long-term goals and short-term objectives for each student;
- indicate interesting and dynamic lessons;
- assist substitutes by providing them with current instructional plans for students; and
- assist all involved employees by providing them with specific activities for when they are assigned to that class.

Please note that employees should follow any existing age/grade appropriate curricula for the program.

**H. Substitute Evaluations** – The instructional staff is encouraged to complete an evaluation for all substitutes (Form 5152F.2 (*Substitute Feedback*)). To access this form, type “<https://docushare.esboces.org>” in the internet browser address bar; click on *Forms* and then *Human Resources*.

**I. Student Attendance (Policy 6110)** – The Board recognizes that regular attendance is a critical factor in students’ academic, social, and vocational success leading to the achievement of their life goals and has adopted Policy 6110 (*Student Attendance*) aimed at encouraging full attendance by all students. Please refer to Policy 6110 in the *Appendices of this Handbook*.

## **J. Employee/Student Accidents/Emergency Procedures**

**Student Accidents and Emergencies** – In the event of a serious accident or other student emergency, the classroom teacher should notify the nurse, the center coordinator, and the program administrator. If there is no nurse, coordinator, Assistant principal, or Principal in the facility, dial 911, then the appropriate administrative personnel.

1. Supervision should be provided for the remaining students in the group.
2. The nurse shall call the parent(s)/person(s) in parental relation and notify them of the problem and what actions are occurring.
3. A log indicating the time of injury, the time phone calls are made, the times that services were rendered to the injured, etc., should be made by the teacher.
4. Teachers and/or nurses who are employed by ESBOCES should not transport an injured or ill student due to the problem regarding liability in case of an accident. In all instances of injury or illness, the procedures have been worked out whereby a student can be returned

to their home or to the hospital in case of an emergency. The building administrator must arrange student transportation. Following this, the nurse should telephone the parent(s)/person(s) in parental relation to convey any information necessary regarding the accident.

5. The building administrator should immediately notify the appropriate program administrator.
6. Form 6540F.1 (*Student Accident Report*) should be completed and signed by the appropriate instructional staff and the building nurse on the date of the occurrence. To access this form, type "<https://docushare.esboces.org>" in the internet browser address bar; click on *Forms* and then *Administrative Services*. Once the form is fully completed and then signed by the building administrator, it should be forwarded as soon as possible to the Department of Administrative Services.
7. Notify student's school district through the program administrator.

**Reports on Accidents Involving Employees** – Employees **must** report all injuries sustained while discharging their official duties. Form 5320F.1 (*Employee Injury/Incident Report*) should be completed within 24 hours. This form contains the information required by the insurance carrier in the event a claim is made for workers' compensation. To access this form, type "<https://docushare.esboces.org>" in the internet browser address bar; click on *Forms* and then *Administrative Services* OR access the form on the ESBOCES website (<http://www.esboces.org>) under the **For Staff** tab and select Workers' Compensation Forms. Refer to Article VII. F. (*Workers' Compensation*) for additional information applicable to ESBOCES staff.

**K. Guidelines for Handling of Bodily Fluids** – Bodily fluids of all persons present a potential risk for disease transmission. Generally speaking, the risk is low, depending on the type of bodily fluid involved and also on the type and manner of exposure.

1. Always, where possible, avoid direct contact with any person's bodily fluids. Gloves should be used on any anticipated exposure and also to clean up spills. Disposal of gloves and soiled materials is accomplished in plastic bags.
2. Proper hand washing and washing of contaminated areas of the body with soap and water after exposure has occurred is essential. All contaminated articles should be handled with disposable gloves.
3. Spilled bodily fluids may be cleaned up using sanitary absorbent agents (*Z goop*) or using towels, etc. Disposal is via plastic bags. Non-disposable items (broom, dust pan, etc.) are to be rinsed in disinfectant. Adequate disinfection may be accomplished using 70% Isopropyl Alcohol, 1% Lysol Solution, or 1 cup household bleach to one gallon water. Large spills should be cleaned up by trained personnel utilizing a sanitary absorbent agent and an EPA-approved disinfectant accordingly.
4. Hard surfaces, toys, equipment, etc. should be soaked in disinfectant and then washed in hot water.
5. Contaminated clothing is washed in soap and water, with the addition of household bleach when possible.
6. Should you have an exposure incident, please report it immediately to the building nurse and administrator and fill out all appropriate paperwork.

## **L. Bus Drills/Fire Drills**

**Bus Drills** – A minimum of three emergency bus drills shall be held during the school year to ensure student awareness of emergency procedures to be taken when riding the school bus.

1. The first bus drill is to be conducted during the first seven days of school in September.
2. The second bus drill is to be conducted between November 1 and December 31.
3. The third bus drill is to be conducted between March 1 and April 30.

Drills include practice and instruction in the location, use, and operation of the emergency door, fire extinguishers, first aid equipment, and windows as a means of escape as well as other safety procedures. Please assist the drivers as requested during these drills.

**Fire Drills** – New York State requires 12 fire drills a year. At least eight fire drills must be given by December 1. All fire drills are to be completed by May 15. The following are important to remember:

1. Students should not be permitted to talk during the fire drill.
2. Students should walk during the fire drill.
3. Students out of their regular classrooms should use the exit designated for the room they are occupying at the time of the fire drill; if in doubt, use the most convenient exit.
4. Students should walk at least 50 feet from the building, if possible, and stay off the roads.
5. Where possible, classroom windows and all corridor and outside doors should be closed.
6. Lights should be turned off where possible.
7. The employee is to be the last one to leave the room.
8. Employees should keep attendance cards and grade books (if applicable) with them and take attendance once the class is outside the building.
9. Employees are not to bring their classes back into a building until they have been instructed to do so by the designated person.

Employees who are at lunch or at a preparation period should immediately rejoin their classes.

**M. Educational Outings/Field Trips Procedure** – Refer to Policy 7320 and Regulation 7320R.1 (both entitled *Educational Outings/Field Trips*) for procedures, guidelines, and approvals.

**N. Medication on Educational Outings/Field Trips** – Refer to Policy 6511 (*Medication and Personal Care Items*) and Regulation 6511R.1 (*Administering Medication*).

**O. Transportation Requests for Educational Outings/Field Trips** – Transportation for ESBOCES educational outings/field trips not utilizing ESBOCES campus buses will be arranged through the Department of Regional Transportation Services. All ESBOCES school buses are equipped with

radios with GPS capability. Transport in vehicles owned or operated by ESBOCES faculty or parents/persons in parental relation is prohibited. Upon approval by the District Superintendent, Chief Operating Officer, or designee, ESBOCES owned vehicles may be used for educational outings/field trips. If an ESBOCES vehicle is used, the driver must be an approved ESBOCES driver and must meet the criteria to be classified as an occasional driver as defined in Regulation 7320R.1 – (Educational Outings/Field Trips). Complete Form 7320F.2 (*Transportation Request*) or Form 7320F.3 (*Transportation Request for Coach Trip*) and forward to the appropriate administrators. To access these forms, type “<https://docushare.esboces.org>” in the internet browser address bar; click on *Forms*, then *Administrative Services*, and then *Transportation*.

# APPENDICES

# Board Policy

## Cash in ESBOCES Facilities

Eastern Suffolk BOCES building administrators will establish procedures, in cooperation with the Business Services Office, to safeguard all cash received in the buildings and to minimize the amount of cash retained in the buildings. It shall be the responsibility of each building administrator to ensure that any money retained in the building is locked in a fire-retardant safe or other secure location.

### Petty Cash Funds

In order to facilitate the payment of properly itemized bills for materials, supplies, or services furnished to Eastern Suffolk BOCES under conditions calling for immediate payment to the vendor upon delivery of any such materials or supplies or the rendering of any such services, the Board hereby authorizes the establishment of petty cash funds for programs and/or other ESBOCES units in the amount of fifty dollars (\$50) or one hundred dollars (\$100) each. Petty cash custodians are to be designated by the Board at the Annual Organizational Meeting.

The balance on hand in each fund shall not exceed the authorized amount. Deposits to such funds may be made from time to time in amounts which shall not exceed payments made in cash from the funds, as indicated by receipts, receipted bills, or other evidence of payment in form available for audit.

Expenditures against these funds must be itemized on pre-numbered vouchers, documented with receipts, and submitted to the Business Services Office whenever replenishment of the petty cash fund is requested.

Expenditures from petty cash funds shall be charged to the applicable budget codes. After a budget item is exhausted, no expenditures against the item may be made from petty cash.

Petty cash funds shall not be mingled with employee funds or funds collected or received for other purposes.

### References:

- NYS Education Law §1709(29)
- 8 NY Code of Rules and Regulations (NYCRR) §170.4
- Board Policy 4311 - Procurement of Goods and Services
- Administrative Regulation 4450R.1 - Petty Cash Accounts

First Adopted: 7/1/2003  
Readopted: 8/29/2007  
Readopted: 1/25/2012  
Readopted: 9/26/2018



# Board Policy

## Child Abuse and Maltreatment

### **FAMILIAL CHILD ABUSE**

Eastern Suffolk BOCES takes seriously the obligations of its officers and employees to report cases of child abuse or maltreatment. To this end, regulations shall be developed, maintained, and disseminated by administration regarding the

1. mandatory reporting of suspected child abuse or maltreatment;
2. reporting procedures and obligations of persons required to report;
3. provisions for taking a child into protective custody;
4. mandatory reporting of deaths;
5. immunity from liability and penalties for failure to report;
6. obligations for provision of services and procedures necessary to safeguard the life or health of a child; and
7. provision of information in recognizing signs of unlawful methamphetamine laboratories for all current and new ESBOCES employees (i.e., "mandated reporters") who, as part of their usual responsibilities, visit children's homes.

### **Training**

Additionally, an ongoing training program for all current and new ESBOCES employees shall be established and implemented to enable such employees to carry out their reporting responsibilities.

### **Reporting Information**

ESBOCES will post the child abuse hotline telephone number and directions for accessing the Office of Children and Family Services (OCFS) website in English and Spanish on its website and in clearly and highly visible areas of instructional buildings. ESBOCES will also make this information available from its administrative offices; provide it to parents and persons in parental relation at least once per school year by electronic communication, sending the information home with students, or otherwise; and provide it to each teacher and administrator. ESBOCES may post and provide this information in other, common languages used by the school community.

### **Persons Required to Report**

Persons required to report cases of child abuse or maltreatment to the State Central Register (SCR) pursuant to Social Services Law §413(1) include, but are not limited to, ESBOCES teachers, guidance counselors, psychologists, social workers, nurses, administrators, or other personnel required to hold a teaching or administrative license or certificate.

All mandated reporters shall make the report themselves and then immediately notify the building Principal or his/her designee. The building Principal or his/her designee shall be responsible for all subsequent administration necessitated by the report.

Any report shall include the name, title, and contact information for every staff member who is believed to have direct knowledge of the allegations in the report.

### **Prohibition of Retaliatory Personnel Action**

Social Services Law §413(1) also prohibits ESBOCES from taking any retaliatory personnel action against an employee because such employee believes that he/she has reasonable cause to suspect that a child is an abused or maltreated child and that employee makes a report to SCR pursuant to Social Services Law. Further, ESBOCES shall not impose any conditions, including prior approval or prior notification, upon any employee specifically designated a mandated reporter.

Pursuant to Labor Law §740(1)(e), "retaliatory personnel action" means the discharge, suspension, or demotion of an employee, or other adverse employment action taken against an employee in the terms and conditions of employment.

### **Report Form**

*Report of Suspected Child Abuse or Maltreatment* Form LDSS-2221A may be accessed at the OCFS website.

### **CHILD ABUSE IN AN EDUCATIONAL SETTING**

ESBOCES is committed to the protection of students in educational settings from abuse and maltreatment by employees or volunteers as enumerated in law.

"Child abuse" shall mean any of the following acts committed in an educational setting by an employee or volunteer against a child:

1. intentionally or recklessly inflicting physical injury, serious physical injury, or death; or
2. intentionally or recklessly engaging in conduct which creates a substantial risk of such physical injury, serious physical injury, or death; or
3. any child sexual abuse, defined as conduct prohibited by Penal Law Articles 130 or 263; or
4. the commission or attempted commission against a child of the crime of disseminating indecent materials to minors pursuant to Penal Law Article 235.

"Educational setting" shall mean the building(s) and grounds of ESBOCES; the vehicles provided by ESBOCES for the transportation of students to and from ESBOCES buildings, field trips, and co-curricular and extracurricular activities, both on and off ESBOCES grounds; all co-curricular and extracurricular activity sites; and any other location where direct contact between an employee or volunteer and a child has allegedly occurred.

In any case where an oral or written allegation is made to an ESBOCES Board member, teacher, registered professional nurse, guidance counselor, psychologist, social worker, administrator, or other ESBOCES employee required to hold a teaching or administrative license or certificate that a child (defined in the law as a person under the age of twenty-one (21) years enrolled in a school district in this State) has been subjected to child abuse by an employee or volunteer in an educational setting, that person shall, upon receipt of such allegation:

promptly complete a written report of such allegation, including the full name of the child alleged to be abused, the name of the child's parent/person in parental relation, the identity of the person making the allegation and his/her relationship to the alleged child victim, the name of the employee or volunteer against whom the allegation was made, and a listing of the specific allegations of child abuse in an educational setting. Such written report shall be completed on a form as prescribed by the Commissioner of Education.

In any case where it is alleged that the child was abused by an employee or volunteer of a school other than ESBOCES, the report of such allegations shall be promptly forwarded to the Associate Superintendent for Educational Services and the school district where the abuse allegedly occurred.

Any employee or volunteer who reasonably and in good faith makes a report of allegations of child abuse in an educational setting in accordance with the reporting requirements of the law shall have immunity from civil liability which might otherwise result by reason of such actions.

Upon receipt of a written report alleging child abuse in an educational setting, the building Principal or the Associate Superintendent for Educational Services must then determine whether there is "reasonable suspicion" to believe that such an act of child abuse has occurred. Where there has been a determination as to the existence of such reasonable suspicion, the building Principal or the Associate Superintendent for Educational Services must follow the notification/reporting procedures mandated in law and further enumerated in administrative regulations, including parental notification.

Where the building Principal or Associate Superintendent for Educational Services has forwarded a written report of child abuse in an educational setting to law enforcement authorities, the Associate Superintendent for Educational Services shall also refer such report to the Commissioner of Education where the employee or volunteer alleged to have committed such an act of child abuse holds a certification or license issued by the State Education Department.

Any building Principal or the Associate Superintendent for Educational Services who reasonably and in good faith makes a report of allegations of child abuse in an educational setting, or reasonably and in good faith transmits such a report to a person or agency as required by law, shall have immunity from civil liability which might otherwise result by reason of such actions.

Reports and other written material submitted pursuant to law with regard to allegations of child abuse in an educational setting, and photographs taken concerning such reports that are in the possession of any person legally authorized to receive such information, shall be confidential and shall not be redisclosed except to law enforcement authorities involved in an investigation of child abuse in an educational setting or as expressly authorized by law or pursuant to a court-ordered

subpoena. Building Principals and the Associate Superintendent for Educational Services School shall exercise reasonable care in preventing such unauthorized disclosure.

Additionally, teachers and all other employees shall be provided an annual written explanation concerning the reporting of child abuse in an educational setting, including the immunity provisions as enumerated in law. Further, the Commissioner of Education shall furnish ESBOCES with required information, including rules and regulations for training necessary to implement employee responsibilities under the law.

### **Prohibition of "Silent" (Unreported) Resignations**

The Associate Superintendent for Educational Services and other ESBOCES administrators are prohibited from withholding from law enforcement authorities, the Superintendent or the Commissioner of Education, where appropriate, information concerning allegations of child abuse in an educational setting against an employee or volunteer in exchange for that individual's resignation or voluntary suspension from his/her position.

Any building Principal or the Associate Superintendent for Educational Services who reasonably and in good faith reports to law enforcement officials information regarding allegations of child abuse or a resignation as required pursuant to the law shall have immunity from any liability, civil or criminal, which might otherwise result by reason of such actions.

### **Training**

ESBOCES will provide training to mandatory reporters regarding the following:

1. their duty to report allegations of child abuse in an educational setting; and
2. silent resignations.

Annually, ESBOCES shall provide all mandatory reporters with a written statement regarding reporting requirements and immunity.

### **References:**

- Education Law Article 23-B and §§409-1, 902(b), 3028-b, 3209-a
- Family Court Act §1012
- Labor Law §740(1)(e)
- Penal Law Articles 130, 235, 263
- Social Services Law §§411-428
- 8 NYCRR Part 83, §100.2(nn)
- Administrative Regulation 6550R.1 - Child Abuse and Maltreatment

First Adopted: 7/1/2003  
Readopted: 7/11/2007  
Readopted: 10/29/2008  
Readopted: 6/21/2017

# Board Policy

## Code of Conduct

The Board has adopted and shall amend, as appropriate, a written Code of Conduct for the maintenance of order on Eastern Suffolk BOCES Property and at ESBOCES functions, which shall govern the conduct of students, teachers, and other ESBOCES employees, as well as ESBOCES Board members, parents/guardians, vendors, and visitors. The Board shall further provide for the enforcement of such Code of Conduct.

For purposes of this policy, and the implemented Code of Conduct, "ESBOCES Property" means on or within any owned or leased building, structure, athletic playing field, playground, parking lot, or land contained within the real property boundary line of the ESBOCES facilities or on an ESBOCES-supervised school bus. An "ESBOCES function" shall mean an ESBOCES-sponsored extracurricular event or activity.

ESBOCES programs or services provided in any location shall comply with the Code of Conduct governing that location.

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

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

1. provisions regarding appropriate and acceptable conduct, dress, and language on ESBOCES Property and at ESBOCES functions; provisions regarding acceptable civil and respectful treatment of teachers, ESBOCES administrators, other ESBOCES employees, students, and visitors on ESBOCES Property and at ESBOCES functions; the appropriate range of disciplinary measures that may be imposed for violation of such Code; and the roles of students, parents/guardians, teachers, administrators, other ESBOCES employees, the District Superintendent, Chief Operating Officer, and the Board;
2. provisions prohibiting discrimination, bullying, and/or harassment against any student by employees or students on ESBOCES Property or at an ESBOCES function, or off ESBOCES Property when the actions create or would foreseeably create a risk of substantial disruption within the ESBOCES environment or where it is foreseeable that the conduct might reach ESBOCES Property, that creates a hostile environment by conduct, with or without physical contact, intimidation or abuse (verbal or non-verbal), of such a severe nature that:
  - a. has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional and/or physical well-being or
  - b. reasonably causes or would reasonably be expected to cause a student to fear for his/her physical safety.

When the term “bullying” is used, even if not explicitly stated, such term includes cyberbullying, meaning such harassment or bullying that occurs through any form of electronic communication.

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

3. standards and procedures to assure security and safety of ESBOCES students and employees;
4. provisions for the removal of students and other persons who violate the Code from the classroom, from ESBOCES Property, or from an ESBOCES function;
5. disciplinary measures to be implemented for incidents on ESBOCES Property or at ESBOCES functions involving the use of tobacco, illegal use and/or possession of alcohol, the possession or use of illegal substances or weapons, the use of physical force, vandalism, violation of another student's civil rights, harassment, and threats of violence;
6. provisions for responding to acts of discrimination, bullying, and/or harassment against students by employees or students on ESBOCES Property, at an ESBOCES function, or off ESBOCES Property when the actions create or would foreseeably create a risk of substantial disruption within the ESBOCES environment or where it is foreseeable that the conduct might reach ESBOCES Property, pursuant to clause (2) of this subparagraph;
7. provisions for detention, suspension, and removal from the classroom of students, consistent with Education Law Section 3214 and other applicable Federal, State, and local laws, including provisions for ESBOCES to establish procedures to ensure the provision of continued educational programming and activities for students placed in detention, suspended from ESBOCES, or removed from the classroom, which shall include alternative educational programs appropriate to individual student needs;
8. procedures by which violations are reported and determined, and the disciplinary measures imposed and implemented;
9. provisions ensuring that the Code of Conduct and its enforcement are in compliance with Federal and State laws relating to students with disabilities;
10. provisions setting forth the procedures by which local law enforcement agencies shall be notified of Code violations which constitute a crime;



11. provisions setting forth the circumstances under and procedures by which parents/guardians shall be notified of Code violations;
12. provisions setting forth the circumstances under and procedures by which a complaint in criminal court, a juvenile delinquency petition, or person in need of supervision (“PINS”) petition, as defined in Articles 3 and 7 of the Family Court Act, will be filed;
13. circumstances under and procedures by which referral to appropriate human service agencies shall be made;
14. a minimum suspension period for students who repeatedly are substantially disruptive of the educational process or substantially interfere with the teacher’s authority in the classroom (as defined in Commissioner’s Regulations). However, the suspending authority may reduce the suspension period on a case-by-case basis consistent with Federal and State law;
15. a minimum suspension period for acts that would qualify the student to be defined as a violent student pursuant to NYS Education Law. However, the suspending authority may reduce the suspension period on a case-by-case basis consistent with Federal and State law;
16. a Bill of Rights and Responsibilities of Students which focuses upon positive student behavior and a safe and supportive learning environment, which shall be written in plain language, publicized, and explained in an age-appropriate manner to all students on an annual basis; and
17. guidelines and programs for in-service education programs for all ESBOCES employees to ensure effective implementation of Board policy on ESBOCES conduct and discipline, including, but not limited to, guidelines on promoting a safe and supportive learning environment while discouraging, among other things, discrimination, bullying, and/or harassment against students by students and/or ESBOCES employees; and including safe and supportive learning environment concepts in the curriculum and classroom management.

The Code of Conduct shall be adopted by the Board after at least one public hearing that provides for the participation of ESBOCES employees, parents/guardians, students, and any other interested parties.

The ESBOCES Code of Conduct shall be reviewed on an annual basis and updated, if necessary, in accordance with law. ESBOCES may establish a committee pursuant to Education Law §2801(5)(a) to facilitate review of its Code of Conduct and ESBOCES response to Code violations. The Board shall readopt any updated Code of Conduct only after at least one public hearing that provides for the participation of ESBOCES employees, parents/guardians, students, and any other interested parties. ESBOCES shall file a copy of its Code and any amendments with the Commissioner, in a manner prescribed by the Commissioner, no later than thirty (30) days after their respective adoptions.

The Board will endeavor to ensure that the community is aware of its Code of Conduct by:

1. providing copies of an age-appropriate, plain language, summary of the Code to all



students each school year;

2. providing a plain language summary of the Code to all parents/guardians of ESBOCES students at the beginning of the school year, and to all parents/guardians of new students upon entry to ESBOCES, and thereafter upon request;
3. providing all current teachers and other employees with a copy of the Code and any amendments to the Code as soon as practicable after adoption;
4. providing all new employees with a copy of the current Code when they are hired;
5. making copies of the Code available for review by students, parents/guardians, and other community members at all instructional sites;
6. posting the complete Code on the ESBOCES website;

### Privacy Rights

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

### References:

- [NYS Education Law §§2801 and 3214](#)
- 8 NY Code of Rules and Regulations (NYCRR) §100.2(l)(2)
- [Board Policy 6210 - Student Conduct and Discipline](#)

First Adopted: 7/1/2003  
Readopted: 1/31/2007  
Readopted: 7/11/2007  
Readopted: 6/29/2011  
Readopted: 6/27/2012  
Readopted: 11/20/2013  
Revised: 3/25/2019  
Revised: 7/1/2019  
Readopted: 7/10/2019

# Regulation

## Code of Conduct

### TABLE OF CONTENTS

<b>I. INTRODUCTION.....</b>	<b>4</b>
<b>II. DEFINITIONS .....</b>	<b>6</b>
<b>III. STUDENTS' RIGHTS AND RESPONSIBILITIES .....</b>	<b>13</b>
A. Students' Rights .....	13
B. Students' Responsibilities .....	14
<b>IV. ESSENTIAL PARTNERS IN CREATING A POSITIVE LEARNING ENVIRONMENT.....</b>	<b>15</b>
A. Parents/Persons in Parental Relation .....	16
B. Teachers.....	17
C. Para Educators .....	19
D. Student Support Service Employees .....	19
E. Building Administrators/Principals .....	21
F. Other ESBOCES Employees.....	22
G. Directors and Divisional Administrators of Instructional Programs .....	23
H. Other Administrative, Managerial, and Technical Staff.....	24
I. Chief Operating Officer and the Board .....	25
J. Dignity Act Coordinators .....	26
<b>V. STUDENT DRESS CODE .....</b>	<b>27</b>
<b>VI. PROHIBITED STUDENT BEHAVIOR.....</b>	<b>28</b>
A. Disorderly Behavior .....	29
B. Insubordinate Behavior .....	29
C. Disruptive Behavior.....	29

D. Violent Behavior .....	30
E. Other Disruptive Incidents.....	31
F. Behavior that Endangers the Safety, Morals, Health, or Welfare of Others .....	32
G. Inappropriate Behavior While on a School Bus .....	34
H. Academic Misbehavior .....	34
I. Inappropriate Behavior Off ESBOCES Property That Interferes With the Educational Process .....	35
J. Reporting Violations .....	35
<b>VII. DISCIPLINARY CONSEQUENCES AND PROCEDURES .....</b>	<b>36</b>
A. Disciplinary Consequences .....	37
B. Procedures .....	41
i. In-School Suspension .....	41
ii. Suspension from Transportation .....	41
iii. Suspension from Other Privileges .....	42
iv. Formal Removal of Disruptive Students by a Teacher .....	42
v. Suspension from ESBOCES .....	46
vi. Referrals.....	50
<b>VIII. ALTERNATIVE INSTRUCTION .....</b>	<b>52</b>
<b>IX. CORPORAL PUNISHMENT.....</b>	<b>52</b>
<b>X. STUDENT SEARCHES AND INTERROGATIONS .....</b>	<b>52</b>
A. Law Enforcement Officials.....	52
B. Interrogation of Students by Law Enforcement Officials.....	52
C. Child Protective Services' Investigations.....	53
<b>XI. VISITORS TO ESBOCES.....</b>	<b>53</b>
<b>XII. ESBOCES EMPLOYEES .....</b>	<b>54</b>
<b>XIII. PUBLIC BEHAVIOR ON ESBOCES PROPERTY .....</b>	<b>54</b>

A. Non-Exhaustive List of Prohibited Behavior .....	55
B. Consequences .....	56
C. Enforcement.....	56
<b>XIV. PROHIBITION OF RETALIATION .....</b>	<b>57</b>
<b>XV. DISSEMINATION AND REVIEW .....</b>	<b>57</b>
A. Dissemination of Code of Conduct .....	57
B. Review of Code of Conduct.....	57

## **I. INTRODUCTION**

Eastern Suffolk BOCES strives to sustain and enhance the capacity of component school districts to carry out their roles as chief instruments in the education of the children, youth and adults in their communities.

Eastern Suffolk BOCES is committed to providing a safe, healthy, orderly, and inclusive educational environment where students receive and ESBOCES employees deliver quality educational services without disruption or interference. ESBOCES is also committed to:

- maintaining a climate of inclusivity, mutual respect and dignity to promote learning within a safe environment;
- ensuring each student is healthy, safe, engaged, supported, and challenged;
- helping students develop self-discipline and social and emotional growth; and
- guiding students in improvement and correction of inappropriate, unacceptable and unsafe behaviors.

Responsible behavior by students, teachers and other ESBOCES employees, parents/persons in parental relation, volunteers, vendors, contractors, and visitors is expected, as it is essential to achieving these goals. For this to happen, everyone in the ESBOCES community must demonstrate and offer respect to others.

Student engagement is also integral to creating a positive ESBOCES climate and culture that effectively fosters students' academic achievement and social and emotional growth. Providing students with multiple opportunities to participate in a wide range of pro-social activities and at the same time developing a bond with caring, supportive adults reduces negative behavior. Examples may include providing students with meaningful opportunities to share ideas and concerns and participate in ESBOCES initiatives, student leadership development, periodic recognition of students' achievements in a range of academic and co-curricular areas, using corrective feedback, and developing ESBOCES positive behavior systems.

The ESBOCES Board has a long-standing set of expectations for behavior on ESBOCES property, at ESBOCES functions, and while traveling to and from ESBOCES centers and ESBOCES events. These expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, inclusivity, honesty and integrity, as well as the following ESBOCES beliefs:

- Successful inclusive organizations create effective operational systems and enable diverse individuals to take responsibility for their actions, be accountable for the programs and services they deliver, and use all of their expertise and resources to meet the expectations of those they serve.
- Everyone has the right to a safe, healthy, caring, and inclusive environment which fosters equity and cultural proficiency, respect and high expectations, maximizes potential, motivates interest and enthusiasm, and encourages the sharing of ideas.

- We are a diverse inclusive community of reflective, lifelong learners, both children and adults.
- Our diverse community of children and adult learners is a valuable resource entitled to high quality equitable instruction and services.
- Respect, inclusivity, honesty, trust, and integrity are essential in all our interactions.
- The foundation of organizational success is grounded in continuous evaluation, high standards, innovation, and effective communication through a lens of equity and inclusivity.
- The integrity, equity, and high standards of our educational programs are reflected in our student outcomes, and provide students with the skills they need to become responsible citizens and contributing members of the global society.
- Effective communication, which provides space for all voices to be heard and accurate information to be exchanged, improves understanding and enhances engagement of all stakeholders.
- Quality, equitable outcomes depend on the collective effort of a diverse, inclusive, well-developed and motivated workforce that embraces the Agency's mission and beliefs.

The Board recognizes the need to clearly define these expectations for acceptable behavior on ESBOCES property, to identify the possible developmentally appropriate, graduated consequences of unacceptable behavior, and to ensure that discipline, when necessary, is administered promptly and fairly, keeping in mind that the goal is not to penalize but to teach students that there are consequences to actions and choices. This Code of Conduct has been developed and will be maintained in collaboration with teacher, administrator, parent/person in parental relation, and other representation. To this end, the Board adopts this Code of Conduct ("Code").

Further, the Code of Conduct has been written to comply with the Safe Schools Against Violence in Education Act, the Dignity for All Students Act (Dignity Act), and various provisions of the Education Law and Commissioner of Education Regulations, all of which seek to improve school safety and ensure a safe and effective learning environment.

Unless otherwise indicated, this Code applies to all students, ESBOCES employees, parents/persons in parental relation, and visitors when:

1. on ESBOCES property, including buildings, playgrounds, athletic fields, parking lots, and ESBOCES-supervised school buses;
2. attending a ESBOCES function;
3. participating in a ESBOCES program or internship at another location or work site; or
4. off ESBOCES property when one's actions create or would foreseeably create a risk of substantial disruption within the ESBOCES environment.

In addition, ESBOCES reserves the right to apply the provisions of this Code of Conduct to adult learners as authorized by law.

## II. DEFINITIONS

For purposes of this Code, the following definitions apply.

**"Administrative, Managerial, and Technical Staff"** means those individuals who are responsible for central office operations or specialized instructional or administrative management services who provide support or oversight to various ESBOCES programs or to component districts.

**"Behavior"** is the way in which one acts or conducts oneself, especially toward others. It is expected that students, staff, and visitors will conduct themselves in such a way that is in line with this Code of Conduct.

**"Behavior intervention room (BIR)"** means a special location or room within an ESBOCES center that is used for students who need to temporarily be provided with an environment more conducive to their needs in order to gain composure or avoid a potential problem. A BIR is separate from the classroom, has continual adult supervision, and utilizes logs to indicate the length of time a student is in a BIR. A BIR is utilized to assist the student in behavior change that will enable the student to return to the classroom. Use of a BIR in any particular program reflects the management needs of that particular student population. State Education Department Guidelines on the use of time-out rooms are utilized in developing building procedures with regard to a BIR.

**"Behavior management system"** means a process or system of consequences for behavior that is developed by employees in a particular building or program and used by employees and students in order to monitor and improve student behavior. Point accumulation, levels, and rewards are all part of a typical behavior management system, especially within the ESBOCES special education programs.

**"Bias offense"** means an attack on or offense against an individual or an individual's property in which the individual is targeted on the basis of the individual's race, color, religion, gender, disability, sexual orientation, or any other classification protected by Federal, State, and local law.

**"Building"** means the physical site where a program's services are delivered to students. ESBOCES usually refers to buildings as "centers."

**"Building Administrator/Principal"** means a certified administrator who is responsible for the supervision and management of an ESBOCES center.

**"Bullying"** means a variety of negative acts involving real or perceived imbalance of power, with a more powerful individual or group attacking those who are, or are perceived to be, less powerful. Bullying can take three (3) forms:

1. physical (including, but not limited to, hitting, kicking, spitting, pushing, and taking personal belongings);



2. verbal (including, but not limited to, taunting, malicious teasing, name calling, extortion, and making threats, whether orally or in writing); and
3. psychological (including, but not limited to, spreading rumors; manipulating social relationships; or engaging in social exclusion, extortion, or intimidation).

When the term “bullying” is used, even if not explicitly stated, such term includes cyberbullying, meaning such harassment or bullying that occurs through any form of electronic communication.

“**Color**” refers to the apparent pigmentation of the skin, especially as an indication or possible indication of race.

“**Committee on Special Education (CSE)**” means the committee on special education, subcommittee on special education, or other multidisciplinary team of the student’s home school district.

“**Cyberbullying**” means harassing, teasing, intimidating, threatening, extorting, or terrorizing another student or employee by way of any technological tool (**including, but not limited to**, sending or posting inappropriate or derogatory e-mail messages, instant messages, text messages, digital pictures or images, or Web site postings, **including, but not limited to**, blogs, chat rooms, and social platforms). Cyberbullying is an attempt to display power and control over someone perceived as weaker, may occur on and off ESBOCES property, and may involve student use of the ESBOCES internet system or student use of personal digital devices such as cellular telephones, digital cameras, and personal computers. Cyberbullying has the effect of:

1. physically, emotionally, or mentally harming an individual;
2. placing an individual in reasonable fear of physical, emotional, or mental harm;
3. placing an individual in reasonable fear of damage to or loss of personal property; and
4. creating an intimidating or hostile environment that substantially interferes with the mission of ESBOCES.

“**Dignity for All Students Act**” or “Dignity Act” refers to Article 2 of the New York State Education Law, as well as amendments to Sections 801-a and 2801 of the New York State Education Law made pursuant to Chapter 482 of the Laws of 2010. For purposes of this Code of Conduct, it will also refer to subsequent amendments to those statutes, and to any and all Regulations promulgated by the Commissioner of Education to achieve the aims set forth in Chapter 482 of the Laws of 2010. The intent of the Dignity Act is to provide all public elementary and secondary school students with a safe and supportive environment free from discrimination, harassment, bullying, taunting or intimidation, as well as to foster civility in public schools.

“**Disability**” means any restriction or lack (due to any impairment) of ability to perform an activity in the manner or within the range considered typical and (a) a physical, mental, or medical impairment resulting from anatomical, physiological, genetic, or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques, (b) a record of such an impairment, or (c) a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term must be limited to disabilities which, upon the provision of

reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held.

**"Disciplinary change in placement"** means a long-term suspension or removal by the home school district of a student with a disability from the student's current educational placement either for more than ten (10) consecutive school days or for a period of ten (10) consecutive school days or less if the student is subjected to a series of suspensions or removals constituting a pattern because they amount to more than ten (10) school days in a school year.

**"Discrimination"** is discrimination against any student by a student or students and/or employee or employees on ESBOCES property or at an ESBOCES function, including, but not limited to, discrimination based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, gender expression, gender identity, or sex, or any other classification protected by Federal, State, and local law.

**"Disruptive student"** means any student who substantially disrupts the educational process or substantially interferes with the teacher's authority over the classroom. A substantial disruption of the educational process or substantial interference with a teacher's authority occurs when a student demonstrates a persistent unwillingness to comply with the teacher's instructions or repeatedly violates the teacher's classroom behavior rules.

**"Electronic communications devices" includes, but is not limited to,** tablets, radios, cellular telephones, walkie-talkies, video games, cameras, digital recorders, laptops, computers, video recording, and any assistive or augmentative devices which assist in communications. Some of these devices are used in the education process and may be provided by ESBOCES or the student's home school district as specified in the student's educational program.

**"Employee"** means any person receiving compensation from ESBOCES or an employee of a contracted service provider.

**"ESBOCES function"** means any ESBOCES-sponsored or ESBOCES-authorized extracurricular event or activity, or an ESBOCES-sponsored work site/internship, regardless of where such event or activity takes place, including another State.

**"ESBOCES property"** means any owned or leased equipment, building, structure, athletic playing field, playground, parking lot, grounds, or land, whether owned or leased by ESBOCES, contained within the real property boundary lines of ESBOCES centers or in or on a ESBOCES-supervised school bus.

**"ESBOCES school bus"** means every motor vehicle owned, and operated for the transportation of students, teachers, and other persons acting in a supervisory capacity, to or from an ESBOCES center or ESBOCES function, or privately owned and operated for compensation for the transportation of students, teachers, and other persons acting in a supervisory capacity, to or from an ESBOCES center or ESBOCES function.

**"Ethnic group"** means a group of people who identify with each other through a common heritage, including language, culture, and often a shared or common religion and or ideology that stresses ancestry.

**"Firearm"** means any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, the frame or receiver of such weapon, any firearm muffler or silencer, or any "destructive device" (e.g., any explosive, incendiary, or poison gas, including bombs, grenades, rockets or other similar devices).

**"Formal removal by teacher"** means the action by a certified teacher to have a disruptive student removed from the classroom. Time-honored classroom management techniques for controlling student behavior, defusing a situation, and/or preventing a crisis, which may involve brief periods of time spent out of the classroom, are not considered "formal removal by a teacher" for purposes of this Code.

**"Gender"** means actual or perceived sex and shall include a person's gender identity or expression.

**"Gender expression"** is the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyle, activities, voice, or mannerisms.

**"Gender identity"** is one's self-conception as being male or female, as distinguished from actual biological sex or sex assigned at birth.

**"Harassment"** shall mean communication (verbal, written, electronic, or graphic) and/or physical conduct based on an individual's actual or perceived sex; race; color; weight; age; religion or creed; religious practice, national origin; ethnic group; ancestry; political affiliation; citizenship; disability; sexual orientation; gender (including gender identity and expression); pregnancy; marital status, military status; veteran status; genetic predisposition or carrier status; use of a recognized guide dog, hearing dog, or service dog; or any other classification protected by Federal, State, and local law; harassment is also the creation of a hostile environment (see Board Policies 6218 and 6560 for more complete definitions);

**"Home School District"** means the student's school district of residence.

**"Illegal substances"** includes, but is not limited to, inhalants, marijuana, synthetic cannabinoids (marijuana), cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, any substances commonly referred to as "designer drugs," and medication not otherwise prescribed to the individual.

**"Individualized Education Program (IEP)"** means a written statement developed, reviewed and revised in accordance with §200.4 of the Regulations of the Commissioner that includes the components specified in §200.4(d)(2) of the Regulations to be provided to meet the unique educational needs of a student with a disability.

**"Individuals with Disabilities Education Improvement Act of 2004 (IDEA)"** means the Federal laws related to the education of students with disabilities.

**"Itinerant teacher"** means a certified staff member not assigned to one program or building who provides specialized services, such as hearing, vision, or other educationally related services or special subject content such as physical education, art, music, or language instruction (i.e., Spanish) to students. These teachers may travel to various ESBOCES centers or district sites in order to deliver specialized services or curricula to students. Itinerant teachers are expected to

adhere to the parameters for discipline of each building and/or program when working with students attending that location.

**"Long-term suspension"** means a suspension that exceeds five (5) consecutive school days.

**"Manifestation determination"** consists of a review of the relationship between a student's disability and the behavior subject to disciplinary action. Its purpose is to determine whether the behavior in question was caused by or had a direct and substantial relationship to the student's disability or was the direct result of the failure of ESBOCES to implement the student's IEP. A review by the Committee on Special Education (CSE) of the student's home school district must be made immediately, if possible, but no later than ten (10) school days after an authorized ESBOCES authority makes a decision to either place the student in an interim alternative educational setting or imposes a suspension that constitutes a disciplinary change in placement.

**"Material incident" (of discrimination, harassment, bullying, and/or cyberbullying)** means a single verified incident or a series of related verified incidents where a student is subjected to discrimination, harassment, bullying, and/or cyberbullying by a student and/or employee on ESBOCES property or at an ESBOCES function, or off ESBOCES property when the actions create or would foreseeably create a risk of substantial disruption within the ESBOCES environment or where it is foreseeable that the behavior might reach ESBOCES property, that creates a hostile environment by behavior, with or without physical contact, threats, intimidation, or abuse (verbal or non-verbal), of such severe or pervasive nature that it:

- has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities, or benefits, or mental, emotional, and/or physical well-being; or
- reasonably causes or would reasonably be expected to cause a student to fear for the student's physical safety, including a verified incident or series of related verified incidents of harassment or bullying that occur off ESBOCES property, and is the subject of a written or verbal complaint to the Chief Operating Officer, Principal, or designee, or other ESBOCES employee. Such conduct shall include, but is not limited to, threats, intimidation, or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex, or any other classification protected by Federal, State, and local law, provided that nothing herein shall be construed to prohibit a denial of admission into, or exclusion from, a course of instruction based on a person's gender that would be permissible under Education Law §§3201-a or 2854(2)(a) and Title IX Of the Education Amendments of 1972 (20 USC §1681, et seq.) or to prohibit, as discrimination based on disability, actions that would be permissible under §504 of the Rehabilitation Act of 1973.

**"National origin"** means a person's country of birth or ancestor's country of birth.

**"Non-violent crisis intervention"** means those techniques that enable employees to maintain control in an unlimited number of crisis situations through calm, confident actions that help employees defuse the disruptive student and reduce the chance for physical injury to those present. In non-violent crisis intervention, the emphasis is always on the employees' primary responsibility, which is the care, welfare, safety, and security of ESBOCES students and employees. Physical restraint is only used when all verbal and paraverbal techniques have been

exhausted and the student's actions are escalating toward physical aggression. Even when physical control is used, it is used in a way that controls and protects students.

**"Off-campus behavior"** means acts, threats, intimidation, or abuse that occur off ESBOCES property, where they create or would foreseeably create a risk of substantial disruption within the ESBOCES environment or might reach ESBOCES property.

**"Other ESBOCES employees"** means non-pedagogical employees such as nurses, clerical, custodial, and food service employees who provide operational support to the ESBOCES programs.

**"Other privileges"** means major co-curricular activities which may occur during or after regular instructional hours, on or off ESBOCES property, such as SkillsUSA competitions, field trips, etc.

**"Para educators"** means teacher aides or teaching assistants who work under the supervision of a teacher to support the instruction of students.

**"Parent/person in parental relation"** means a parent, guardian, or person in parental relation to a student.

**"Plagiarism"** is the use or close imitation of the language and ideas of another author and representation of them as one's own original work. This includes copying from electronic sources, even with minor alterations.

**"Positive learning environment"** means a setting where all students and employees experience a safe, healthy, caring environment which fosters respect and high expectations, maximizes potential, and motivates interest and enthusiasm.

**"Principal's designee"** means another ESBOCES administrator designated by the Principal.

**"Program"** means an educational approach to providing learning experiences in order to address academic, behavioral, developmental, or career needs of students. A program can be center based or can exist in more than one building.

**"Pro social"** means relating to or denoting behavior which is positive, helpful, and intended to promote social acceptance and friendship.

**"Race"** means a group of persons related by a common descent or heredity. For purposes of enumeration, the US Census Bureau uses terms such as: "White/Caucasian," "Black/African American/African-descent," "Asian," "Bi-racial," "Hispanic/Latino," etc. to describe and classify the inhabitants of the United States.

**"Relationships"** are the way in which two or more people regard and behave toward each other.

**"Religion"** means specific fundamental beliefs and practices generally agreed to by large numbers of the group or a body of persons adhering to a particular set of beliefs and practices.

**"Religious practice"** means practices and observances, such as attending worship services, wearing religious garb or symbols, praying at prescribed times, displaying religious objects, adhering to certain dietary rules, refraining from certain activities, proselytizing, etc.



**“Respect”** is an act of treating everyone in the ESBOCES community with dignity. This is demonstrated by treating others with kindness and care, being polite and using manners, expressing thoughts and opinions in ways that are polite and courteous, using a polite tone of voice and body language, listening to others when one is being spoken to, keeping one’s hands to one’s self and not violating others’ personal space.

**“Responsibility”** is an obligation to behave in accordance with social norms and being held accountable for one’s actions.

**“Restorative Practices”** are a response to student actions that violate the dignity, safety, or well-being of others by connecting the person responsible for the harm with those who have been harmed in order to reach a resolution that guides, and assists the person responsible for the harm in accepting responsibility, apologizing for the harm, making meaningful reparation and improving the relationship between parties.

**“School Safety and the Educational Climate Report (SSEC reporting (formerly known as VADIR/DASA reporting)”** means the Federal mandated report compiled in accordance with the SSEC Data Collection System for the purpose of identifying violent schools.

**“Sex”** means the biological and physiological characteristics that define men and women. (“Male” and “female” denote “sex.”)

**“Sexual orientation”** means actual or perceived heterosexuality, homosexuality, or bisexuality (the sex to which a person is sexually attracted). Someone attracted primarily or exclusively to members of the opposite sex is characterized as straight or heterosexual. Someone attracted primarily or exclusively to members of the same sex is characterized as homosexual. Someone with a strong or viable attraction to both genders is characterized as bisexual or pansexual.

**“Shared Decision Making (SDM) Committee”** means an officially designated group (at the building, division, or agency level) that includes teachers, administrators, para educators, student support personnel, students, parents/persons in parental relation, and other ESBOCES employees who are focused on developing ways to improve the educational process.

**“Short-term suspension”** means a suspension of five (5) or fewer consecutive school days.

**“Student support service employee”** means any employee who provides direct educationally related services that assist students in coping with peer pressure and emerging personal, social, emotional, and physical problems. These services are provided by psychologists, social workers, counselors, guidance counselors, English as a Second Language (ESL) teachers, hearing teachers, vision teachers, mobility teachers, speech teachers, and occupational or physical therapists. Social workers, psychologists, speech, ESL, vision, and hearing teachers are also considered licensed teachers under New York State Education Department (SED) certification.

**“Substantially Disruptive”** means, for purposes of the Code of Conduct, a student who repeatedly is disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom is one who engages in behavior that results in the removal of a student from the classroom by a teacher.

**“Tobacco/tobacco products”** shall include any lighted or unlighted cigarette, cigar, cigarillo, pipe, electronic cigarette, vaporizer, vapor pen/e-cigarette, liquid nicotine, bidi, clove cigarette, spit/spit less tobacco, and any other smoking or tobacco product (smokeless, dip, chew, snus, and snuff) in any form.

**“Transgender” means** denoting or relating to persons whose sense of personal identity and gender does not correspond with their birth sex.

**“Violent student”** means any student who:

- commits an act of violence upon an ESBOCES employee;
- commits, while on ESBOCES property or at an ESBOCES function, an act of violence upon another student or any other person lawfully on ESBOCES property or at an ESBOCES function;
- possesses, while on ESBOCES property or at an ESBOCES function, a weapon such as a gun, knife, explosive or incendiary bomb, or other dangerous instrument capable of causing physical injury or death;
- displays, while on ESBOCES property or at an ESBOCES function, what appears to be a weapon;
- threatens, while on ESBOCES property or at an ESBOCES function, to use a weapon;
- knowingly and intentionally damages or destroys the personal property of any ESBOCES employee or any person lawfully on ESBOCES property or at an ESBOCES function; or
- knowingly and intentionally damages or destroys ESBOCES property.

**Weapon”** means a firearm as defined in 18 USC 921 for the purposes of the Gun-Free Schools Act. It also means any other item, including, but not limited to, a BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutters, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.

**“Weight,”** aside from the obvious meaning in the physical sciences, is used in reference to a person’s “size.”

### **III. STUDENTS’ RIGHTS AND RESPONSIBILITIES** (Board Policies 6110, 6210, and 6214)

All student interaction and communication among themselves and with teachers, administrators, other employees, and visitors on ESBOCES property will be acceptable, civil, and respectful.

#### **A. Students’ Rights**



ESBOCES is committed to safeguarding the rights given to all students under State and Federal law and ESBOCES policy. In addition, to promote a safe, healthy, orderly, and supportive learning environment, all ESBOCES students have the right to:

- take part in all ESBOCES activities on an equal basis regardless of actual or perceived race, color, creed, national origin, ethnic group, religion, religious practice, gender identity or expression, sexual orientation or disability, or any other classification protected by Federal, State, and local law;
- be respected as an individual and treated fairly and with dignity by other students and ESBOCES staff;
- express one's opinions, either verbally or in writing, as long as it is done so in a respectful manner;
- present their version of the relevant events to the appropriate ESBOCES employees in connection with the imposition of disciplinary consequences;
- access ESBOCES rules and, when necessary, receive an explanation of those rules from ESBOCES employees;
- be provided with clear expectations regarding: course objectives, requirements, State standards, grading criteria and procedures, assignment requirements and deadlines, and ESBOCES and classroom rules and expectations regarding behavior; and
- be protected from intimidation, harassment, or discrimination based on actual or perceived race, color, weight, national origin, ethnic group, religion, or religious practice, sex, gender/gender identity, sexual orientation, or disability, or any other classification protected by Federal, State, and local law, by employees or students on ESBOCES property or at ESBOCES functions, or off ESBOCES property when the actions create or would foreseeably create a risk of substantial disruption within the ESBOCES environment or where it is foreseeable that the behavior might reach ESBOCES property.

## **B. Students' Responsibilities**

All ESBOCES students have the responsibility to:

- contribute to maintaining a climate of mutual respect, inclusivity and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity and/or expression, sex, or any other classification protected by Federal, State, and local law, which will strengthen students' self-image and promote confidence to learn;
- respect one another and treat others fairly in accordance with the Code of Conduct and the provisions of the Dignity Act;
- behave themselves in a manner that fosters an environment of inclusivity that is free from intimidation, harassment, and discrimination;

- report, and encourage others to report, any incidents of intimidation, harassment, and discrimination;
- contribute to maintaining a safe, healthy, supportive, and orderly environment that is conducive to learning and show respect to other persons and property;
- be familiar with and abide by all ESBOCES policies, rules, and regulations dealing with student behavior;
- attend class every day unless legally excused and be in class on time and prepared to learn (Board Policy 6110);
- work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible;
- react to direction given by all ESBOCES employees in a respectful, positive manner;
- use a polite tone of voice and appropriate body language, listening when others are speaking to them;
- be truthful when speaking with ESBOCES officials regarding Code of Conduct violations;
- respect personal space;
- utilize resources to manage their emotions and reactions and resolve conflicts with others (e.g., join an anger management group, speak to a guidance counselor or social worker, visit a BIR, consult with peer leaders);
- ask questions when they do not understand;
- seek help in solving problems (e.g., requesting permission to use a Conflict Resolution Program, being receptive to non-violent crisis intervention techniques and philosophy);
- dress consistent with the Code for class and ESBOCES functions;
- be accountable for their actions; and
- behave themselves as representatives of ESBOCES when participating in or attending ESBOCES-sponsored extracurricular events and hold themselves to the highest standards of behavior, demeanor, and sportsmanship.

#### **IV. ESSENTIAL PARTNERS IN CREATING A POSITIVE LEARNING ENVIRONMENT**

(Board Policies 6110, 6210, 6214, 6420, and 6540)

All members of our learning community, including students, staff, parents/persons in parental relation, and engaged service providers, must assume a responsible role in promoting behavior that enhances academic and social success. Courteous, respectful and responsible behavior fosters a positive climate in the learning community.

These responsibilities include, but are not limited to, the following.

#### **A. Parents/Persons in Parental Relation**

The Code of Conduct is a guide for understanding the personal, social and academic behaviors which are expected from children while at ESBOCES and ESBOCES functions. This Code also guides how school staff will work with parents/persons in parental relation and their children to help demonstrate positive behaviors and enjoy academic success. To achieve this goal, parents/persons in parental relation will be encouraged to promote participation in restorative practices to resolve incidents and conflict and to support their children in receiving the maximum benefit from a restorative practice approach. All parents/persons in parental relation are expected to:

- recognize that the education of their children is a joint responsibility of the parents/persons in parental relation and the ESBOCES community and collaborate with ESBOCES to optimize their children's educational opportunities;
- send their children to ESBOCES programs ready to participate and learn;
- ensure their children attend class daily and on time (Board Policy 6110);
- ensure that their children are in good health when sent to school;
- ensure that all absences are for legitimate purposes and are legally excused;
- insist their children be dressed and groomed in a manner consistent with the student dress code;
- know ESBOCES/district rules and help their children understand them so that their children can help create a safe, healthy, respectful, supportive and inclusive learning environment;
- help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment;
- promote positive behavior in their children by helping them to accept the consequences of their actions and by becoming involved in the behavior management/disciplinary process;
- convey to their children a supportive attitude toward education and ESBOCES;
- build positive, constructive relationships with teachers, other parents/persons in parental relation, and their children's friends;
- help their children deal effectively with peer pressure;
- inform ESBOCES officials of changes in the home situation that may affect student conduct or performance;

- provide a place for study and ensure that homework assignments are completed;
- respond promptly to ESBOCES employees when requested to do so; and
- teach their children respect and dignity for themselves and other students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, gender expression, sex, or any other classification protected by Federal, State, and local law, which will strengthen the child's confidence and promote learning in accordance with the Dignity Act.

## **B. Teachers**

The Code of Conduct is a guide for supporting positive student behavior at ESBOCES. It is intended to help staff prevent student misbehavior through the use of effective strategies and systems. It will provide guidance for intervening effectively and appropriately if students do not meet expected standards of behavior or violate ESBOCES rules and policies. Concerns about safety and ESBOCES climate should be brought to the building Principal so staff can work together to maintain a safe and orderly learning and work environment.

All staff are expected to understand that students may come to ESBOCES having experienced trauma in their lives, which can impact their behavior at ESBOCES (e.g. anger outbursts, withdrawal, self-injury).

To achieve this goal, all teachers are expected to:

- maintain a climate of mutual respect, inclusivity and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, gender expression, sex, or any other classification protected by Federal, State, and local law, with an understanding of the Code as it relates to appearance, language, and behavior, which will strengthen students' self-image and promote confidence to learn;
- be prepared to teach;
- demonstrate an interest in teaching, concern for student health, well-being, achievement, and educational progress, and respond appropriately to the individual needs of each student;
- know ESBOCES policies and rules and enforce them in a fair and consistent manner in accordance with the Code;
- communicate to students and parents/persons in parental relation that which is important to the student's emotional, social, behavioral, and academic progress, including, but not limited to:
  - a. course objectives and requirements;
  - b. marking/grading procedures;

- c. assignment deadlines;
  - d. expectations for students;
  - e. classroom discipline plan; and
  - f. building-wide behavior management plan.
- communicate regularly with students, parents/persons in parental relation, and other teachers concerning growth and achievement;
  - participate in ESBOCES efforts to provide adequate supervision in all instructional spaces, in conformity with the Taylor Law;
  - remediate issues of discrimination and harassment or any situation that threatens the emotional or physical health or safety of any ESBOCES student or employee or any person who is lawfully on ESBOCES property or at an ESBOCES function, or off ESBOCES property when the actions create or would foreseeably create a risk of substantial disruption within the ESBOCES environment or where it is foreseeable that the behavior might reach ESBOCES property;
  - recognize and remediate personal biases that may prevent inclusivity and equitable treatment of all students;
  - orally report incidents of discrimination and harassment that are witnessed, or otherwise brought to the teacher's attention, to the building administrator and/or Dignity Act Coordinator within one (1) school day and file a written report in a manner prescribed by ESBOCES no later than two (2) school days after making the verbal report;
  - adhere to the Code of Conduct for the districts or district-based programs in which ESBOCES employees are providing services;
  - be knowledgeable of and employ effective classroom/building behavior management techniques and the non-violent crisis intervention philosophy and techniques;
  - maintain confidentiality about all personal information and educational records concerning students and their families in accordance with Federal and State law (Board Policy 6420);
  - demonstrate dependability, integrity, and other standards of ethical behavior;
  - follow the chain of command for various administrative procedures;
  - report violent students to the Principal; and
  - be open to participation in resolving conflicts through a restorative process.

### **C. Para Educators**

All para educators are expected to:

- work under the direct supervision of a certified teacher utilizing the teacher's lesson plan and classroom/building behavior management plan;
- utilize non-violent crisis intervention philosophy and techniques;
- maintain a climate of mutual respect, inclusivity and dignity which will strengthen students' self-concept and promote confidence to learn;
- demonstrate interest in and concern for student health, well-being, achievement, and the educational process, and respond appropriately to the individual needs of each student;
- recognize and remediate personal biases that may prevent inclusivity and equitable treatment of all students;
- know ESBOCES policies and rules and enforce them in a fair and consistent manner in accordance with the Code;
- adhere to the Code of Conduct for the districts or district-based programs in which ESBOCES employees are providing services;
- maintain confidentiality about all personal information and educational records concerning students and their families in accordance with federal and State law (Board Policy 6420);
- demonstrate dependability, integrity, and other standards of ethical behavior;
- follow the chain of command for various administrative procedures;
- report violent students to the teacher or Principal;
- orally report incidents of discrimination and harassment that are witnessed, or otherwise brought to the para educator's attention, to the teacher, building administrator and/or Dignity Act Coordinator within one (1) school day and file a written report in a manner prescribed by ESBOCES no later than two (2) school days after making the verbal report; and
- be open to participation in resolving conflicts through a restorative process.

### **D. Student Support Service Employees**

All student support service employees are expected to:

- maintain and encourage a climate of mutual respect, inclusivity and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, gender

expression, sex, or any other classification protected by Federal, State, and local law, which will strengthen students' self-image and promote confidence to learn;

- orally report incidents of discrimination and harassment that are witnessed, or otherwise brought to the student support service employee's attention, to the building administrator and/or Dignity Act Coordinator within one (1) school day and file a written report in a manner prescribed by ESBOCES no later than two (2) school days after making the verbal report;
- provide educationally related service(s) to support students in their educational programs;
- support educational and academic goals;
- assist students in coping with peer pressure and emerging personal, social, emotional, and physical problems;
- encourage students to benefit from the curriculum and co-curricular activities;
- know ESBOCES policies and rules and enforce them in a fair and consistent manner in accordance with the Code;
- communicate regularly with students, parents/persons in parental relation, and other employees;
- adhere to the Code of Conduct for the districts or district-based programs in which ESBOCES employees are providing services;
- be knowledgeable of and employ effective classroom behavior/building management techniques and the non-violent crisis intervention philosophy and techniques;
- maintain confidentiality about all personal information and educational records concerning students and their families in accordance with Federal and State law (Board Policy 6420);
- make known to students and families the resources in the community that are available to meet their needs;
- participate in ESBOCES efforts to provide adequate supervision in all ESBOCES spaces;
- remediate issues of harassment or any situation that threatens the emotional or physical health or safety of any ESBOCES student or employee or any person who is lawfully on ESBOCES property or at an ESBOCES function, or off ESBOCES property when the actions create or would foreseeably create a risk of substantial disruption within the ESBOCES environment or where it is foreseeable that the behavior might reach ESBOCES property;
- recognize and remediate personal biases that may prevent equal treatment of all students;
- demonstrate dependability, integrity, and other standards of ethical conduct;



- follow the chain of command for various administrative procedures;
- report violent students to the Principal; and
- be open to participation in resolving conflicts through a restorative process.

#### **E. Building Administrators/Principals**

All building administrators/Principals are expected to:

- maintain and encourage a climate of mutual respect, inclusivity and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, gender expression, sex, or any other classification protected by Federal, State, and local law, which will strengthen students' self-image and promote confidence to learn;
- promote a safe, healthy, orderly, inclusive and academically stimulating learning environment that supports active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, sex, or any other classification protected by Federal, State, and local law, which will strengthen students' self-image and promote confidence to learn;
- investigate and respond to any incidents of discrimination and harassment that are witnessed, or otherwise brought to the building administrator's/Principal's attention, within established timelines in collaboration with the Dignity Act Coordinator;
- ensure that students and employees have the opportunity to communicate regularly with the Principals and approach the Principals for redress of grievances;
- evaluate all instructional programs for which they are responsible on a regular basis;
- support the development of and student participation in appropriate extracurricular activities;
- provide support in the development of the Code, when called upon;
- disseminate the Code and anti-harassment policies;
- be responsible for enforcing the Code and ensuring that all cases of inappropriate behavior are resolved promptly and fairly;
- be knowledgeable of and employ effective classroom behavior/building management techniques and the non-violent crisis intervention philosophy and techniques and assure their utilization in the building/program;
- ensure that a building-wide behavior management system is created and supported to meet the needs of students enrolled in their building;

- maintain confidentiality about all personal information and educational records concerning students and their families in accordance with Federal and State law (Board Policy 6420);
- participate in ESBOCES efforts to provide adequate supervision in all ESBOCES spaces;
- remediate issues of harassment or any situation that threatens the emotional or physical health or safety of any ESBOCES student or employee or any person who is lawfully on ESBOCES property or at an ESBOCES function, or off ESBOCES property when the actions create or would foreseeably create a risk of substantial disruption within the ESBOCES environment or where it is foreseeable that the behavior might reach ESBOCES property;
- recognize and remediate personal biases that may prevent inclusivity and equitable treatment of all students;
- demonstrate dependability, integrity, and other standards of ethical behavior;
- provide a regular report on data and trends related to harassment, bullying, and/or discrimination to the District Superintendent, Chief Operating Officer, or designee;
- follow the chain of command for various administrative procedures; and
- be open to participation in resolving conflicts through a restorative process.

**F. Other ESBOCES Employees**

All other ESBOCES employees are expected to:

- maintain and encourage a climate of mutual respect, inclusivity and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, gender expression, sex, or any other classification protected by Federal, State, and local law, which will strengthen students' self-image and promote confidence to learn;
- orally report incidents of discrimination and harassment that are witnessed, or otherwise brought to the ESBOCES employee's attention, to the building administrator and/or Dignity Act Coordinator within one (1) school day and file a written report in a manner prescribed by ESBOCES no later than two (2) school days after making the verbal report;
- perform specialized non-pedagogical duties that support the operational functioning of the program;
- know ESBOCES policies and rules and support the implementation of the Code;
- maintain confidentiality about all personal information and educational records concerning students and their families in accordance with Federal and State law (Board Policy 6420);
- help students understand ESBOCES expectations for maintaining a safe, healthy, orderly environment

- participate in ESBOCES efforts to provide adequate supervision in all ESBOCES spaces;
- remediate issues of harassment or any situation that threatens the emotional or physical health or safety of any ESBOCES student or employee or any person who is lawfully on ESBOCES property or at an ESBOCES function, or off ESBOCES property when the actions create or would foreseeably create a risk of substantial disruption within the ESBOCES environment or where it is foreseeable that the behavior might reach ESBOCES property;
- recognize and remediate personal biases that may prevent inclusivity and equitable treatment of all students;
- demonstrate dependability, integrity, and other standards of ethical behavior;
- follow the chain of command for various administrative procedures; and
- report violent students to the teacher or Principal.

#### **G. Directors and Divisional Administrators of Instructional Programs**

The Directors and Divisional Administrators of Instructional Programs are expected to:

- promote a safe, healthy, orderly, inclusive, and academically stimulating environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, sex, or any other classification protected by Federal, State, and local law, which will strengthen students' self-image and promote confidence to learn;
- follow up on any material incidents of discrimination and harassment that are witnessed, or otherwise brought to the Director's/Divisional Administrator's attention, in a timely manner in collaboration with the Dignity Act Coordinator;
- review with ESBOCES and participating district administrators the ESBOCES Board policies, administrative regulations, and State and Federal laws relating to center operations and management;
- keep others in ESBOCES informed about educational trends relating to student discipline;
- work to create instructional programs that are academically sound and promote an environment that is sensitive to student and teacher needs and which are designed to minimize problems of student misbehavior;
- work with ESBOCES administrators in enforcing the Code and ensuring that all cases of misbehavior are resolved promptly and fairly;
- maintain confidentiality about all personal information and educational records concerning students and their families in accordance with Federal and State law (Board Policy 6420);

- participate in ESBOCES efforts to provide adequate supervision in all ESBOCES spaces;
- remediate issues of harassment or any situation that threatens the emotional or physical health or safety of any ESBOCES student or employee or any person who is lawfully on ESBOCES property or at an ESBOCES function, or off ESBOCES property when the actions create or would foreseeably create a risk of substantial disruption within the ESBOCES environment or where it is foreseeable that the behavior might reach ESBOCES property;
- recognize and remediate personal biases that may prevent inclusivity and equitable treatment of all students;
- demonstrate dependability, integrity, and other standards of ethical behavior;
- follow the chain of command for various administrative procedures; and
- be open to participation in resolving conflicts through a restorative process.

#### **H. Other Administrative, Managerial, and Technical Staff**

All administrative, managerial, and technical employees are expected to:

- promote a safe, healthy, orderly, inclusive, and academically stimulating environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, gender expression, sex, or any other classification protected by Federal, State, and local law, which will strengthen students' self-image and promote confidence to learn;
- orally report incidents of discrimination and harassment that are witnessed, or otherwise brought to the administrative/managerial/technical employee's attention, to the building administrator and/or Dignity Act Coordinator within one (1) school day and file a written report in a manner prescribed by ESBOCES no later than two (2) school days after making the verbal report;
- provide specialized instructional and administrative services to ESBOCES and participating districts;
- support the implementation of the Code;
- assure that the employees under their supervision conform to the Code;
- maintain confidentiality about all personal information and educational records concerning students and their families in accordance with Federal and State law (Board Policy 6420);
- participate in ESBOCES efforts to provide adequate supervision in all ESBOCES spaces;

- remediate issues of harassment or any situation that threatens the emotional or physical health or safety of any ESBOCES student or employee or any person who is lawfully on ESBOCES property or at an ESBOCES function, or off ESBOCES property when the actions create or would foreseeably create a risk of substantial disruption within the ESBOCES environment or where it is foreseeable that the behavior might reach ESBOCES property;
- recognize and remediate personal biases that may prevent inclusivity and equitable treatment of all students;
- demonstrate dependability, integrity, and other standards of ethical behavior;
- follow the chain of command for various administrative procedures; and
- be open to participation in resolving conflicts through a restorative process.

#### **I. Chief Operating Officer and the Board**

The Chief Operating Officer and the Board are expected to:

- promote a safe, healthy, orderly, inclusive, and academically stimulating environment, free from intimidation, discrimination, and harassment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, gender expression, sex, or any other classification protected by Federal, State, and local law, which will strengthen students' self-image and promote confidence to learn;
- collaborate with student, teacher, administrator, and parent organizations, ESBOCES safety personnel and other ESBOCES personnel to maintain this Code in a manner that clearly defines expectations for the behavior of students, ESBOCES employees, and visitors on ESBOCES property and at ESBOCES functions;
- adopt and review at least annually the ESBOCES Code of Conduct to evaluate the Code's effectiveness and the fairness and consistency of its implementation;
- maintain confidentiality about all personal information and educational records concerning students and their families in accordance with Federal and State law (Board Policy 6420);
- participate in ESBOCES efforts to provide adequate supervision in all ESBOCES spaces;
- remediate issues of harassment or any situation that threatens the emotional or physical health or safety of any ESBOCES student or employee or any person who is lawfully on ESBOCES property or at an ESBOCES function, or off ESBOCES property when the actions create or would foreseeably create a risk of substantial disruption within the ESBOCES environment or where it is foreseeable that the behavior might reach ESBOCES property;
- recognize and remediate personal biases that may prevent inclusivity and equitable treatment of all students;

- develop and recommend a budget that provides programs and activities that support achievement of the goals of the Code;
- encourage ESBOCES administrators to promote a positive ESBOCES climate, enforcing the Code of Conduct and ensuring that all cases are resolved promptly and equitably;
- appoint a Dignity Act Coordinator in each ESBOCES instructional facility (the Dignity Act Coordinators will be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, gender expression, sex, and any other classification protected by Federal, State, and local law and will be accessible to students and other employees for consultation and advice as needed on the Dignity Act);
- lead by example by conducting Board meetings in a professional, respectful, courteous manner;
- support the creation of instructional programs that minimize incidents of inappropriate behavior and are sensitive to student and teacher needs;
- promote a trauma-responsive approach to addressing student behavior by supporting professional development, providing a safe ESBOCES environment, encouraging the forming of trusting relationships with students, allowing for student choice and autonomy and encouraging student skill-building and competence; and
- be open to active participation in resolving conflicts through a restorative process.

#### **J. Dignity Act Coordinators**

In accordance with the provisions of the Dignity Act, each building administrator shall act as the Dignity Act Coordinator. For a complete listing of assignments for Dignity Act Coordinators, please refer to the Eastern Suffolk BOCES website at [www.esboces.org](http://www.esboces.org).

The Dignity Act Coordinators are expected to:

- promote a safe, healthy, orderly, inclusive, and academically stimulating environment supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, gender expression, sex, or any other classification protected by Federal, State, and local law, which will strengthen students' self-image and promote confidence to learn;
- identify curricular resources that support infusing civility in classroom instruction and classroom management and provide guidance to employees as to how to access and implement those resources;
- be responsible for monitoring and reporting on the effectiveness of Board Policy 6100 (Dignity for All Students Act);

- remediate issues of harassment or any situation that threatens the emotional or physical health or safety of any ESBOCES student or employee or any person who is lawfully on ESBOCES property or at an ESBOCES function, or off ESBOCES property when the actions create or would foreseeably create a risk of substantial disruption within the ESBOCES environment or where it is foreseeable that the behavior might reach ESBOCES property;
- recognize and remediate personal biases that may prevent inclusivity and equitable treatment of all students; and
- be open to active participation in resolving conflicts through a restorative process.

## **V. STUDENT DRESS CODE**

All students are expected to give proper attention to personal cleanliness and to dress appropriately for ESBOCES classes and ESBOCES functions. Students and their parents/persons in parental relation have the primary responsibility for acceptable student dress and appearance.

Teachers and all other ESBOCES employees should exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the ESBOCES setting.

A student's dress, grooming, and appearance, including hair style/color, jewelry, make-up, and nails, shall:

- be safe, within program parameters, and not disruptive to or causing interference with the educational process;
- not be sexually revealing or suggestive (clothing that exposes the torso or reveals undergarments are not permitted);
- include footwear at all times (footwear that is a safety hazard will not be allowed);
- not promote and/or endorse the use of alcohol, tobacco, or illegal drugs and/or encourage or incite illegal, violent, or gang-related activities;
- not display any signs of gang affiliation; and
- not include items that are vulgar, obscene, or libelous or that denigrate others on the basis of race; color; religion; creed; national origin; age; political affiliation; use of a recognized guide dog, hearing dog, or service dog; gender; sexual orientation; disability; or any other classification protected by Federal, State, and local law.

Nothing in this policy shall be construed to limit the ability of students to wear clothing and/or hairstyles that allow them to express their culture or gender identity, or to discipline students for doing so.



To ensure that a dress code reflects current community standards on proper decorum and deportment, where proof that the wearing of certain apparel can reasonably lead ESBOCES to forecast the substantial disruption or material interference with the work or discipline of ESBOCES, a ban on such apparel may be considered by the building SDM Committee.

Each Principal or Principal's designee shall be responsible for informing all students and their parents/persons in parental relation of the student dress code at the beginning of the school year and of any revisions to the dress code made during the school year. Additional details about dress code may be addressed in building student handbooks.

Students who violate the student dress code shall be required to modify their appearance by covering or removing the offending item and, if necessary or practical, replacing it with an acceptable item. Any student who refuses to do so shall be subject to the consequences established by the building SDM Committee in keeping with the program's specific behavior plan enacted within the building (see the Principal of the building for details). Any student who repeatedly fails to comply with the dress code shall be subject to additional consequences pursuant to the Code if, after restorative justice principles have been implemented, the student continues to refuse to cooperate.

#### **VI. PROHIBITED STUDENT BEHAVIOR** (Board Policies 6210, 6215, 6216, 6220, and 6540)

The ESBOCES Board expects all students to behave themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students, employees, and other members of the ESBOCES community, and for the care of facilities and equipment with the goal of making the ESBOCES community free of violence, intimidation, bullying, harassment, and discrimination. Exclusion from the ESBOCES environment and suspension will only be used when necessary to protect the safety of students and staff or when all other measures have been exhausted. These expectations also apply to internships and student work experience.

The best discipline is self-imposed, and students must learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. ESBOCES employees who interact with students are expected to use disciplinary action only when necessary and to place emphasis on educating students so that they may learn from their behavior and grow in self-discipline.

The Board recognizes the need to be clear and specific in expressing its expectations for student behavior while on ESBOCES property or engaged in an ESBOCES function. The rules of behavior listed below are intended to do that and to focus on safety and respect for the rights and property of others.

Students who will not accept responsibility for their own behavior or who violate these rules will be required to accept the consequences for their behavior. Students may be subject to disciplinary action, up to and including, in extreme or repeated occurrences, suspension from the ESBOCES program, when they engage in:

- behavior that is disorderly, insubordinate, disruptive, or violent;
- behavior that endangers the safety, morals, health, or welfare of others;
- inappropriate behavior on the school bus; or

- academic misbehavior as illustrated below.

**A. Disorderly Behavior**

Examples of disorderly behavior include, but are not limited to:

- engaging in any willful act that disrupts the normal operation of the ESBOCES community (i.e., running in hallways, making unreasonable noise, and using language or gestures that are profane, lewd, vulgar, abusive, intimidating, or that incite others);
- obstructing vehicular or pedestrian traffic;
- trespassing (students are not permitted in any ESBOCES center, other than the one they regularly attend, without permission from the administrator in charge of the center);
- misusing electronic communications devices, including any unauthorized or inappropriate use of tablets, computers, software, or internet/intranet account; accessing inappropriate websites; evading the ESBOCES content filter; unauthorized use of an outside wireless network; or any other violation of the ESBOCES acceptable use policy (Board Policy 6216);
- unauthorized use of personal computers, laptops, tablets, e-readers and/or other computerized information resources through the ESBOCES computer system is prohibited;
- misuse of personal electronic devices during the instructional day, such as cellular telephones, walkie-talkies, video games, and cameras; students caught misusing such devices during the instructional day may be considered insubordinate and will be subject to discipline in accordance with this Code (ESBOCES is not responsible for stolen, lost, or damaged personal electronic devices).

**B. Insubordinate Behavior** - Behavior that goes against what a student has been asked to do or where they are supposed to be at any given time. This behavior is considered insubordinate.

This type of behavior includes, but is not limited to:

- failing to comply with the reasonable directions of teachers, ESBOCES administrators, or other ESBOCES/district employees or otherwise demonstrating disrespect;
- lateness, missing class or leaving the center without permission.

**C. Disruptive Behavior** - Behavior that prevents others from being able to learn, focus, or be engaged in their work. This behavior is considered disruptive.

This type of behavior includes, but is not limited to:

- failing to comply with the reasonable directions of teachers, ESBOCES administrators, or other ESBOCES/district employees;
- endangering the health and safety of other students or employees;
- interfering with classes or ESBOCES activities such as by means of objectionable clothing, personal appearance, and/or objectionable mannerism;
- display or use of personal electronic devices, such as, but not limited to, cell phones, music or video players, cameras, in a manner that is in violation of Policy; and
- inappropriate public sexual contact.

#### **D. Violent Behavior**

##### **Engage in Behavior that is Violent**

Examples of this type of behavior include, but are not limited to:

- committing an act of violence upon a teacher, administrator, or other ESBOCES employee, another student or any other person lawfully on ESBOCES property;
- possessing a weapon (authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on ESBOCES property or at an ESBOCES function);
- displaying what appears to be a weapon;
- threatening to use any weapon;
- intentionally damaging or destroying the personal property of a student, teacher, administrator, other ESBOCES employee or any person lawfully on ESBOCES property, including graffiti or arson; and
- intentionally damaging or destroying ESBOCES property.

##### **Engage in Behavior that Endangers the Safety, Physical or Mental Health or Welfare of Others**

Examples of this type of behavior include, but are not limited to:

- attempting to engage in or perform an act of violence noted in the section above;
- subjecting other students, ESBOCES personnel or any other person lawfully on ESBOCES property or attending an ESBOCES function to danger by recklessly engaging in behavior which creates substantial risk of physical injury;
- stealing or attempting to steal the property of other students, ESBOCES personnel, or another person lawfully on ESBOCES property or attending an ESBOCES function;

- defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them;
- discrimination, which includes using race, color, creed, national origin, ethnic group, religion, religious practice, sex, gender (identity and expression), sexual orientation, weight or disability to deny rights, equitable treatment or access to facilities available to others;
- harassment or bullying, is the creation of a hostile environment by conduct or threats, intimidation or abuse. (See Policy 6560);
- intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm;
- hazing, which includes an induction, initiation or membership process involving harassment;
- selling, using, distributing or possessing obscene material;
- using vulgar or abusive language, cursing or swearing;
- smoking a cigarette, cigar, pipe, electronic cigarette, vaping device, or using chewing or smokeless tobacco;
- possessing, consuming, selling, offering, manufacturing, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either;
- inappropriately using or sharing prescription and over the counter drugs;
- gambling;
- indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner; and
- initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging of a fire extinguisher.

**E. “Other Disruptive Incidents”** means other incidents involving disruption of the educational process.

- an act or attempted act of violence upon an ESBOCES employee while on ESBOCES property or at an ESBOCES function;
- an act or attempted act of violence upon another student or any other person lawfully on ESBOCES property or at an ESBOCES function;
- possession of a weapon while on ESBOCES property or at an ESBOCES function;

- displaying what appears to be a weapon while on ESBOCES property or at an ESBOCES function;
- threatening to use a weapon while on ESBOCES property or at an ESBOCES function;
- knowingly and intentionally damaging or destroying the personal property of any ESBOCES employee or any person lawfully on ESBOCES property or at an ESBOCES function; or
- knowingly and intentionally damaging or destroying ESBOCES property.

**F. Behavior that Endangers the Safety, Morals, Health, or Welfare of Others**

Examples of such behavior include, but are not limited to:

- lying to ESBOCES employees;
- stealing ESBOCES property or the property of other students, ESBOCES employees, or any other person lawfully on ESBOCES property or attending an ESBOCES function;
- defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them, including, but not limited to, posting or publishing video and/or audio recordings or pictures via written material, cellular telephones, internet, social media, etc.;
- discrimination based on an individual's actual or perceived race; color; weight; religion or creed; religious practice; national origin; gender (identity and expression); sex, sexual orientation; ethnic group, marital or veteran status; age; use of a recognized guide dog, hearing dog, or service dog; disability; or any other classification protected by Federal, State, and local law as a basis for treating another in a negative manner on ESBOCES property or at an ESBOCES function;
- harassment, which includes creation of a hostile environment by communication (verbal, written, electronic, or graphic) and/or physical behavior, threats, intimidation, or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities, or benefits or mental, emotional, or physical wellbeing based on an individual's actual or perceived race; color; weight; religion or creed; religious practice, national origin; gender (identity and expression); ethnic group; ancestry; political affiliation; citizenship; pregnancy; sexual orientation; sex; age; marital status, military or veteran status; genetic predisposition or carrier status, use of a recognized guide dog, hearing dog, or service dog; disability; or any other classification protected by Federal, State, and local law (see Board Policies 6218 and 6560 for more complete definitions);
- bullying and intimidation, which includes engaging in a variety of negative acts, including, but not limited to, hitting; kicking; spitting; pushing; taking personal belongings; taunting; malicious teasing; name calling; extorting; making threats; spreading rumors;

manipulating social relationships; and engaging in social exclusion, extortion, or intimidation; or statements that put an individual in fear of bodily harm and/or emotional discomfort (e.g., “play” fighting, extortion of money, overt teasing, etc.) that has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities, or benefits;

- cyberbullying, which includes, but is not limited to, the following misuses of technology: sending or posting inappropriate or derogatory e-mail messages, instant messages, text messages, digital pictures or images, Web site postings (including, but not limited to, blogs, chat rooms, and social networks), or any other electronic means to bully or otherwise harass an individual or group through personal attacks or other means, when such use interferes with the operation of ESBOCES or infringes upon the general health, safety, and welfare of students or employees;
- sexual harassment, including unwelcome sexual advances; requests for sexual favors; taking, sending, or receiving sexually explicit videos, pictures, or auditory recordings; and other behaviors and comments of a sexual nature that are offensive, unwelcome, interfere with another’s work or academic performance, or create an intimidating, hostile, or offensive working or educational environment;
- displaying overt signs indicating gang affiliation or engaging in gang-related behaviors that increase the level of conflict or violent behavior in the ESBOCES centers or disrupt the educational process;
- hazing, which includes any intentional or reckless act of intimidation, harassment, or assault directed against another for the purpose of initiation into, affiliation with, or maintaining membership in any ESBOCES-sponsored activity, organization, club, or team;
- committing a bias offense;
- selling, using, possessing, or distributing obscene material;
- using vulgar or abusive language, cursing, or swearing;
- using tobacco products as defined herein;
- possessing, consuming, selling, attempting to sell, distributing, or exchanging alcoholic beverages, tobacco, tobacco products, vaping products, or illegal substances and/or controlled substances, counterfeit and designer drugs, or paraphernalia for use of such drugs, or being under the influence of any of these, on ESBOCES property or at an ESBOCES function;
- possessing, consuming, selling, distributing, or exchanging anything that appears to be an illegal substance;
- inappropriately using, sharing, selling, attempting to sell, distributing, or exchanging prescription and over-the-counter drugs;

- initiating or reporting warning of fire or other catastrophe without valid cause, misusing emergency telephone number 911, or inappropriately discharging a fire extinguisher;
- gambling;
- inappropriate touching and/or indecent exposure; or
- communication by any means, including oral, written, or electronic (such as through the internet, e-mail, blog posts, or texting) off ESBOCES property, where the content of the communication: (1) can reasonably be interpreted as a threat to commit an act of violence on ESBOCES property; or (2) results in, or can be reasonably expected to result in, a material or substantial disruption to the educational environment.

#### **G. Inappropriate Behavior While on a School Bus**

It is crucial for students to behave appropriately while riding on ESBOCES and district buses to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to behave themselves on the bus in a manner consistent with the ESBOCES Code and established standards for classroom behavior. Behaviors such as excessive noise, pushing, shoving, fighting, harassment and discrimination will not be tolerated.

#### **H. Academic Misbehavior**

Examples of academic misbehavior include, but are not limited to:

- plagiarism;
- copyright infringement;
- cheating;
- copying;
- altering records;
- forgery of a parent's/person in parental relation's, or ESBOCES employee's signature;
- accessing other users' email accounts or network storage accounts, or attempting to read, delete, copy, modify, or interfere with transferring or receiving electronic communications;
- other violations of the Acceptable Use policy;
- defacing or damaging an ESBOCES facility, class, library, or others' materials, work, or documents;
- taking exam, quiz, lab, or any other instructional questions, answers, or forms to further one or more students' grade or progress; or



- assisting another student in any of the above actions.

**I. Inappropriate Behavior Off ESBOCES Property That Interferes With the Educational Process**

Examples of inappropriate behavior that interferes with, or can reasonably be expected to substantially disrupt, the educational process in ESBOCES or at an ESBOCES function include, but are not limited to:

- cyberbullying (i.e., inflicting willful and repeated harm through the use of social media, electronic text, or images);
- threatening or harassing ESBOCES students or employees over the telephone or other electronic medium;
- copying;
- altering records;
- accessing other users' email accounts or network storage accounts, or attempting to read, delete, copy, modify, or interfere with transferring or receiving electronic communications;
- other violations of the Acceptable Use policy;
- defacing or damaging an ESBOCES center, class, library, or others' materials, work, or documents;
- taking exam, quiz, lab, or any other instructional questions, answers, or forms to further one or more students' grade or progress; or
- assisting another student in any of the above actions.

**J. Reporting Violations**

Because the goal is to make ESBOCES a community free of violence, intimidation, bullying, harassment and discrimination, all students are expected to promptly report violations of the Code of Conduct to a teacher, guidance counselor, the Building Principal, or the Building Principal's designee. Any student observing a student possessing a weapon, alcohol or illegal substance on ESBOCES property or at an ESBOCES function shall report this information immediately.

All ESBOCES staff who are authorized to impose disciplinary consequences are expected to do so in a prompt, fair and lawful manner. ESBOCES staff who are not authorized to impose disciplinary consequences are expected to promptly report violations of the Code of Conduct to their supervisor who shall in turn impose an appropriate disciplinary consequence if so authorized, or refer the matter to a staff member who is authorized to impose an appropriate consequence.

Any weapon, alcohol or illegal substance found shall be confiscated immediately, if possible, followed by notification to the parent/person in parental relation of the student involved and the appropriate disciplinary consequence, which may include permanent suspension and referral for prosecution.

The Principal or the Principal's designee must notify the appropriate local law enforcement agency of those code violations that constitute a crime and substantially affect the order or security of a center as soon as practical, but in no event later than the close of business the day the Principal or the Principal's designee learns of the violation. The notification must identify the student and explain the behavior that violated the Code of Conduct and constituted a crime.

Anyone who, in good faith, reports a violation of the law, ESBOCES rule, or Code of Conduct, may not be retaliated against. Students who knowingly make false accusations against another individual may face disciplinary action.

## **VII. DISCIPLINARY CONSEQUENCES AND PROCEDURES**

Methods of student discipline vary in style and effectiveness. Discipline is most effective when it deals directly with the problem at the time and place it occurs, and in a way that students view as fair and impartial. While no single method of discipline is recommended or mandated, all discipline is to be humane and appropriate to the situation. ESBOCES employees who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to develop self-discipline. In order to help ESBOCES employees maintain a focus on encouraging positive student behavior, ESBOCES employs a hierarchy of behavioral interventions to promote safe, orderly, and responsible student behavior (see Behavioral Intervention Hierarchy Chart). Teachers, para educators, and other ESBOCES employees are provided in-service education programs to ensure effective implementation of these interventions and are involved in the development of building-specific techniques appropriate to the needs of the students educated in their building.

Disciplinary action, when necessary, will be firm, fair, and consistent. So as to be the most effective in changing student behavior, there will be a rational relationship between the student's behavior and the consequences of that behavior. In determining the appropriate disciplinary action, ESBOCES employees authorized to impose disciplinary consequences will consider the following:

- the student's age;
- the nature of the offense and the circumstances that led to the offense;
- the student's prior disciplinary record;
- the effectiveness of other forms of discipline;
- information from parents/persons in parental relation, teachers, and/or others, as appropriate;
- other extenuating circumstances, such as medications; and

- the disability or suspected disability of the student, if any, in which case the specific procedures outlined within the context of this section must be followed.

Generally, discipline will be progressive and will include measured, balanced, and age-appropriate remedies and procedures that make appropriate use of prevention, education, intervention, and discipline. This means that a student's first violation will usually lead to a less serious consequence than subsequent violations. Under some circumstances, however, a serious first violation may lead to disciplinary action, including, but not limited to, suspension or removal from ESBOCES programs. Each student will be disciplined individually, taking into account appropriate factors.

For special education students in an ESBOCES program, the Board accepts that students with disabilities often display a range of behaviors that would be deemed disruptive within a regular educational setting. These behaviors may include behavior that is disorderly, insubordinate, disruptive, and/or violent. As part of the overall instructional program, the ESBOCES special education programs incorporate behavior management systems designed to address this range of student behaviors. Each program within the Special Education Department develops a written behavior management system tailored to the specific needs and disabilities of the students within that program. The behavior management system of each program takes into consideration:

- the student's age;
- the nature of the offense and the circumstances which led to the offense;
- the student's behavioral history;
- the effectiveness of alternative behavior management approaches;
- information from parents/persons in parental relation, teachers, and/or others, as appropriate;
- other extenuating circumstances, such as medications; and
- the disability or suspected disability of the student, if any, in which case the specific procedures outlined within the context of this section must be followed.

If the behavior of a student is related to a disability or suspected disability, the student shall be referred to the Committee on Special Education and discipline, if warranted, shall be administered consistent with the separate requirements of the Code of Conduct for disciplining students with a disability or presumed to have a disability. A student identified as having a disability shall not be disciplined for behavior related to the student's disability, unless the discipline is consistent with the student's individual education plan (IEP).

#### **A. Disciplinary Consequences**

Students learn socially appropriate behavior by being allowed to experience both positive and negative consequences for their actions. In addressing student behaviors that may impede learning, ESBOCES uses a variety of:

- positive supports, strategies, and interventions to improve students' motivation, social skills, problem solving abilities, anger management, and conflict resolution abilities;
- environmental modifications to support students' abilities to maintain attention, stay on task, and control their behavior; and
- building-wide behavior management systems to improve students' abilities to understand the connections between their behavior and more or less desired outcomes.

### Behavioral Intervention Hierarchy

#### Time-Honored Classroom Management Strategies for:

##### Regular Education Students (examples)

1. Short-term in-class separation of student from classroom activity
2. Non-violent crisis intervention strategies
3. Sending student to counselor's office
4. Sending student to Principal's office
5. Disciplinary consequences

##### Special Education Students (examples)

1. Building behavior management system
2. Student specific behavior modification plan
3. Non-violent crisis intervention strategies
4. Brief period in BIR
5. Disciplinary consequences

#### **Formal Teacher Removal from Class (maximum two (2) days):**

Follows Building SDM determined parameters for:

1. a substantial disruption for formal removal
2. a substantial interference for formal removal
3. length of time for formal removal
4. place, activities, and supervision during removal
5. process for re-entry

#### **Out of School Suspension (not to exceed five (5) days):**

Follows procedures established  
in the Code of Conduct.

Related to Board Policy 6212

#### **Long-Term Suspension Referral to Home School District:**

For violation of Code of  
Conduct, which may warrant  
long-term suspension (more  
than five (5) days),  
expulsion, or CSE change of  
placement

As a general practice and whenever possible, these behavioral interventions are used in combination prior to imposing more severe disciplinary consequences.

A student who is found to have violated the ESBOCES Code of Conduct may be subject to one or more of the following disciplinary actions. The ESBOCES/district employees identified after each consequence are authorized to impose that consequence consistent with the student's right to due process.

In conjunction with the chart below, conflict resolution meetings, restitution to those harmed, and group, classroom, community and or re-entry methods may be employed.

CONSEQUENCE	AUTHORIZED PERSONNEL
1. Verbal warning	Any ESBOCES employee
2. Written warning	Bus drivers and educational program employees
3. Written notification to parent/person in parental relation	Principal and/or Principal's designee
4. Suspension from transportation	Principal and/or designee or home district personnel
5. Suspension of other privileges	Principal
6. Formal removal from classroom by teacher	Teachers
7. Short-term (not to exceed five (5) days) suspension from school	Principal
8. Long-term (more than five (5) days) suspension from school	Official of the student's home district

Understanding discipline as a “teachable moment” is fundamental to a positive approach to discipline with the ultimate goal of teaching pro-social behavior. Therefore, the Board authorizes that restorative justice practices may be employed where appropriate, use of conflict resolution, restitution to those harmed, and group, classroom, community and re-entry mechanisms to address misbehaviors with the ultimate goal of teaching pro-social behavior. This approach seeks concurrent accountability and behavioral change. The main principles of restorative justice are valuing and restoring relationships, repairing the harm done to affected parties, respecting others’ opinions, and reintegrating into the ESBOCES community. The process is always voluntary.

Parents/persons in parental relation are powerful partners in their children’s behavioral growth and development of acceptable social skills. ESBOCES realizes that good communication and informal relations between parents/persons in parental relation and educators are critical to resolving discipline issues. The use of sustained, multiple, coordinated interventions at home and in ESBOCES centers provide students with the consistency they need to develop appropriate behaviors. Parents/persons in parental relation must assist the ESBOCES employees by reinforcing positive classroom behavior and by helping their children understand the connection between their behavior and disciplinary consequences. ESBOCES recognizes that parent/person in parental relation involvement in the behavioral process is required for their children to develop the behaviors that will ensure success in the educational setting and in life. Therefore, in addition to the required procedural notifications which follow, it is ESBOCES philosophy to provide parents/persons in parental relation with

regular and early notification by telephone and/or in writing when their children's behavior is becoming problematic.

## **B. Procedures**

The amount of due process a student is entitled to receive before a consequence is imposed depends on the nature of the incident. In all cases, regardless of the consequence being imposed, the authorized ESBOCES employee must inform the student of the alleged inappropriate behavior and must investigate, to the extent necessary, the facts surrounding the alleged inappropriate behavior. Prior to imposing the disciplinary consequence, the authorized ESBOCES employee shall provide the student with an opportunity to present the student's version of the facts. At the discretion of the Principal, parents/persons in parental relation will be notified, by way of an ESBOCES-established form, of student violations to the Code that do not rise to the level of suspension.

Students may be entitled to additional rights before the disciplinary consequence is imposed if that consequence is other than a verbal warning, written warning, or written notification to their parents/persons in parental relation. These additional rights are explained below.

### **i. In-School Suspension**

ESBOCES balances the need of students to attend ESBOCES and the need for order in the classroom to establish an environment conducive to learning. Therefore, building principals/supervisors/acting principals may place students who would otherwise be suspended from ESBOCES as the result of a Code of Conduct violation into in-school suspension. A student subject to an in-school suspension is not entitled to a full hearing under Education Law § 3214. However, the student and the student's parent/person in parental relation will be provided with a reasonable opportunity for an informal conference with the ESBOCES official imposing the in-school suspension to discuss the behavior and the penalty involved.

### **ii. Suspension from Transportation**

If a student does not behave properly on a bus, school bus personnel are expected to bring such misbehavior to the attention of the Principal or the Principal's designee. A student who becomes a serious disciplinary problem may have the student's riding privileges suspended by the Principal or the Superintendent of the student's home school district or their designees. In such cases, the student's parent/person in parental relation will become responsible for seeing that the student gets to and from the ESBOCES center safely. Should the suspension from transportation amount to a suspension from attendance, the home school district will cooperate with ESBOCES to make appropriate arrangements to provide for the student's continued educational programming.

A student subjected to a suspension from transportation is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent/person in parental relation will be provided with a reasonable opportunity for an informal conference with the Principal or the Principal's designee to discuss the behavior and the consequence involved (Board Policy 6215).



### **iii. Suspension from Other Privileges**

A student subjected to a suspension from other privileges is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent/person in parental relation will be provided with a reasonable opportunity for an informal conference with the ESBOCES official imposing the suspension to discuss the misbehavior and the consequence involved.

### **iv. Formal Removal of Disruptive Students by a Teacher**

A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most instances, the classroom teacher can control a student's behavior and maintain or restore control over the classroom by using appropriate research-based classroom management techniques. These techniques may include practices that involve the teacher giving the student an opportunity to regain the student's composure and self-control in a BIR. It is the philosophy of the ESBOCES that parents/persons in parental relation are key components of the behavior management process. For that reason, parents/persons in parental relation will be notified when their children's behavior requires the use of a BIR. The building-based SDM Committee shall determine what classroom and building practices are appropriate to the population of students educated in each program operated by ESBOCES. These appropriate classroom management techniques do not constitute formal disciplinary removals by a teacher for purposes of this Code.

Teachers may first use interventions aimed at teaching appropriate and responsible behaviors so students can learn and demonstrate safe and respectful academic, social and emotional behavior.

On occasion, a student's behavior may become more disruptive (See Definitions: disruptive student) than a teacher can manage. A substantial disruption of the educational process or substantial interference with a teacher's authority occurs when a student demonstrates a persistent unwillingness to comply with the teacher's instructions or repeatedly violates the teacher's classroom behavior rules. The specific examples of what constitutes a substantial disruption or substantial interference with the teacher's authority over the classroom must be appropriate to the population of students educated within each program operated by ESBOCES. To that end, the SDM Committee of each center will establish examples of and parameters for:

- a substantial disruption requiring formal removal by teacher;
- a substantial interference requiring formal removal by teacher;
- the length of time for a formal removal by teacher (not to exceed two (2) days);
- the place to which the student is removed, the appropriate activities in which the student is engaged, and the supervision provided to the student during the formal removal by teacher; and

- the process for student re-entry to the classroom.

In order to assure consistency, the departmental SDM Committees will review and approve the operative definitions regarding formal removal by a teacher established by each building-based SDM for the Code. In order to assure that students and their parents/persons in parental relation are knowledgeable about the specific requirements of the centers the students attend, these center parameters accompany the ESBOCES Code, which shall be distributed at the beginning of each school year or upon student entry into the program.

The process of decision-making for teachers and administrators implementing behavioral interventions for student misconduct is outlined in the flowchart entitled “Process of Decision Making for Student Behavioral Intervention.”

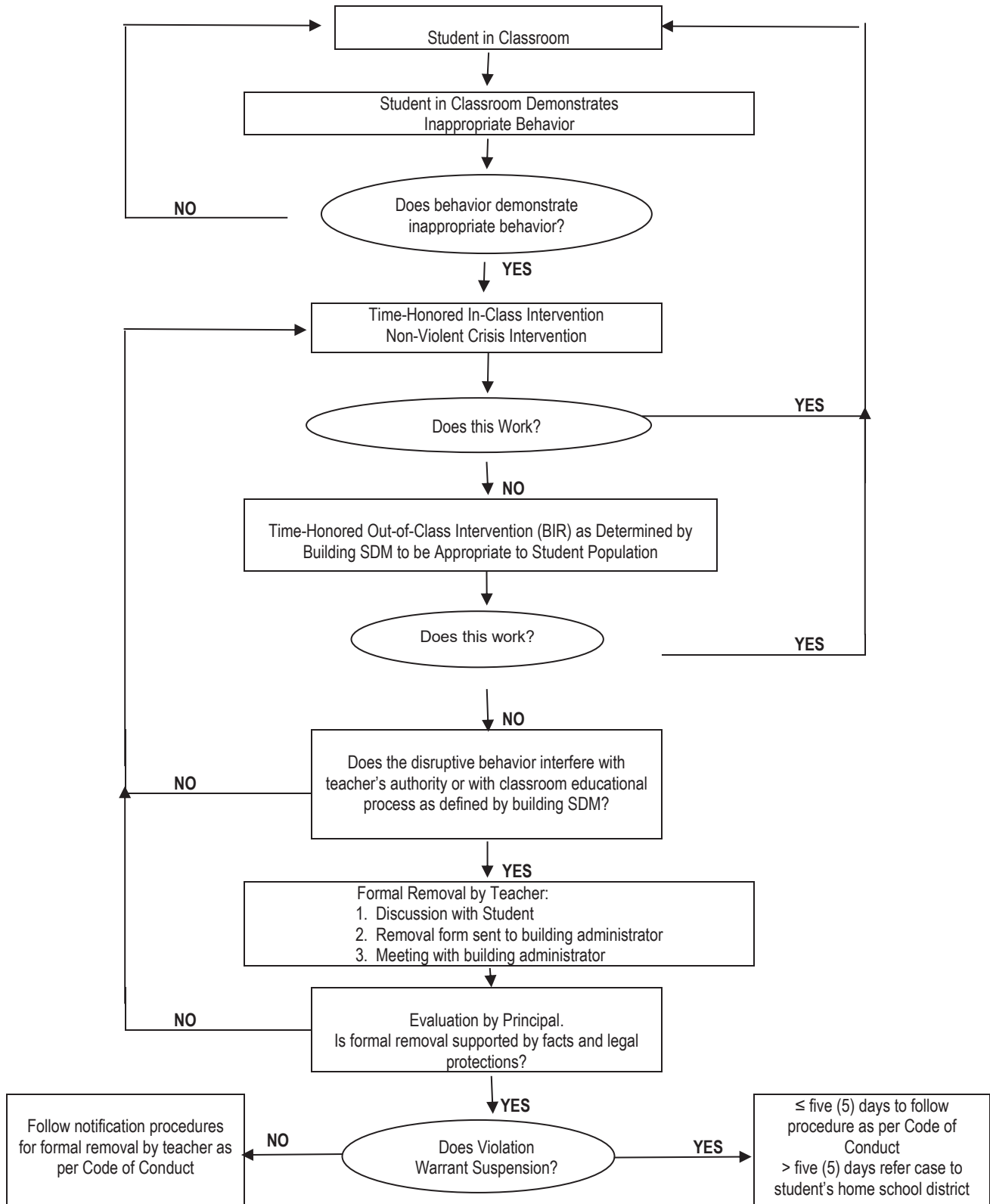
The procedural requirements for a formal removal by a teacher of a student are:

- a. If the disruptive student does not pose a danger or ongoing threat of disruption to the academic process, the teacher must provide the student with an explanation of why he or she is being formally removed and an opportunity to explain the student’s version of the relevant events before the student is removed. Only after this informal discussion may a teacher formally remove a student from class.
- b. If the disruptive student poses a danger or ongoing threat of disruption, the teacher may order the student to be formally removed immediately. The teacher must, however, explain to the student why he or she was removed from the classroom and give the student a chance to present the student’s version of the relevant events within twenty-four (24) hours.
- c. The teacher must complete an ESBOCES form for a formal removal by a teacher and meet with the Principal or Principal’s designee as soon as possible, but no later than the end of the instructional day, to explain the circumstances of the formal removal and to submit the aforementioned ESBOCES form. If the Principal or the Principal’s designee is not available by the end of the same instructional day, the teacher must leave the form with the secretary and meet with the Principal or Principal’s designee prior to the beginning of classes on the next instructional day.
- d. Within twenty-four (24) hours after the student’s formal removal by a teacher, the Principal or another ESBOCES administrator designated by the Principal must notify the student’s parent/person in parental relation, in writing, that the student has been formally removed from the class and indicate the reason for the removal. The notice must also inform the parent/person in parental relation that he or she has the right, upon request, to meet informally with the Principal or the Principal’s designee to discuss the reasons for the formal removal.
- e. The written notice must be delivered to the last known address of the parent/person in parental relation through one or more of the following means: delivery by the bus driver, delivery by express mail, personal delivery, or delivery by some other means that is reasonably calculated to assure receipt of the notice within twenty-four (24) hours of the student’s formal removal by a teacher. Where

possible, notice should also be provided by telephone if ESBOCES has been provided with a telephone number(s) for the purpose of contacting parents/persons in parental relation.

- f. The Principal may require the teacher who ordered the formal removal to attend the informal meeting.
- g. If, at the informal meeting, the student denies the charges, the Principal or the Principal's designee must explain why the student was formally removed and give the student and the student's parent/person in parental relation a chance to present the student's version of the relevant events. The informal meeting must be held within forty-eight (48) hours of the student's formal removal by a teacher. The timing of the informal meeting may be extended by mutual agreement of the parent/person in parental relation and Principal or Principal's designee.
- h. The Principal or the Principal's designee may overturn the formal removal of the student from class if any one of the following are found:
  - the charges against the student are not supported by substantial evidence;
  - the student's formal removal is otherwise in violation of the ESBOCES Code of Conduct and/or Federal or State laws regarding the education of students with disabilities; or
  - the behavior warrants suspension pursuant to Education Law §3214 and a suspension will be imposed.

## PROCESS OF DECISION MAKING FOR STUDENT BEHAVIORAL INTERVENTION



- i. The Principal shall not set aside the discipline imposed by the teacher unless the Principal finds that the charges against the student are not supported by substantial evidence, that the student's removal is otherwise in violation of law, or that the behavior warrants suspension from ESBOCES pursuant to this section and a suspension will be imposed. The Principal's determination made pursuant to this paragraph shall be made by the close of business on the day succeeding the forty-eight (48) hour period for an informal hearing.
- j. Any disruptive student formally removed from the classroom by the teacher shall be offered continued educational programming and activities by a certified teacher until the student is permitted to return to the classroom.
- k. Each teacher must keep a complete log (on an ESBOCES form) of all cases of formal removal of students from the teacher's class. The Principal must keep a building log of all formal removals by teachers of students from class.

**v. Suspension from ESBOCES (Board Policy 6212)**

Suspensions will be used to the minimum degree necessary to promote improved student behavior. Suspensions will be limited to students who pose an immediate or ongoing threat to oneself or others or are repeatedly substantially disruptive or for whom restorative practices, where in use, have not been effective.

The Board retains its authority to suspend students, but places primary responsibility for the suspension of students with the Principals (short-term suspension) or the home school district (long-term suspension). All students who are under suspension in their home school shall be reciprocally suspended by ESBOCES during the time of their home school suspension.

Any ESBOCES employee may recommend to the Principal that a student be suspended. All ESBOCES employees must immediately report and refer a violent student to the Principal for violation of the Code. All recommendations and referrals shall be made in writing unless the conditions underlying the recommendation or referral warrant immediate attention. In such cases, a written report is to be prepared as soon as possible by the employee recommending the suspension.

The Principal, upon receiving a recommendation or referral for suspension, shall gather the facts relevant to the matter and record them for subsequent presentation, if necessary.

**a. Short-Term (Not to Exceed Five (5) Days) Suspension From ESBOCES**

ESBOCES shall initiate the suspension of a student who is insubordinate, disorderly, violent or disruptive, or whose behavior otherwise endangers the safety, morals, health, or welfare of self or others. When ESBOCES initiates a suspension, all requirements of law shall be followed.

- i. Suspensions may be made by a Principal for a period not to exceed five (5) instructional days. Suspensions may not be ordered by any other employee.
- ii. The student being considered to be suspended must be advised of the proposed suspension, when appropriate, and the reason for the proposed suspension by the appropriate administrator.
- iii. The Principal must notify the student's parent/person in parental relation of the proposed suspension immediately by telephone and in writing. The notice must enumerate the charges and the incident for which the suspension is proposed and provide the student and parent/person in parental relation with an opportunity for an immediate informal meeting with the Principal, at which time the student's version of the event may be presented and complaining witnesses may be questioned. This informal meeting must be held prior to imposition of the suspension, unless the student's presence at the ESBOCES center poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, in which case the student's notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable. The notice must also inform the parent/person in parental relation that the student's home school district has been notified of the proposed suspension so that arrangements can be made for the student's continued educational programming during this suspension.
- iv. The written notice must be delivered to the last known address of the parent/person in parental relation through one or more of the following means: delivery by the bus driver, delivery by express mail, personal delivery, or delivery by some other means that is reasonably calculated to assure receipt of the notice within twenty-four (24) hours.
- v. If a parent/person in parental relation wishes to contest a short-term suspension by ESBOCES, the parent/person in parental relation may obtain a copy of the appeal procedure from the Principal.
- vi. A copy of the suspension notice shall be placed in the student's file.
- vii. Upon return to ESBOCES for reinstatement, the student should be accompanied by a parent/person in parental relation, if possible, for a reinstatement interview.

Disabled Students: The Principal may order the suspension of a student with a disability for a period not to exceed five (5) consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior. Any student with a disability who has been suspended for an aggregate total of ten (10) days within a school year must be referred to the Committee on Special Education of the home school district for a manifestation determination hearing. Students with disabilities and their parents/persons in parental relation should be aware that there are special protections surrounding

disciplinary actions which may warrant a manifestation determination and should receive specifics of these legal protections from the CSE of their home district.

- b. Long-Term (More than Five (5) Days) Suspension from ESBOCES for Non-Disabled Students and Removals or Suspensions that Constitute a Disciplinary Change in Placement for Students with Disabilities (Which Could Include an Alternative Special Educational Setting).

When a non-disabled student engages in behavior that may warrant a long-term suspension or when a student with a disability engages in behavior that may warrant a manifestation determination because the disciplinary action may constitute a disciplinary change in placement, the following procedure shall be followed:

- i. The Principal must initially follow the procedures for short-term suspensions.
- ii. The Principal must notify the ESBOCES Director or designee responsible for the program in which the student is enrolled and the appropriate home school official of the student's home district that ESBOCES is seeking a long-term suspension of the student and requests the home school district to officiate the process.
- iii. Upon return to ESBOCES for reinstatement, the student should be accompanied by a parent/person in parental relation, if possible, for a reinstatement interview.

In the case of a non-disabled student, the appropriate home district school official is the participating school district's designated discipline officer. In the case of a student with disabilities, the appropriate home district school official is the CSE chair. Students with disabilities and their parents/persons in parental relation should be aware that there are special protections surrounding disciplinary actions that may warrant a manifestation determination and they should receive the specifics of these procedural safeguards from the CSE of their home school district.

In order to facilitate review and action according to the disciplinary procedures established within the home district's Code of Conduct or, in the case of a student with disabilities, by a manifestation determination as required by State and Federal law, the Principal shall provide proper documentation to the appropriate official of the student's home school district.

As prescribed by law, the following behaviors are serious enough to justify referral of students to the home school district for long-term (more than five (5) days) suspension from school and/or a manifestation determination:

- a. Bringing a Weapon onto ESBOCES Property

Any student determined to have brought a weapon onto ESBOCES property will be subject to suspension from ESBOCES for at least one (1) calendar



year. Before being suspended, the student will have an opportunity for a hearing in the home school district pursuant to Education Law §3214. The Superintendent of the home school district has the authority to modify the one (1) year suspension on a case-by-case basis. In deciding whether to modify the suspension period, the Superintendent of the home school district may consider the student's age; grade level; prior disciplinary record; potential effectiveness of other forms of discipline; input from parents/persons in parental relation, teachers, and/or others; and other extenuating circumstances. A student with a disability may be suspended only in accordance with the requirements of state and federal law (Board Policy 6240).

**b. Committing or Threatening to Commit Violent Acts**

Any student determined to have committed or threatened to commit a violent act, other than bringing a weapon onto ESBOCES property, shall be subject to a minimum suspension from ESBOCES for at least four (4) days. If a minimum four (4) day suspension is proposed, the same procedural requirements for short-term suspension shall apply. The Principal, Chief Operating Officer or designee, and the Board have the authority to reduce the proposed suspension on a case-by-case basis. In deciding whether to modify the suspension period, the student's age; grade level; prior disciplinary record; potential effectiveness of other forms of discipline; input from parents/persons in parental relation, teachers, and/or others; and other extenuating circumstances may be considered. If the proposed suspension is for more than five (5) days, the student shall be referred to the appropriate official of the student's home school district for a long-term suspension. The student and the student's parent/person in parental relation will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension as per the Code of Conduct of the student's home school district. The Superintendent of the home school district has the authority to modify a proposed suspension which exceeds five (5) days on a case-by-case basis using the same factors delineated previously for modifying a one (1) year suspension for possessing a weapon. A student with a disability may be suspended only in accordance with the requirements of State and Federal law.

**c. Repeatedly and Substantially Disrupting the Educational Process or Repeatedly and Substantially Interfering with the Teacher's Authority Over the Classroom**

Any student who is repeatedly and substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom, as defined by the SDM Committee of the building in which the student is enrolled, shall be subject to a minimum suspension from ESBOCES for at least four (4) days. For the purpose of this Code, "repeatedly and substantially disruptive" means engaging in behavior that results in the student being removed from the classroom by the teacher(s)

pursuant to Education Law §3214(3-a) and this Code on four (4) or more occasions during a semester, or three (3) or more occasions during a trimester. If a minimum four (4) day suspension is proposed, the same procedural requirements for a short-term suspension delineated in Section 4a shall apply. The Principal, Chief Operating Officer or designee, and the Board have the authority to reduce the proposed suspension on a case-by-case basis. In deciding whether to modify the suspension period, the student's age; grade level; prior disciplinary record; potential effectiveness of other forms of discipline; input from parents/persons in parental relation, teachers, and/or others; and other extenuating circumstances may be considered. If the proposed suspension exceeds five (5) days, the student shall be referred to the appropriate official of the student's home school district for a long-term suspension. The student and the student's parent/person in parental relation will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension as per the Code of Conduct of the student's home school district. The Superintendent of the home school district has the authority to modify a proposed long-term suspension on a case-by-case basis using the same factors delineated previously for modifying a one (1) year suspension for possessing a weapon. A student with a disability may be suspended only in accordance with the requirements of State and Federal law.

#### **vi. Referrals**

##### **a. PINS (Person in Need of Supervision)**

If the ESBOCES team feels that a student requires oversight by probation due to one of the reasons listed below, the Principal or the Principal's designee may refer to the home school district any student under the age of eighteen (18) for whom a PINS Petition is needed.

A "person in need of supervision" includes a student who demonstrates behaviors such as:

- being habitually truant and not attending school as required by Part I of Article 65 of the Education Law;
- being incorrigible, ungovernable, or habitually disobedient and beyond the lawful control of the school; or
- knowingly and unlawfully possessing marijuana in violation of Penal Law §221.05 (a single violation of §221.05 is sufficient basis for filing a PINS Petition).

##### **b. Alternatives for Youth (AFY)**

The law mandates diversion services for youth at risk of becoming the subject of a PINS petition through AFY. When assisting a parent/person in parental relation

with an AFY referral, the parent/person in parental relation must be directed to meet with the lead agency (Education Assistance Corporation) to review efforts and documentation provided by school. It is up to the County's lead agency (EAC – 631-853-7889) to determine that there is no substantial likelihood that the youth and the youth's family will benefit from further diversion services before moving to a PINS Petition. Referrals for AFY may be made by the parents/persons in parental relation and it will be requested that such referral include at least three (3) behavioral instances that occurred at home. Parents/persons in parental relation will need to provide details and dates of these behavioral instances. Examples include drug use, physical aggression, verbal aggression, not following household rules, and leaving home without permission. An AFY referral is sent to the AFY division, and a caseworker is assigned within twenty-four (24) to forty-eight (48) hours. Intake is completed, and community referrals are provided for therapy, drug or alcohol treatment, and psychiatric supports. If the behaviors improve, the AFY program continues to completion. If negative behaviors continue, a PINS Petition may be deemed an appropriate next step.

c. Juvenile Delinquents or Juvenile Offenders

The Principal or the Principal's designee will refer to the home school district any student enrolled in ESBOCES who meets the following specifications so that the Superintendent of the student's home school district can meet the requirement to refer the student to the County Attorney for a juvenile delinquency proceeding before Family Court:

- any student under the age of 16 who is found to have brought a weapon onto ESBOCES property; or
- any student who qualifies for juvenile offender status under Criminal Law §1.20 (42).

d. Criminal Offenses

The Principal or the Principal's designee will promptly report to local law enforcement agencies any student who qualifies for juvenile offender status because of a violation of the Code that constitutes a crime and substantially affects the order and security of ESBOCES. The student's parent/person in parental relation, home school district, and the school district in which the student's ESBOCES program is located, if applicable, will be notified that such a report has been filed.

e. Counseling

ESBOCES may make recommendations for counseling evaluations to appropriate programs.

Other actions to assist students in managing their behavior, including referrals to or partnerships with community resources may be utilized.

## **VIII. ALTERNATIVE INSTRUCTION**

When a student of any age is removed from class by a teacher or a student of compulsory attendance age is suspended from ESBOCES pursuant to Education Law 3214, immediate steps will be taken to provide alternative means of instruction for the student. Every effort will be made to maintain the student's academic progress in the event of removal or suspension, and to support student re-entry to the classroom at the conclusion of the disciplinary action.

## **IX. CORPORAL PUNISHMENT**

Corporal punishment is any act of physical force upon a student for the purpose of punishing that student. Corporal punishment of any student by any employee is strictly forbidden. However, in situations where alternative procedures and methods that do not involve the use of physical force cannot reasonably be used, reasonable physical force using crisis prevention intervention techniques may be used to:

- protect oneself, another student, teacher or any person from physical injury;
- protect the property of ESBOCES or others; and
- protectively hold or remove a student whose behavior interferes with the orderly exercise and performance of ESBOCES functions, powers and duties, if that student has refused to refrain from further disruptive acts.

All complaints about the use of corporal punishment will be filed with the Commissioner of Education in accordance with Commissioner's regulations.

## **X. STUDENT SEARCHES AND INTERROGATIONS**

The ESBOCES Board is committed to providing an atmosphere for a positive, safe, and orderly learning environment. Accordingly, student searches and interrogations will be conducted in accordance with Policy 6230.

### **A. Law Enforcement Officials**

ESBOCES will maintain a cooperative effort with law enforcement agencies. Law enforcement officials may be summoned to conduct an investigation of alleged criminal behavior on ESBOCES property or during an ESBOCES function, or to maintain the educational environment. They may also be summoned to maintain or restore order when their presence is necessary to prevent injury to persons or property. Administrators have the responsibility and the authority to determine when the assistance of law enforcement officers is necessary.

### **B. Interrogation of Students by Law Enforcement Officials**

Generally, law enforcement officials may only interview students on ESBOCES property or at an ESBOCES function without the permission of a parent/person in parental relation in situations where a warrant has been issued for the student's arrest (or removal) or the questioning concerns a crime committed on ESBOCES property or at an ESBOCES function.

In all other situations, if the law enforcement officials wish to speak to a student without a warrant, they should directly contact the student's parent/person in parental relation. When law enforcement officials wish to question a student on ESBOCES property or at an ESBOCES function, administration will attempt to notify the student's parent/person in parental relation. If possible, questioning should take place in private and outside the presence of other students, but in the presence of the building principal/designee.

### **C. Child Protective Services' Investigations**

Occasionally, Child Protective Services (CPS) may wish to conduct interviews of students on ESBOCES property. These interviews generally pertain to allegations of suspected child abuse or neglect. The Board encourages cooperation with CPS with respect to access to records and access to any child named as a victim, any of the victim's siblings, or any other child residing in the same home as the named victim, in accordance with applicable law. Child protective service workers and any associated multi-disciplinary team members must comply with the procedures for visitors, provide identification and identify the child(ren) to be interviewed.

A child-protective services worker may not remove a student from ESBOCES property without a court order, unless the worker reasonably believes that the student would be subject to danger of abuse if the student were not removed from ESBOCES before a court order can reasonably be obtained. If the worker believes the student would be subject to danger of abuse, the worker may remove the student without a court order and without the parent's/person in parental relation's consent.

## **XI. VISITORS TO ESBOCES**

ESBOCES is committed to providing a safe, healthy, orderly, respectful environment conducive to learning. The ESBOCES Board encourages parents/persons in parental relation and other members of the public to visit ESBOCES facilities and classrooms to observe the work of students, teachers, and other employees. Since ESBOCES centers are places of work and learning, certain limits must be set for such visits. The Principal or Principal's designee (for instructional centers) or other building administrator (for buildings in which there is no Principal) is responsible for all persons in the building and on ESBOCES property. For these reasons, the following expectations apply to visitors to ESBOCES centers.

- Anyone who is not a regular employee or student of ESBOCES will be considered a visitor.
- A temporary visitor pass is issued to all visitors (which may include parents/persons in parental relation, outside contractors, sales/repair people, or union representatives).
- All visitors to ESBOCES buildings must report to the main office or receptionist upon arrival and will be issued a temporary visitor pass upon presentation of a current photo ID verifying the visitor's identity. In the absence of a driver's license, the visitor's name and date of birth with alternative photo identification will be accepted. Prior to entry being permitted, the electronic visitor management system will check the visitor against a known sexual offender database. The temporary visitor pass is valid only on the date of issuance and must be displayed at all times while on ESBOCES property. The temporary visitor pass will include

the date, visitor's first and last names, and the name of the department being visited. Children under 12 years of age accompanied by an adult shall not be required to obtain a temporary visitor pass. When leaving the building, the pass should be returned so that the visitor may be checked out of the building in a timely fashion.

- Visitors attending ESBOCES functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.
- Parents/persons in parental relation or other authorized visitors who wish to observe a class while in session are required to arrange such visits in advance with the classroom teacher(s) or student support service employees, so that class disruption is kept to a minimum.
- Teachers and student support service employees shall not use class time or related service sessions to discuss individual matters with visitors.
- Any unauthorized person on ESBOCES property will be reported to the Principal or Principal's designee (for instructional centers) or other building administrator (for buildings in which there is no Principal) and asked to leave. The police may be called if the unauthorized person does not respond to requests or directions from the ESBOCES employee.
- All visitors are responsible for meeting the expectations for public conduct on ESBOCES property contained in this Code.

## **XII. ESBOCES EMPLOYEES**

Teachers and all other ESBOCES employees are expected to model the behaviors stated in the Code.

## **XIII. PUBLIC BEHAVIOR ON ESBOCES PROPERTY**

ESBOCES is committed to providing a welcome, healthy, engaging, orderly, respectful environment conducive to learning. To create and maintain this kind of environment, it is necessary to regulate public behavior on ESBOCES property and at ESBOCES functions. For purposes of this section of the Code, "public" shall mean all persons present on ESBOCES property or attending an ESBOCES function, including students, teachers, other ESBOCES employees, and participating district employees.

The expectations for public behavior on ESBOCES property and at ESBOCES functions contained in this Code are not intended to limit freedom of speech or peaceful assembly but to support the conducive learning environment, maintain order and prevent infringement on the rights of others. ESBOCES recognizes that free inquiry and free expression are indispensable to the objectives of ESBOCES.

All persons on ESBOCES property or attending an ESBOCES function shall behave themselves in a respectful and orderly manner and are expected to be properly attired for the purpose for which they are on ESBOCES property.



**A. Non-Exhaustive List of Prohibited Behavior**

No person, either alone or with others, shall:

- intentionally injure any person or threaten to do so;
- intentionally damage or destroy ESBOCES property or the personal property of a student, teacher, administrator, other ESBOCES employee, or any person lawfully on ESBOCES property;
- disrupt the orderly conduct of classes, ESBOCES programs, or other ESBOCES activities;
- distribute or wear materials on ESBOCES property or at ESBOCES functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the ESBOCES program;
- intimidate, harass, or discriminate against any person on the basis of actual or perceived race, color, creed, weight, national origin, ethnic group, religion, religious practice, age, gender (including gender identity and expression), sex, sexual orientation, disability, or any other classification protected by Federal, State, and local law;
- engage in a bias offense;
- enter any portion of ESBOCES property without authorization or remain in any building or facility after it is normally closed;
- obstruct the free movement of any person in any place to which this Code applies;
- violate the traffic laws, parking regulations, or other restrictions on vehicles;
- possess, consume, sell, offer, manufacture, distribute or exchange alcoholic beverages, and controlled or illegal substances, or any synthetic versions (whether or not specifically illegal or labeled for human consumption) or be under the influence of either on ESBOCES property or at an ESBOCES function;
- possess or use a weapon in or on ESBOCES property or at an ESBOCES function, except in the case of law enforcement officers or except as specifically authorized by ESBOCES;
- loiter on ESBOCES property;
- gamble on ESBOCES property or at ESBOCES functions;
- refuse to comply with any reasonable order of identifiable ESBOCES officials performing their duties;
- willfully incite others to commit any acts prohibited by this Code;



- violate any Federal or State statute, local ordinance, or Board policy while on ESBOCES property or while at an ESBOCES function; or
- smoke a cigarette, cigar, pipe, electronic cigarette, vaporizer, vapor pen/e-cigarette, liquid nicotine, or use chewing or smokeless tobacco.

## **B. Consequences**

Persons who violate this section shall be subject to the following consequences:

- Visitors' authorization, if any, to remain on ESBOCES grounds or at the ESBOCES function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection.
- Students shall be subject to disciplinary action, as the facts may warrant, in accordance with due process requirements.
- Teachers and other ESBOCES staff: may be disciplined in accordance with this Code of Conduct, applicable law, or their collective bargaining agreements and due process requirements.
- Contractors and vendors: ESBOCES will take appropriate action, consistent with the terms of any applicable contract, to ensure the offense is remedied and will not recur. The failure of a contractor or vendor to abide by the terms of this Code of Conduct may affect the renewal of existing agreements or the awarding of future contracts.

## **C. Enforcement**

The Principal or Principal's designee shall be responsible for enforcing the behavior required by this Code.

When the Principal or Principal's designee observes an individual engaged in actions not conducive to achieving the goal of making the ESBOCES community free of violence, intimidation, bullying, harassment, discrimination, misconduct, and otherwise not allowed behaviors, which in the Principal's or Principal's designee's judgment does not pose any immediate threat of injury to persons or property, the Principal or Principal's designee shall inform the individual that the behavior is prohibited and attempt to persuade the individual to stop the prohibited behavior. The Principal or Principal's designee shall also warn the individual of the consequences for failing to stop. If the individual still refuses to stop engaging in the prohibited behavior, or if the individual's behavior poses an immediate threat of injury to persons or property, the Principal or Principal's designee may have the individual removed immediately from ESBOCES property or the ESBOCES function. If necessary, local law enforcement authorities will be contacted to assist in removing the individual.

ESBOCES may initiate disciplinary action against any student or employee, as appropriate, consistent with the consequences cited above. In addition, ESBOCES reserves its right to pursue civil or criminal legal action against any person violating the Code.

#### **XIV. PROHIBITION OF RETALIATION**

Pursuant to Education Law §13, retaliation by any ESBOCES employee or student shall be prohibited against any individual who, in good faith, reports or assists in the investigation of harassment, bullying, and/or discrimination.

#### **XV. DISSEMINATION AND REVIEW**

##### **A. Dissemination of Code of Conduct**

The Board will endeavor to ensure that the community is aware of this Code of Conduct by:

- providing copies of an age-appropriate, plain language, summary of the Code to all students each school year;
- providing a plain language summary of the Code to all parents/persons in parental relation of ESBOCES students at the beginning of the school year, and to all parents/persons in parental relation of new students upon entry to ESBOCES, and thereafter upon request;
- providing a plain language version of the Code;
- providing all current teachers and other employees with a copy of the Code and any amendments to the Code as soon as practicable after adoption;
- providing all new employees with a copy of the current Code when they are hired;
- making copies of the Code available for review by students, parents/persons in parental relation, and other community members at all instructional sites; and
- posting the complete Code on the ESBOCES website.

The Board will sponsor an in-service education program for all ESBOCES employees to ensure the effective implementation of the Code. The Chief Operating Officer may solicit the recommendations of ESBOCES employees, particularly teachers and administrators, regarding in-service programs pertaining to the management and discipline of students. Ongoing professional development will be included in the ESBOCES professional development plan, as needed.

##### **B. Review of Code of Conduct**

The Board will review this Code every year and update it as necessary. In conducting the review, the Board will consider how effective the Code's provisions have been and whether the Code has been applied fairly and consistently.

In order to accomplish this, the Board shall annually designate the Agency SDM Committee, pursuant to Education Law §2801, to review the Code and the ESBOCES responses to violations of the Code. The committee will report to the Board annually. The committee will

be made up of representatives of student, teacher, administrator, and parent organizations; ESBOCES safety personnel; and other ESBOCES employees.

Before adopting any revisions to the Code, the Board will hold at least one public hearing at which ESBOCES employees, parents/persons in parental relation, students, and any other interested parties may participate.

The Code of Conduct and any amendments to it will be filed with the Commissioner of Education, in a manner prescribed by the Commissioner, no later than 30 days after adoption.

**References:**

- Regulations of the Commissioner §100.2(gg)
- Regulations of the Commissioner §200.4
- Individuals with Disabilities Education Improvement Act of 2004 (IDEA)
- US Code, Title 18, §921 of the Federal Gun Control Act
- NYS Civil Service Law §75
- NYS Criminal Procedure Law §1.20(42)
- NYS Dignity for All Students Act
- NYS Education Law §11(1), (2), (4), (5), (6) (8)
- NYS Education Law §§13, 801-a, 814, 1125(3), 2801, 3214
- NYS Education Law Article 65, Part I
- NYS Executive Law §292(21)
- NYS Penal Law §10.00(10)
- NYS Penal Law §130.00(8) and §130.00(11)
- NYS Penal Law §135.00
- NYS Penal Law §221.05
- NYS Vehicle and Traffic Law §142
- NYS Education Department's Glossary of Terms Used in Reporting Violent and Disruptive Incidents
- Board Policy 2210 – Visits to ESBOCES Facilities and Programs
- Board Policy 5121 – Non-Discrimination and Anti-Harassment
- Board Policy 6100 – Dignity for All Students Act
- Board Policy 6110 – Student Attendance
- Board Policy 6210 – Student Conduct and Discipline
- Board Policy 6211 – Corporal Punishment/Physical Restraint
- Board Policy 6212 – Student Suspension
- Board Policy 6214 – Students' Rights and Responsibilities
- Board Policy 6215 – Student Conduct on School Buses
- Board Policy 6216 – Student Use of Electronic Communications and Telecommunications Equipment
- Board Policy 6218 – Bullying/Cyberbullying
- Board Policy 6220 – Student Alcohol and Substance Abuse
- Board Policy 6230 – Searches and Interrogations of Students
- Board Policy 6240 – Dangerous Instruments and Weapons on ESBOCES Property
- Board Policy 6420 – Confidentiality of Student Records - Access and Challenge

- Board Policy 6540 – Student Safety
- Administrative Regulation 6216R.1 – Student Use of Electronic Communications and Telecommunications Equipment
- Administrative Regulation 6218R.1 – Bullying/Cyberbullying
- Form 2410F.1 – Student Referral – Formal Removal
- Form 2410F.2 – Incident/Follow-Up Action Report

First Approved: 11/7/2006

Revised: 5/3/2010

Revised: 5/20/2011

Revised: 5/23/2012

Revised: 7/3/2012

Revised: 5/22/2013

Revised: 6/5/2013

Revised: 9/18/2013

Revised: 8/14/2015

Revised: 6/17/2016

Revised: 8/7/2017

Revised: 5/15/2018

Revised: 7/11/2019

Revised: 6/10/2020

Revised: 7/17/2020

# Board Policy

## Code of Ethics for All ESBOCES Officers and Employees

### Purpose

Pursuant to the authority of §806 of the NYS General Municipal Law, the Board adopts this Code of Ethics setting forth, for the guidance of its officers and employees, the standards of conduct reasonably expected of them.

### General Provisions

Officers and employees of ESBOCES hold their positions to serve and benefit the public, and not to obtain unwarranted personal or private gain in the exercise of their official powers and duties. The Board recognizes that, in furtherance of this fundamental principle, there is a need for clear and reasonable standards of ethical conduct. This policy establishes those standards.

The provisions of this policy are intended to supplement Article 18 of General Municipal Law sections and any other law relating to ethical conduct of Eastern Suffolk BOCES officers and employees and should not be construed to conflict with those authorities.

### Definitions

“Officer or employee” shall mean a Board member or employee of ESBOCES, paid or unpaid, including members of any administrative board, commission, agency, or committee thereof.

### Standards of Conduct

The following rules and standards of conduct apply to all officers, including Board members, and employees of ESBOCES.

#### Gifts

No person may directly or indirectly solicit any gift, or accept or receive any gift having a value of seventy-five dollars (\$75) or more, or a combination of gifts during any twelve (12)-month period having an aggregate value of seventy-five dollars (\$75) or more, under circumstances in which it could reasonably be inferred that the gift was intended to influence the individual or could reasonably be expected to influence the individual in the performance of his/her official duties, or was intended as a reward for any official action on the part of the individual. This prohibition applies to any gift, including money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form.

#### Confidential Information

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

### Conflicts of Interest

Except as permitted by law, no person may have an interest in any contract with ESBOCES when he/she, individually or as a member of the Board, has the power or duty to negotiate, prepare, authorize, or approve the contract or authorize or approve payment under the contract; audit bills or claims under the contract; or appoint an officer or employee who has any of these powers or duties.

Likewise, unless permitted by law, no chief fiscal officer, treasurer, or his/her deputy or employee may have an interest in a bank or trust company designated as a depository, paying agent, registration agent, or for investment of funds of ESBOCES.

No employee, officer, or agent will participate in selecting, awarding, or administering a contract supported by a Federal award if he/she has a real or apparent conflict of interest. These conflicts could arise when the employee, officer, or agent, any member of his/her immediate family, his/her partner, or an organization that employs or is about to employ any of these parties has a financial or other interest in or a tangible personal interest benefit from a firm considered for a contract. The employees, officers, and agents must neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. ESBOCES may, however, set standards for situations where the financial interest is not substantial or the gift is an unsolicited item of nominal value.

“Interest,” as used in this policy, means a direct or indirect pecuniary or material benefit accruing to an ESBOCES officer or employee as the result of a contract with ESBOCES. An ESBOCES officer or employee will be considered to have an interest in the contract of his/her spouse, minor children, and dependents, except a contract of employment with ESBOCES; a firm, partnership, or association of which he/she is a member or employee; a corporation of which he/she is an officer, director, or employee; and a corporation in which five percent (5%) or more of stock is owned or controlled directly or indirectly by him/her.

The provisions of the preceding four paragraphs should not be construed to preclude the payment of lawful compensation and necessary expenses of any ESBOCES officer or employee in one or more positions of public employment, the holding of which is not prohibited by law.

### Representing Others in Matters Before ESBOCES

No person may receive, or enter into any agreement, express or implied, for compensation for services rendered in relation to any matter before ESBOCES. Likewise, no one may receive, or enter into any agreement, express or implied, for compensation for services rendered in relation to any matter before ESBOCES, where the individual's compensation is contingent upon any action by ESBOCES with respect to the matter.

### Disclosure of Interest in Contracts and Resolutions

Any ESBOCES officer or employee who has, will have, or later acquires an interest in, or whose spouse has, will have, or later acquires an interest in, any actual or proposed contract, purchase agreement, lease agreement, or other agreement, including oral agreements, with ESBOCES must publicly disclose the nature and extent of that interest in writing. The disclosure must be made when the officer or employee first acquires knowledge of the actual or prospective interest and must be filed with the person's immediate supervisor and the Board. Any written disclosure will be made part of and included in the official minutes of the relevant Board meeting.

An officer or employee who participates in the discussion of or gives official opinion to the Board on any resolution before such Board shall publicly disclose at a public Board meeting the nature and extent of any direct or indirect financial or other private interest in such resolution, and it shall be included in the official minutes of the meeting.

#### Investments in Conflict with Official Duties

No person may invest or hold any investment, directly or indirectly, in any financial, business, commercial, or other private transaction that creates a conflict of interest with his/her official duties or that would otherwise impair his/her independence of judgment in the exercise or performance of his/her official powers or duties.

#### Private Employment

No person shall engage in, solicit, negotiate for, or promise to accept private employment or render services for private interests when that employment or service creates a conflict of interest with or impairs the proper discharge of his/her official duties.

#### Future Employment

No person may, after the termination of service or employment with ESBOCES, appear before ESBOCES in relation to any case, proceeding, or application in which he/she personally and substantially participated during the period of his/her service or employment or which was under his/her active consideration.

#### Conflict of Interest

All ESBOCES employees are prohibited from using ESBOCES facilities, equipment, materials, and/or supplies, as well as ESBOCES employment time, to engage in outside employment, enterprise, and/or activities for personal gain, remuneration, or profit, or any other private purposes.

#### Employment of Board Members

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

#### Board Policy

Board policies are the main governance tool of the Board. Intentional failure to comply with Board policies may be considered insubordination and may result in disciplinary action in a manner prescribed by law or contract.

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



### **Notice of Code of Ethics and General Municipal Law §§800-809**

The District Superintendent, Chief Operating Officer, or designee of ESBOCES will ensure that a copy of this *Code of Ethics* is distributed to every officer and employee of ESBOCES and that a copy of General Municipal Law §§800-809 is posted conspicuously in each ESBOCES building. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his/her office or employment. Failure to distribute this *Code of Ethics* or to post General Municipal Law §§800-809 will have no effect on either the duty of ESBOCES officers and employees to comply with their provisions or the ability of ESBOCES or other relevant authorities to enforce them.

### **Penalties**

Any person who knowingly or intentionally violates any of the provisions of this policy may be fined, suspended, removed from office or employment, or subject to additional or other penalties as provided by law.

### **References:**

- Education Law §410
- NYS General Municipal Law Article 18 and §§800-809
- 2 CFR §200.318(c)(1)
- Board Policy 5240 - Employee Conflicts of Interest

First Adopted: 7/1/2003  
Readopted: 4/21/2005  
Readopted: 7/14/2005  
Readopted: 7/11/2007  
Readopted: 5/26/2010  
Readopted: 6/29/2016  
Readopted: 3/22/2017

# Board Policy

## Communicable Diseases

Regulations and procedures will be developed for dealing with communicable diseases in ways that protect the health of both students and staff while minimizing the disruption of the education process.

First Adopted: 7/1/03  
Readopted: 7/11/07

# Board Policy

## **ESBOCES Communications and Disseminated Materials**

### **Approval of Print and Electronic Communications**

The Chief Operating Officer or designee shall approve the publications of all Eastern Suffolk BOCES curriculum guides, manuals, handbooks, pamphlets, and similar book-type publications. The Chief Operating Officer or designee shall use his/her judgment as to whether a specific publication needs approval by the Board. However, all publications shall be made available to the Board for informational purposes.

The Board shall encourage wide distribution of print and electronic materials, including, but not limited to, newsletters, news releases, budget statements, and brochures. To ensure that the agency's usage is consistent throughout all print and electronic publications and communications, this policy applies to all printed and electronic communications and marketing materials developed for ESBOCES.

### **Print and Electronic Communications/Publications**

The Board encourages the development of print and electronic communications/publications that are of direct use in the educational process in component schools which inform the public, member districts, ESBOCES employees, and the education professionals concerning policies, activities, and accomplishments of ESBOCES and which aid and promote the improvement of education. Print and electronic communications/publications, as well as other widely distributed internal/external documents, will be made available in other languages when such a need is identified by administration.

Such print and electronic communications/publications shall be of a professional quality and shall be appropriately reviewed by the Office of the Chief Operating Officer, or his/her designee, before publication.

All publications will be dated at the time they are issued.

In every case the title, the name of the author(s) or editor(s), the ESBOCES logo, and the date of publication will appear on the publication.

### **Web Site**

The Office of Communications is responsible for the overall quality, design, functionality, and usability of all ESBOCES web content. The Office of Communications is charged with ensuring a common look and feel and uniform navigation systems among the numerous subsites within the ESBOCES web site. The Office of Communications is authorized to review the official agency sites for quality of design and general continuity and compliance with standards established by the agency.

The ESBOCES homepage and related web pages contain official presentations of agency information; therefore, they must comply with the policy, procedures, and standards for publications, including content, format, organization, and layout of materials.

## Copyright

The use of the copyright law for selected materials produced through ESBOCES will be implemented for specific classes of items when recommended to the Board by the Chief Operating Officer or designee. All unpublished materials will have copyright identification protected under common law literary property.

All publications, videotapes, software, or other intellectual property which is developed by employees at ESBOCES within the scope of their employment or by persons/agencies under contract to ESBOCES shall be the property of ESBOCES. This includes, but is not limited to, any idea, product, or invention that results from work undertaken as an employee of ESBOCES or as a person/agent under contract to ESBOCES. Whenever copyright protection for certain intellectual property is claimed or sought, ESBOCES shall be considered the author (and, therefore, the copyright owner) of any such property, which can be otherwise considered a “work made for hire” under the 1976 Copyright Act, as amended.

First Adopted: 7/1/03  
Readopted: 8/30/06  
Readopted: 7/11/07  
Readopted: 6/25/08

# Regulation

Eastern Suffolk  
BOCES Logo

This regulation applies to usage of the Eastern Suffolk BOCES logo. The ESBOCES logo must appear prominently on all approved ESBOCES print publications and promotional items developed for Eastern Suffolk BOCES. The Office of Communications oversees the use and distribution of the agency's logo. The Office of Communications is also responsible for final review and sign-off on the design of all agency print publications featuring the ESBOCES logo (e.g., Budget Report, Shared Services Guide, brochures, posters, flyers, newsletters, building signage, promotional items, etc.).

## Eastern Suffolk BOCES Logo Usage

### 1. Positioning the Logo

- a. The ESBOCES logo is to be positioned in the top left or top center area of the introductory page of a document whenever possible and should take visual prominence over any accompanying logo(s) on the page. Exceptions to this guideline may be made by the Office of Communications for special projects.
- b. With the exception of specific ESBOCES forms, a minimum of one-half inch (1/2") clear space must surround the logo.

### 2. Logo Formats

- a. There are three (3) approved logo styles: *full logo*, *logo without vision statement*, and *icon only*. (The icon only logo is to be used solely as a fixture with the Board/Administration listing and at the discretion of the Office of Communications.) The *full logo*, which includes the lighthouse icon, the ESBOCES title, and the vision statement, should appear prominently on the cover page or at the beginning of official ESBOCES documents.
- b. The visual relationships of the *lighthouse icon*, the ESBOCES *title*, and the *vision statement* are fixed and are not to be altered in any way.

Full logo

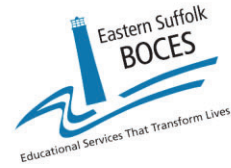
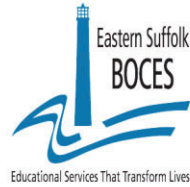
Logo without vision statement

icon only



- c. The *full logo* with vision statement (either two-color or solid black) should appear on the cover page of an ESBOCES document whenever possible.
- d. The logo should not be extended, compressed, or placed at an angle.

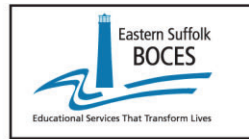
**NO:**



**NO:**

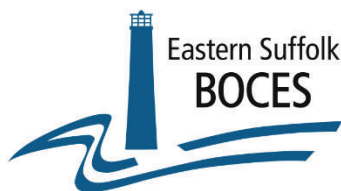


**NO:**



### 3. Logo Typographical Specifications (for Office of Communications Reference Only)

- a. “Eastern Suffolk” appears in Frutiger Roman Condensed typeface (upper and lower case). “BOCES” appears in Frutiger Roman Condensed typeface (all upper case). The type elements are a fixed part of the logo graphic, and their relative size and positions should not be altered.
- b. The vision statement appearing at the base of the logo appears in Frutiger Roman Condensed typeface (upper and lower case) and is a fixed part of the logo graphic.



Educational Services That Transform Lives

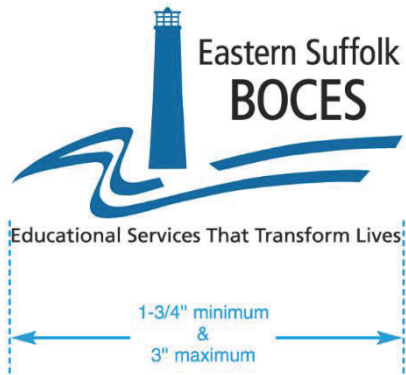
] Frutiger Roman Condensed, upper and lower case

] Frutiger Roman Condensed, all upper case

] Frutiger Bold Condensed, upper and lower case. The vision statement should be no smaller than 8-point type.

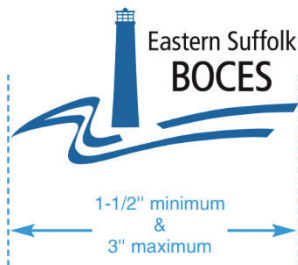
#### 4. Logo Size Guidelines

- a. The **logo with vision statement** should be a minimum of one and three quarter inches ( $1\frac{3}{4}$ " wide (in order to assure legibility) and, on most documents, a maximum of three inches (3") wide, (with the exception of ESBOCES forms).



Exceptions to these sizing guidelines are posters, banners, flags, specialty promotional items (such as tee-shirts, pens, lanyards, etc.), as well as logos appearing at the head of Board member listing on brochures and other similar printed materials.

- b. The **logo without vision statement** (for use by the Office of Communications only) should be a minimum of one and one-half inches ( $1\frac{1}{2}$ ") wide or a maximum of three inches (3") wide:



Exceptions to these sizing guidelines are posters, banners, flags, specialty promotional items (such as tee-shirts, pens, lanyards, etc.), as well as logos appearing at the head of ESBOCES Board listing on brochures and other similar printed materials.

#### 5. Accessing the ESBOCES Logo

Logos are located on the Intranet under Office of Communications (OC)/Shared Documents.

- a. Open ESBOCES Logos folder on Intranet OC folder.
- b. Choose either:



- i. ESBOCES Logo - Full OR
    - ii. ESBOCES Logo – No Vision Statement.
  - c. Right click on logo to reveal a drop-down menu.
  - d. Select “copy.”
  - e. Open the document in which you want to place the logo. Right click on the mouse and select “paste.”
6. Instructions for Sizing a Logo or Image in a Document
- a. Select the image by left clicking on it with the computer mouse, then immediately right click on the logo.
  - b. From the drop-down menu, select "Format" / "Picture" / "Size."
  - c. Make the following adjustments:
    - i. Under “Size” "Lock Aspect Ratio" should be unchecked and "Relative to Original Picture Size" should be checked.
    - ii. Under “Scale” height and width must be identical.
  - d. Click on “OK.”
  - e. To move the logo after it has been sized:
    - i. From the drop-down menu, choose "Format Picture."
    - ii. Under "Layout," select "behind text" to be able to move logo freely on page.
7. Vision Statement
- a. The official ESBOCES vision statement is "Educational Services That Transform Lives."
  - b. No other statement (i.e., Power to Succeed, Making a Difference, etc.) or other information may be attached to the logo.

**NO:**



- c. The vision statement is a fixed element of the full logo graphic and should not be altered in any way (see Section 2.d.).

8. Official ESBOCES Logo Colors

- a. The official ESBOCES logo colors are Pantone 307 blue, solid black, and white.

Pantone 307 (official ESBOCES Blue)  
RGB values:  $R=0 \cdot G=45 \cdot B=68$



Solid Black



White



- c. Each logo style is available in four (4) separate color formats:
- two-color (Pantone (blue) 307 and black)
  - solid black
  - white against a field of solid black
  - white against a field of solid blue (Pantone 307)

The *two-color* format should be used whenever possible.

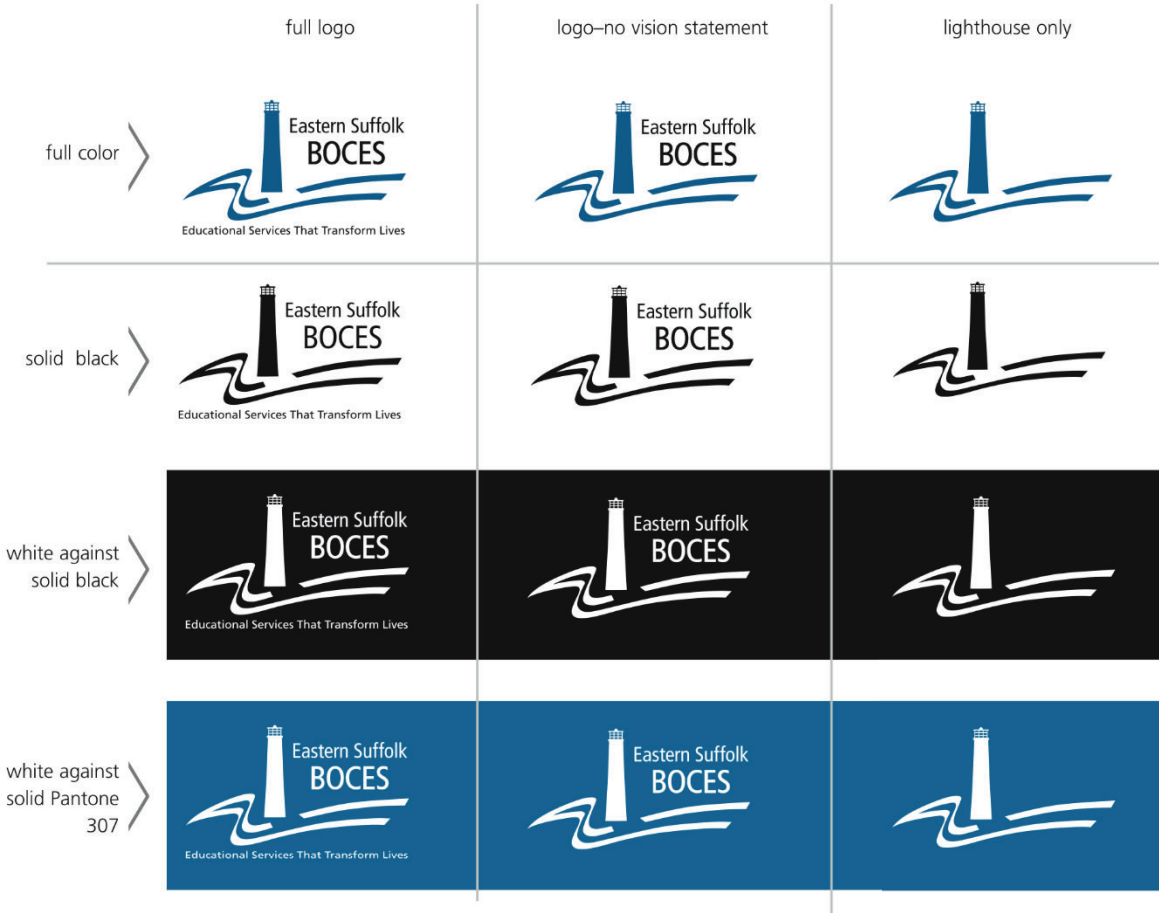
Approved logo color formats:

	full logo	logo–no vision statement	lighthouse only
full color >			
solid black >			
white against solid black >			
white against solid Pantone 307 >			

- c. The black logo shall appear against a white background. However, in limited cases, it may appear against a field of Pantone 307 blue.
  - d. The two-color logo must always appear against a white background. (Certain exceptions may apply to Office of Communications use.)
  - e. The white logo must appear against a solid Pantone 307 blue or solid black background only.
9. Secondary Colors – Exceptions to these guidelines may be made by the Office of Communications

The colors below have been chosen as the approved secondary colors that may accompany the ESBOCES official logo color of Pantone 307 blue in publications and on promotional items. These secondary colors have been chosen for their complementary values to Pantone 307 blue and should be the only colors chosen to accompany Pantone 307 blue.

- a. Font colors appearing in print publications and promotional items should be limited to solid black, solid Pantone 307 blue, or white type against (knocked-out of) a solid black or solid Pantone 307 blue background.



- a. Font colors appearing in print publications and promotional items should be limited to solid black, solid Pantone 307 blue, or white type against (knocked-out of) a solid black or solid Pantone 307 blue background.
- b. Colors appearing in ESBOCES print publications and applied to promotional items must fall within the range of secondary colors shown above. The Office of Communications is the sole entity authorized to utilize secondary colors not included in the color palette above.

#### 10. Logo Usage for Specially Funded and ESBOCES Affiliated Programs

- a. Departments and programs that serve as an arm of the New York State Education Department and/or are fully or partially funded by an institution other than ESBOCES are not required to use the ESBOCES logo on print materials.
- b. However, if the program is affiliated with ESBOCES, the print material must include a statement indicating the program's affiliation with Eastern Suffolk BOCES.

**References:**

- Board Policy 2130 - ESBOCES Communications and Disseminated Materials

First Approved: 6/14/06

Revised: 1/30/07

Revised: 10/28/08

Revised: 12/15/11

# Board Policy

## Complaints and Grievances by Employees

In accordance with the provisions of NYS General Municipal Law and applicable collective bargaining agreements, all Eastern Suffolk BOCES employees shall have the opportunity to present their complaints or grievances free from interference, coercion, restraint, discrimination or reprisal. The Board shall provide at least two procedural stages and an appellate stage for the settlement of any grievance.

Complaints or grievances not covered under applicable collective bargaining agreements shall be handled and resolved, whenever possible, as close to their origin as possible. The Chief Operating Officer or designee is responsible for implementing regulations for the redress of complaints or grievances through proper administrative channels.

This policy and the related regulation shall be filed with the Board Clerk and the State Civil Service Commission within 15 days of adoption and/or amendment, as required by law.

### References:

- Title VII of the Civil Rights Act of 1964, 42 United States Code (U.S.C.) §2001-e, et seq.
- Title VI of the Civil Rights Act of 1964, 42 United States Code (U.S.C.) §2001-d, et seq.
- §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.) §12101, et seq.
- Age Discrimination in Employment Act, 29 United States Code (U.S.C.) §621
- Age Discrimination Act of 1975, 42 United States Code (U.S.C.) §§6101-6107
- Genetic Information Nondiscrimination Act of 2008
- [NYS Executive Law §290, et seq.](#)
- [NYS General Municipal Law §685](#)
- NYS Human Rights Law §296
- [NYS Military Law §242 and §243](#)
- [Policy 1440 - Non-Discrimination Statement](#)

First Adopted: 7/1/2003  
Readopted: 7/11/2007  
Readopted: 12/21/2011  
Readopted: 4/30/2014

# Board Policy

## Dignity for All Students Act

Eastern Suffolk BOCES seeks to create an environment free of harassment, bullying, and discrimination, to foster civility in its facilities, and to prevent conduct that is inconsistent with its educational mission. ESBOCES, therefore, prohibits all forms of harassment and bullying of students by employees or other students on ESBOCES property and at ESBOCES functions.

ESBOCES further prohibits discrimination against students, including, but not limited to, discriminatory acts based upon a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender identity or expression, or sex by employees or other students on ESBOCES property and at ESBOCES functions.

In addition, other acts of harassment, bullying, and/or discrimination that occur off ESBOCES property may be subject to discipline or other corrective action, where such acts create or would foreseeably create a risk of substantial disruption within the ESBOCES environment, where it is foreseeable that the conduct, threats, intimidation, or abuse might reach ESBOCES property.

### Dignity Act Compliance Officer

At its annual Organizational Meeting, the Board shall appoint a Dignity Act Compliance Officer.

### Dignity Act Coordinator

In each of its instructional facilities, ESBOCES will designate at least one (1) employee to serve as Dignity Act Coordinator (DAC) and receive reports of harassment, bullying, and/or discrimination. Each DAC will be:

1. approved by the Board;
2. licensed and/or certified by the Commissioner as a classroom teacher, school counselor, school psychologist, school nurse, school social worker, school administrator or supervisor, or the Chief Operating Officer;
3. instructed in the provisions of the Dignity for All Students Act and its implementing regulations;
4. thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender identity or expression, and sex;
5. provided with training which addresses the social patterns of harassment, bullying, and discrimination, including, but not limited to, those acts based upon a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, and sex;



6. provided with training in the identification and mitigation of harassment, bullying, and discrimination; and
7. provided with training in strategies for effectively addressing problems of exclusion, bias, and aggression in educational settings.

ESBOCES will widely disseminate the name, designated facility, and contact information of each DAC to all ESBOCES employees, students, and parents or persons in parental relation by:

1. listing it in the *Code of Conduct*, with updates posted on the ESBOCES website;
2. including it in the *Code of Conduct's* plain language summary provided to all parents or persons in parental relation to students before the beginning of each school year;
3. providing it to parents or persons in parental relation in at least one (1) mailing or other method of distribution each school year, including, but not limited to, electronic communication or sending such information home with each student. If the information changes, parents and persons in parental relation will be notified in at least one subsequent mailing, or other such method of distribution, as soon as practicable thereafter;
4. posting it in highly visible areas of instructional buildings; and
5. making it available at the ESBOCES administrative offices and individual facility main offices.

If a DAC vacates his/her position, ESBOCES will immediately designate another eligible employee as an interim DAC, pending Board approval of a successor DAC, within thirty (30) days of the date the position was vacated. In the event a DAC is unable to perform their duties for an extended period of time, ESBOCES will immediately designate another eligible employee as an interim DAC, pending the return of the previous individual to the position.

### **Training and Awareness**

Each year, all employees will be provided with training to promote a supportive learning environment that is free from harassment, bullying, and discrimination, and to discourage and respond to incidents of harassment, bullying, and discrimination. Such training may be provided in conjunction with existing professional development, will be conducted consistent with guidelines approved by the Board, and will include training to:

1. raise staff awareness and sensitivity to potential acts of harassment, bullying, and discrimination;
2. address social patterns of harassment, bullying, and discrimination;
3. inform employees on the identification and mitigation of harassment, bullying, and discrimination.
4. enable employees to prevent and respond to incidents of harassment, bullying, and discrimination;

5. make employees aware of the effects harassment, bullying, cyberbullying, and discrimination on students;
6. provide strategies for effectively addressing problems of exclusion, bias, and aggression;
7. include safe and supportive learning climate concepts in curriculum and classroom management; and
8. ensure the effective implementation of ESBOCES policy on conduct and discipline.

Rules against harassment, bullying, and discrimination will be included in the *Code of Conduct*, publicized Agency-wide, and disseminated to all employees and parents or persons in parental relation. The ESBOCES *Code of Conduct* is also ESBOCES Administrative Regulation 2410R.1. Any changes to this Regulation are immediately updated to the ESBOCES internal document management system, *eDocs*, as well as to the ESBOCES website. All new employees are made aware of the ESBOCES *Code of Conduct* at New Employee Orientations. An age-appropriate summary will be distributed to all students at an assembly at the beginning of each school year.

### **Internal Reports and Investigations of Harassment, Bullying, and Discrimination**

ESBOCES encourages and expects students who have been subjected to harassment, bullying, or discrimination, parents or persons in parental relation whose children have been subjected to this behavior, other students who observe or are told of this behavior, and all ESBOCES employees who become aware of this behavior to timely report it to the Principal, Chief Operating Officer, or designee.

All ESBOCES employees who witness or receive an oral or written report of harassment, bullying, and/or discrimination are required to take action. ESBOCES employees must make an oral report promptly to the Chief Operating Officer or Principal, their designee(s), or the Dignity Act Coordinator (DAC) not later than one school day after witnessing or receiving an oral or written report of harassment, bullying, and/or discrimination. No later than two school days after making the oral report, the employee must file a written report with the Chief Operating Officer or Principal, their designee(s), or the DAC.

The Chief Operating Officer or Principal, their designee(s), or the DAC will lead or supervise the thorough investigation of all reports of harassment, bullying, and/or discrimination and ensure that all investigations are promptly completed after the receipt of a written report. In investigating any allegation, the investigator may seek the assistance of the ESBOCES Civil Rights Compliance Officer in investigating, responding to, and remedying complaints of harassment, bullying, and/or discrimination.

When an investigation verifies a material incident of harassment, bullying, and/or discrimination, the Chief Operating Officer or Principal, their designee(s), or the DAC will take prompt action, consistent with the ESBOCES Code of Conduct, reasonably calculated to end the harassment, bullying, and/or discrimination, eliminate any hostile environment, create a more positive learning culture and climate, prevent recurrence of the behavior, and ensure the safety of the student or students against whom the behavior was directed.

The Chief Operating Officer or Principal, their designee(s), or the DAC will promptly notify the appropriate local law enforcement agency when it is believed that any harassment, bullying, and/or discrimination constitutes criminal conduct.

## **Reporting Incidents**

### Reporting Incidents to the Chief Operating Officer

At least once during each school year, each building Principal will provide a report on data and trends related to harassment, bullying, and/or discrimination to the Chief Operating Officer in a manner prescribed by ESBOCES. This report will be used to submit the annual School Safety and the Educational Climate (SSEC) Summary Data Collection form to the State Education Department (SED).

### Reporting of Material Incidents to the Commissioner of Education

Each school year, ESBOCES will submit to the Commissioner a report of material incidents of harassment, bullying, and/or discrimination that occurred during the school year, in accordance with law and regulation. This report will be submitted in a manner prescribed by the Commissioner, on or before the basic educational data system (BEDS) reporting deadline or other date determined by the Commissioner.

## **Prohibition of Retaliatory Behavior (Whistle-Blower Protection)**

Any person who has reasonable cause to suspect that a student has been subjected to harassment, bullying, and/or discrimination by an employee or student on ESBOCES grounds or at an ESBOCES function and who acts reasonably and in good faith in reporting it to ESBOCES officials, the Commissioner, or law enforcement authorities, or who otherwise initiates, testifies in, participates in, or assists in any formal or informal proceedings, will have immunity from any civil liability that may arise from making that report or from initiating, testifying in, participating in, or assisting in those proceedings. ESBOCES also prohibits any retaliatory behavior directed against any complainant, victim, witness, or any other individual who participated in the reporting or investigation of an incident of alleged harassment, bullying, or discrimination.

## **Publication of ESBOCES Policy**

At least once during each school year, all employees, students, and parents or persons in parental relation will be provided with a written or electronic copy of this policy, or a plain-language summary of it. The policy or summary will include information relating to how students, parents or persons in parental relation, and employees may report harassment, bullying, and/or discrimination. Additionally, ESBOCES will maintain a current version of this policy on its website at all times.

## **Application**

Nothing in this policy or its implementing regulation should be interpreted to preclude or limit any right or cause of action provided under any local, State, or Federal ordinance, law, or regulation, including, but not limited to, any remedies or rights available under the Individuals With Disabilities Education Act, Title VII of the Civil Rights Law of 1964, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act of 1990.

## **References:**

- Education Law §§10-18 and 2801
- 8 New York Code of Rules and Regulations (NYCRR) §100.2

- Board Policy 1440 – Non-Discrimination Statement
- Board Policy 2410 – Code of Conduct
- Board Policy 2440 – Statewide Uniform Violent Incident Reporting System
- Board Policy 4570 – Records Management
- Board Policy 6130 – Equal Educational Opportunity (Students)
- Board Policy 6218 – Bullying/Cyberbullying
- Board Policy 6219 – Student Gender Identity
- Board Policy 6560 – Harassment, Bullying, and Discrimination (Students)
- Board Policy 6570 – Complaints and Grievances by Students
- Administrative Regulation 1440R.1 – Non-Discrimination Statement
- Administrative Regulation 2410R.1 – Code of Conduct
- Administrative Regulation 4570R.1 – Records Management
- Administrative Regulation 6100R.1 – Dignity for All Students Act
- Administrative Regulation 6218R.1 – Bullying/Cyberbullying
- Administrative Regulation 6560R.1 – Harassment, Bullying, and Discrimination (Students)
- Administrative Regulation 6570R.1 – Complaints and Grievances by Students

First Adopted: 6/27/2012

Readopted: 8/28/2013

Readopted: 9/30/2015

Readopted: 9/26/2018

Adopted as revised: 10/16/2019

Adopted as revised: 7/8/2020

# Board Policy

## Drug-Free Workplace

It shall be the general policy of the Board to affirm that all programs in Eastern Suffolk BOCES receiving Federal funds shall guarantee that their workplaces are free of controlled substances. "Controlled substance" means a controlled substance in schedules I through V of §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, Chief Operating Officer, or designee indicating that ESBOCES is in full compliance with the Drug-Free Workplace Act. This policy shall guarantee that not only Federally funded programs, but also the entire ESBOCES, are 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.

### References:

- Controlled Substances Act (21 U.S.C. 812) §202 Schedules 1 – V
- 21 Code of Federal Regulations (CFR) 1308.11-1308.15
- Drug-Free Workplace Act of 1988 (DFWA P.L. 100-690)

First Adopted: 7/1/03  
Readopted: 7/11/07

# Board Policy

## Employee Attendance at Conferences

The Board recognizes the importance of workshops, conferences and meetings to keep professional staff members informed of new developments within their field and to improve personal knowledge and skills. The following policy provides guidelines by which employees may be authorized to attend such meetings.

1. ESBOCES administrative employees may participate in conferences subject to the approval of the District Superintendent, Chief Operating Officer, or designee. Limitations will depend on the time, cost and number of conferences during a school year.
2. ESBOCES employees may request permission to attend a conference, meeting or workshop by submitting a request to their immediate supervisor. Authorization to attend such activity is subject to approval by the District Superintendent, Chief Operating Officer, or designee.
3. Approval may be granted by the District Superintendent, Chief Operating Officer, or designee to employees to attend and represent ESBOCES at meetings as set forth in the applicable collective bargaining agreements.
4. All actual and necessary registration fees, all actual and necessary expenses of travel, meals and lodging and all necessary tuition fees incurred in connection with attendance at a conference shall be a charge against the agency. The amount for such attendance at conferences shall be audited, allowed, and paid in the same manner as are other claims against ESBOCES.
5. No person shall be entitled to any compensation for the time spent in attending such a conference except that no deduction shall be made from the salary of a person so attending because of such attendance.
6. Where authorization to attend a conference shall have been granted by the District Superintendent, Chief Operating Officer, or designee, no claim or expenses shall be audited, allowed, or paid unless there shall be approved conference request form.

First Adopted: 7/1/03  
Readopted: 3/22/05  
Readopted: 7/11/07

# Regulation

## Conferences, Meetings, and Workshops – Employees

It is expected that Eastern Suffolk BOCES employees will continually develop their professional skills by attending conferences, meetings, and workshops ("Functions"). Attendance at such Functions shall be governed by the rules delineated in this regulation. Attendance at local meetings of professional organizations shall be governed by Administrative Regulation 5211R.1 - Expense Reimbursement - Employees.

### Approval

#### 1. Requirements

Prior written approval to attend Functions is required from the employee's supervisor/principal, supervising program director, supervising Cabinet member, and, if applicable, the Chief Operating Officer. The supervising Cabinet member shall be the final approval for all overnight trips of less than three (3) nights within the State of New York or virtual Functions of less than four (4) days. Overnight trips of three (3) nights or longer, all trips outside of New York State, or virtual Functions of four (4) days or longer require the prior approval of the Chief Operating Officer. The submission and approval of a Conference/Workshop Attendance Request and Claim Form is the vehicle by which attendance is authorized and expenses, if any, are authorized and reimbursed.

#### 2. Procedure

Each employee shall complete a Conference/Workshop Attendance Request and Claim Form indicating the estimated expenses and shall submit the form for approval to his/her appropriate supervisory administrators. If there are no expenses involved, a note or memo must be attached indicating that there is no cost to ESBOCES or that another agency is funding the Function.

### Conference/Workshop Attendance Request and Claim Form

The Conference/Workshop Attendance Request and Claim Form must be completed in its entirety. Reimbursement will be made for registration fees, meals, lodging, travel, and other expenses in accordance with the procedures outlined in this regulation.

When more than one employee is attending the same Function, each individual must prepare and submit a separate Conference/Workshop Attendance Request and Claim Form, Purchase Requisition(s), and Expense Voucher. These individual submissions are necessary to facilitate the auditing process. Separate Purchase Requisitions are required for those payments ESBOCES will remit directly to vendors (registration fee, hotel, car rental, etc.), as well as those expenses to be reimbursed directly to the employee (mileage, meals, etc.). All expenses must be included on the Conference/Workshop Attendance Request and Claim form.



## **Advance Payments**

An advance payment of up to eighty percent (80%) of the estimated cost may be requested on the Conference/Workshop Attendance Request and Claim Form provided the Business Services Office receives the form fourteen (14) days prior to the date of the Function.

## **Expenses**

### **1. Meals**

Meal reimbursements will be approved only if the Function, including travel time to/from the Function, is during the normal mealtime. For example, if a Function located on Long Island begins at noon, there will be no reimbursement for breakfast.

Meals will be reimbursed on a per-meal basis as follows: fifteen dollars (\$15) for breakfast, twenty dollars (\$20) for lunch, and thirty dollars (\$30) for dinner. All expenditures for meals shall be reasonable and prudent. Tips and tax are included in the per-meal reimbursement limits. Tips for meals will be reimbursed up to fifteen percent (15%). However, if a tip or gratuity is included on the restaurant bill, it will be reimbursed at the rate charged. Please note that meals plus tip cannot exceed the above limits.

Per-meal reimbursements are not cumulative, and reimbursement limits are applicable for all ESBOCES programs, except as otherwise required by a grant.

When meals are included as part of the Function, alternate meals will not be reimbursed, except meals for those employees whose special dietary needs could not be accommodated by the Function.

Expenditures for alcoholic beverages will not be reimbursed.

Expenditures for snacks will not be reimbursed.

Detailed receipts are required to substantiate expenses. Detailed receipts shall include the name of the service provider, the date, a listing of all items purchased, and the amount of the expenditure. If a detailed receipt is not available, the certification on the detailed *Receipt Submittal* Form (5211F.1) must be completed and accompany the reimbursement request.

Variances from these meal guidelines must be approved by the supervising Administrative Council member.

### **2. Lodging**

Employees are encouraged to stay in the hotel at which the Function is being held and to reserve the hotel room at the conference rate. If an employee chooses to stay at an alternate hotel, ESBOCES will reimburse the employee for no more than the conference rate. If a hotel room is shared with a spouse who is not a conference participant, the single room occupancy rate will be reimbursed to the employee. Any additional expenses incurred that are directly related to the employee's choice of an alternate hotel will not be reimbursed (i.e., taxi expense to travel to alternate hotel). However, if there are no rooms available at the designated

conference hotel and the employee is forced to stay at an alternate hotel, reasonable travel expenses will be reimbursed.

If the employee is staying in a hotel for the purpose of attending a Function and a specific hotel has not been designated for the Function, the employee must request the “government rate.”

Costs in excess of the government rate will require an explanation and approval by the supervising Administrative Council member.

ESBOCES will reimburse internet access fees for business-related activities upon approval by the supervising Administrative Council member.

### 3. Travel

When more than one employee is attending a Function, the employees must make a concerted effort to travel together, using the most economical or practical means. If the supervising Administrative Council member determines that the travel arrangements are not cost-effective, he/she shall determine which employee(s) will attend the Function.

ESBOCES vehicles shall be used where possible in order to minimize costs. However, if an ESBOCES vehicle is unavailable, a vehicle may be rented (when practical/economical) or a personal vehicle may be used. Mileage for use of a personal vehicle will be reimbursed to the extent that the mileage claimed exceeds the employee’s regular mileage from the employee’s home to the employee’s assigned work place.

If the destination mileage exceeds what is considered an appropriate trip by automobile, airplane travel may be approved by the supervising Administrative Council member.

When traveling by airplane or public transportation, the rental of a vehicle, as opposed to the use of a taxi, will only be permitted if it is necessary, economical, or practical.

Tipping for the use of a taxi will be reimbursed up to fifteen percent (15%). If a receipt for a tip is not available, the certification on the detailed *Receipt Submittal* Form (5211F.1) must be completed and accompany the reimbursement request.

All requests for reimbursement of toll expenses must be accompanied by toll receipts or EZ Pass statements.

Once the employee is at the Function, all reasonable, business-related transportation costs will be reimbursed in accordance with the above parameters.

### 4. Other

Tipping for bellhops, housekeeping, skycaps, etc. is an optional expense and will not be reimbursed.

If the employee is traveling on behalf of a grant-funded program and the grant guidelines are more restrictive than the ESBOCES guidelines, the employee must comply with the grant guidelines.

Employees may make their own travel arrangements; however, if the cost of their separate travel arrangements exceeds the cost under the guidelines herein, it shall be understood that the excess cost will not be reimbursed.

Unique expenditures or conditions will only be reimbursed with the approval of the Chief Operating Officer.

Any staff member contemplating holding office in a local, state, or national organization shall provide the Chief Operating Officer with a list of meetings at which his/her attendance is necessary. The Chief Operating Officer will determine which expenses, if any, will be reimbursed by ESBOCES for attendance by the office holder and will determine the amount of time the employee will be authorized to be away from his/her regular ESBOCES responsibilities.

In some cases, the Chief Operating Officer may require a staff member's attendance at specific Functions. This requirement will not limit the employee's attendance at other appropriate functions.

### **Tax Exemption**

Tax exemption certificates for lodging are available in the Business Services Office upon request. ESBOCES cannot reimburse any New York State sales taxes paid for lodging.

Inasmuch as ESBOCES is not tax exempt outside of New York State, sales tax will be reimbursed for such lodging.

### **Reimbursement Process**

Within seven (7) days of return from the Function, the employee must complete the "Actual Cost to Employee" section on the approved copy of the Conference/Workshop Attendance Request and Claim Form. The completed submission is then forwarded to the supervising Administrative Council member to approve the final expense claim. Reimbursement of incurred expenses will be processed through the Accounts Payable Office and should be made approximately three (3) weeks from receipt.

If an employee has received an advance in excess of the actual expenditure, the employee must attach to the claim form reimbursement of the overpayment in the form of a personal check (payable to *"Treasurer, Eastern Suffolk BOCES"*) and forward same to the Business Services Office.

### **Non-Attendance After Approval**

If an employee is unable to attend a Function that has been approved, the employee must cancel all reservations, registrations, etc. related to the Function.

If an employee does not attend a Function and has received an advance, the employee must forward reimbursement in the form of a personal check (payable to *"Treasurer, Eastern Suffolk BOCES"*) to the Business Services Office within seven (7) working days of non-attendance determination.

If an employee does not attend a Function and did not receive an advance, the employee must forward a copy of the Conference/Workshop Attendance Request and Claim Form with notification to cancel the Purchase Order to Accounts Payable, thereby unencumbering the funds.

If an employee does not attend a Function, has canceled their attendance, and has paid non-refundable expenses, the supervising Administrative Council member shall determine which expenses, if any, will be reimbursed.

**References:**

- Board Policy 5210 - Employee Attendance at Conferences
- Administrative Regulation 5211R.1 - Expense Reimbursement - Employees
- Form 5210F.1 – Conference/Workshop Attendance Request and Claim
- Form 5211F.1 – Receipt Submittal

First Approved: 5/27/1997  
Revised: 6/30/1998  
Revised: 8/2005  
Revised: 8/7/2007  
Revised: 11/19/2009  
Revised: 9/17/2010  
Revised: 12/15/2011  
Revised: 4/16/2021

# Regulation

## Employee Injury/ Incident Report

### Purpose

Employers are required to keep a record of all injuries sustained by their employees. It is the obligation of the employee to report accidents resulting in personal injury to the Eastern Suffolk BOCES Workers' Compensation Assistant in the Risk & Asset Management Office located in the Hines Administration Center.

### Injuries Required to be Reported

All injuries that result in the loss of time from regular duties beyond the working day or shift on which the accident occurred or which require medical treatment beyond ordinary first aid or require more than two first aid treatments must be reported by the ESBOCES Workers' Compensation Assistant to the ESBOCES workers' compensation carrier in a timely manner.

### How to Report

When an employee is injured, it is the employee's responsibility to ensure that Form 5320F.1 - Employee Injury/Incident Report (located at <http://edocs>) is completed and submitted to his/her supervisor. After reviewing the form for completeness, accuracy, and legibility, the supervisor shall sign and forward the form to the Building Administrator, who shall sign and forward the form to the Workers' Compensation Assistant. The Workers' Compensation Assistant shall investigate all incidents resulting in personal injury.

In the event that an employee is injured during the course of his/her employment and is so incapacitated as to be unable to complete Form 5320F.1 within one (1) week from the date of the accident, a third party should complete the form to the best of his/her knowledge. The third party should sign the form and indicate beneath his/her signature that the form was signed on behalf of the injured employee. The injured employee should personally complete Form 5320F.1 as soon thereafter as practicable and forward the completed form to the Workers' Compensation Assistant in the Risk & Asset Management Office.

### Risk & Asset Management Office

The Risk & Asset Management Office will use Form 5320F.1 as the basis to determine further action to ensure compliance with the New York State Workers' Compensation Board.

### References:

- Board Policy 5320 - Workers' Compensation
- Form 5320F.1 - Employee Injury/Incident Report

# Board Policy

## Employee Personal Identifying Information

In accordance with §203-d of the NYS Labor Law, Eastern Suffolk BOCES shall restrict the use and access to employee personal identifying information. As enumerated in law, "personal identifying information" shall include social security number, home address or telephone number, personal electronic mail address, Internet identification name or password, parent's surname prior to marriage, or driver's license number.

Unless otherwise required by law, ESBOCES shall not:

1. publicly post or display an employee's social security number;
2. visibly print a social security number on any identification badge or card, including any time card;
3. place a social security number in files with unrestricted access; or
4. communicate an employee's personal identifying information to the general public.

ESBOCES employees shall have access to this policy, informing them of their rights and responsibilities in accordance with Labor Law Section 203-d. ESBOCES procedures for safeguarding employee "personal identifying information" shall be evaluated, and employees who have access to such information as part of their job responsibilities shall be advised as to the restrictions on release of such information in accordance with law.

### References:

- [NYS Labor Law §203-d](#)
- [Administrative Regulation 5221R.1 – Employee Personal Identifying Information](#)

First Adopted: 3/30/11

# Regulation

## Employee Personal Identifying Information

In accordance with §203-d of the NYS Labor Law, Eastern Suffolk BOCES shall restrict the use and access to employee personal identifying information. As enumerated in law, "personal identifying information" shall include social security number, home address or telephone number, personal electronic mail address, Internet identification name or password, parent's surname prior to marriage, or driver's license number.

Unless otherwise required by law, ESBOCES shall not:

1. publicly post or display an employee's social security number;
2. visibly print a social security number on any identification badge or card, including any time card;
3. place a social security number in files with unrestricted access; or
4. communicate an employee's personal identifying information to the general public.

### **Assessing ESBOCES Procedures for Safeguarding Employee "Personal Identifying Information"**

ESBOCES procedures that are to be followed to help safeguard the use of and access to personal identifying information as required by law include, but are not limited to, the following:

1. access to personal identifying information will be restricted to those ESBOCES employees whose job responsibilities require access to such data, unless otherwise authorized in accordance with law;
2. any document containing personal identifying information should not be left unattended while visible on a computer monitor or a desk;
3. personal identifying information and other confidential or potentially confidential information will not be shared over the telephone unless the caller's identity can be positively confirmed; and
4. firewalls will be used on all computers; antivirus software will be used on all servers, desktops and laptops; access to programs or databases containing personal identifying information will be password protected granting access only on a "need-to-know" basis.

ESBOCES procedures for safeguarding employee "personal identifying information" shall be periodically evaluated by the Superintendent/Chief Operating Officer, or designee as deemed necessary.



### **Notice to Employees**

ESBOCES employees shall be informed of and have access to Board Policy 5221 and this administrative regulation addressing "**Employee Personal Identifying Information**," notifying them of their rights and responsibilities in accordance with Labor Law §203-d.

Employees who have access to "personal identifying information" as part of their job responsibilities shall be advised as to the restrictions on release of such information in accordance with law.

### **References:**

- [NYS Labor Law §203-d](#)
- [Board Policy 5221 – Employee Personal Identifying Information](#)

First Approved: 2/7/11

# Board Policy

## Employee/Board Member Use of ESBOCES Communication Systems

### Acceptable Use and Internet Safety

#### System Definition

Eastern Suffolk BOCES provides its employees and Board members (hereinafter collectively referred to as “users”) with access to electronic information resources, including, but not limited to computer hardware, software, networks, electronic communication systems, telephones, fax machines, photocopiers, and smart phones through the ESBOCES Communication Systems (BCS). ESBOCES, through appropriate levels of administration and staff, shall monitor the use of the Internet/computer networks authorized by this policy. Any inappropriate use of hardware, software, or access to information on the Internet or computer network may result in the cancellation of user accounts. This may include access to electronic mail (e-mail), social networking sites, texting, online services, Wi-Fi, and the Intranet/Internet. It may also include the opportunity for users to have independent access to the BCS from remote locations. All use of the BCS, including independent use off ESBOCES premises, shall be subject to this Board policy and Administrative Regulation 5112R.1 – *Employee/Board Member Use of ESBOCES Communication Systems*.

#### Purpose

The goal of ESBOCES in providing Internet and computer network services to employees is to promote educational excellence by facilitating resource sharing innovations and communications and engage in work-related professional communication to further the mission of ESBOCES. It is anticipated that access to various electronic information resources will expedite and enhance the performance of work-related tasks and assignments. To that end, ESBOCES shall provide orientation for this Board policy and the related administrative regulation.

#### Acceptable/Unacceptable Use

The use of a network account must be in support of education and research and consistent with the educational objectives of ESBOCES. Transmission of any material in violation of any United States or State regulation is prohibited. This includes, but is not limited to copyrighted material, threatening or obscene material, or material protected by trade secret. Use for commercial activity is prohibited. Use for product advertisement or political lobbying is also prohibited. ESBOCES shall have no responsibility for any misuse of the accounts granted under this policy, and such misuse may result in discipline, any other appropriate penalty (e.g., suspension or revocation of user’s access to network), and/or may be reported to the authorities.

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 describe general guidelines of appropriate conduct and use as well as proscribed behavior.

The use of the Internet/Computer Network is a responsibility, not a right, and inappropriate use may result in cancellation of such account(s). Note that electronic mail (e-mail) and data files are not guaranteed to be private. People who operate the systems do not have access to all e-mail and data. ESBOCES has access to all e-mail and data. Message(s) or other electronic data relating to or in support of illegal activities may be reported to the authorities and the Chief Operating Officer, District Superintendent, or designee.

### **Student Communication**

Do not “friend,” “follow,” or otherwise interact with students from your personal social media accounts. Be aware that even with the most stringent privacy settings, photo tagging and other tools may make personal information regarding students and their families publicly available. Staff must avoid posting student information, pictures, and work-product exemplars on personal social media sites, blogs, or any other social media that is not specifically authorized by ESBOCES. Employees who choose to communicate with students and families through text messages should, whenever possible, do so using an ESBOCES-provided device or ESBOCES-supported technology. Employees who use their own personal devices to communicate with students and families must do so in a professional manner and limited to the scope of the staff member’s ESBOCES responsibility.

Use of the BCS shall cease and the equipment returned to ESBOCES or the user’s access revoked under the following circumstances, including, but not limited to:

1. a user separates from service as an employee or Board Member of ESBOCES;
2. status as a person authorized to access the BCS or use ESBOCES equipment terminates;  
or
3. a user is assigned a new position and/or responsibility pursuant to which use of the BCS, or a portion thereof, has not been authorized.

Anyone who is aware of any misuse or abuse of any software or electronic communication system owned or leased by ESBOCES shall notify his/her immediate supervisor or building principal.

An administrator who is aware of any misuse or abuse shall notify the District Superintendent, Chief Operating Officer, or designee, and appropriate disciplinary action may occur based on the circumstances and in accordance with all applicable laws, bargaining agreements, Board policies, and administrative regulations.

### **Limitation of Liability**

ESBOCES will make reasonable efforts to assist users who are experiencing work-related technical problems. However, ESBOCES makes no warranties of any kind, either expressed or implied, that the functions or the services provided by or through the BCS will be error-free or without defect. ESBOCES will not be responsible for damages users may incur, including, but not limited to, loss of data or interruptions of service. ESBOCES is not responsible for the accuracy or quality of the information obtained through or stored on the BCS. ESBOCES will not be responsible for obligations, financial or otherwise, incurred as a result of the unauthorized use of the BCS.

## **Privacy**

No Expectation of Privacy - Users are provided access to components of the BCS, including, but not limited to, computers, computer accounts, data files, smart phones, and electronic storage areas to assist them in performance of their jobs. Users should not have an expectation of privacy in anything they create, store, send or receive on the computer system. By accessing/using the BCS, the user has consented to ESBOCES exercising its authority and the rights set forth in this policy, including the right to monitor any information or communication stored or transmitted over the BCS.

Waiver of Privacy Rights - Users expressly waive any right of privacy in anything they create, store, send, or receive through the BCS, including on the computer. Users consent to allow ESBOCES employees to access and review all materials users create, store, send, or receive through the BCS, including the computer and through computer networks and the Internet. Users understand that ESBOCES may use human or automated means to monitor use of the BCS resources.

## **References:**

- Board Policy 5122 – Employee-Student Relations (Fraternization)
- Board Policy 5220 - Employee Personnel Records and Release of Personnel Information
- Board Policy 6216 – Student Use of Electronic Communications and Telecommunications Equipment
- Administrative Regulation 5112R.1 – Employee/Board Member Use of ESBOCES Communication Systems

First Adopted: 9/25/2001  
Readopted: 7/1/2003  
Readopted: 12/21/2006  
Readopted: 7/11/2007  
Readopted: 12/15/2010  
Readopted: 1/23/2013  
Readopted: 8/29/2018

# Regulation

## Employee/Board Member Use of ESBOCES Communication Systems

The following guidelines govern the management and general use of the Eastern Suffolk BOCES Communication Systems (BCS), which includes all the various electronic information resources provided to employees and Board Members (hereinafter collectively referred to as “users”), as indicated in Policy 5112.

The System Manager may access all BCS files and communications to ensure system integrity and to verify that users are complying with Board policies and administrative regulations. Users should expect that information stored on the BCS is not private and may be subject to discovery in a legal proceeding.

### Use of ESBOCES Communication Systems (BCS)

BCS use is governed by Board policies and administrative regulations, including those referenced herein, as well as Federal, State, and local laws. Generally, the same standards of acceptable conduct that apply to any aspect of Board service and job performance shall apply to use of the BCS. All users have a responsibility to utilize the BCS in a professional, lawful and ethical manner. Users of the BCS are expected to conform to the standards of conduct as outlined in Board Policy 5110 – *Code of Ethics for All ESBOCES Officers and Employees*. The following user guidelines for accessing the BCS are not intended to be exhaustive. It is the intention of Board policies, administrative regulations, and orientation to provide guidance to promote appropriate use of the BCS. If a user is unsure whether a specific behavior not addressed by Board policy, administrative regulation, or orientation constitutes an appropriate or inappropriate use of the BCS, it is the user’s responsibility to seek guidance from an administrator.

### User Guidelines

The following User Guidelines, including, but not limited to those below, are to promote appropriate use of the BCS.

1. Users shall identify themselves honestly, accurately, and completely, including their ESBOCES affiliation and function where requested and/or appropriate.
2. The ESBOCES e-mail system (Microsoft Exchange) is the only allowable e-mail to be accessed on ESBOCES computers. Access to personal e-mail accounts (*Yahoo*, *Hotmail*, *AOL*, etc.) through the ESBOCES network is prohibited unless utilized for ESBOCES business and authorized by employee’s supervisor.
3. Users shall not violate any Federal, State, or local laws or the Board policies or administrative regulations of ESBOCES while utilizing the BCS.
4. Users shall not utilize the BCS to engage in any act that will threaten the health, safety, or welfare of any other person.

5. Users are reminded that it is inappropriate and illegal to reveal confidential ESBOCES information (such as student or employee data).
6. Users shall not receive, transmit, or make available messages that are racist, discriminatory, sexist, obscene, or harassing to others.
7. Users shall not utilize the BCS to receive, transmit, or make available to others unacceptable or inappropriate material that is profane, obscene (pornographic), or sexually explicit or that advocates illegal acts or that advances violence or discrimination (i.e., hate literature). Users who inadvertently access inappropriate material should immediately disclose information of such act to their supervisor. This will protect them and other users from accessing the same information.
8. Users shall not utilize the BCS to download or distribute pirated or unauthorized software and/or data.
9. Users shall not use the BCS to download entertainment software, games, video, real-time audio, or real-time games (played against opponents via the Internet) that are unrelated to professional responsibility.
10. Notwithstanding items 6, 7, and 8 above, in rare instances and only in the context of legitimate research, users may find a need to access unacceptable or inappropriate material for a reasonable period of time. This may only be done with the approval of their supervisor.
11. Users shall not utilize software in ways that are inconsistent with their licenses or copyrights.
12. Users shall not upload any unauthorized software or data files to the BCS without the permission of the System Manager or his/her designee.
13. Users shall not utilize the BCS to plagiarize works accessed via the BCS or to misappropriate intellectual property.
14. Users shall not utilize the BCS to disable or overload any communication system or network, or to circumvent any system intended to protect privacy or security.
15. Users shall not willfully utilize the BCS to propagate any virus, worm, Trojan horse, or trap-door program code or other system-damaging software.
16. Users shall not actively seek security breaches within the BCS, as this may be construed as an illegal attempt to gain inappropriate access.
17. Users shall not exceed their authorized level of access or access files created by another user without his/her permission or the permission of his/her supervisor.
18. Users shall not change, copy, rename, delete, read, or otherwise access files or software of others without expressed permission from the creator of the file or from the supervisor of the creator of the file.

19. Users shall not post chain letters or engage in “spamming” (sending annoying or unnecessary messages to large numbers of people) over the BCS. Users shall not use the BCS to send anonymous messages.
20. Users shall not use the BCS for commercial purposes, such as offering or providing goods or services for personal gain.
21. Users shall follow ESBOCES purchasing procedures when purchasing goods and services for ESBOCES through the BCS.
22. Any user who accesses another network or another computer resource shall be subject to that network’s Acceptable Use Policy and/or terms of service as well as that of ESBOCES.

### **Management of System**

1. ESBOCES has the right to monitor, log, and inspect any and all aspects of the BCS and to report its findings as necessary in order to ensure appropriate and efficient use and to ensure system integrity.
2. ESBOCES reserves the right to use an independently supplied utility such as EIM (Employee Internet Management) software to identify inappropriate use and to identify, filter, and block inappropriate Internet sites.
3. ESBOCES has installed an Internet firewall to ensure the safety, security, and efficiency of ESBOCES networks. Any user who attempts to disable, defeat, or circumvent any ESBOCES security measure will be subject to disciplinary action.
4. E-Mail is NOT private. The District Superintendent, Chief Operating Officer, or designee has the right to access all e-mail sent or received by authorized users.
5. ESBOCES will back up the e-mail system and networked data storage areas on a daily basis. These back-ups will be maintained on a schedule determined by the System Manager.
6. All e-mails sent and received through an ESBOCES e-mail account shall be archived by ESBOCES for a period of no less than six (6) years. This time period was determined based on the possibility that an e-mail could be considered the official copy of a record according to Schedule ED-1.
7. In the event that ESBOCES is involved in any legal proceeding, any relevant e-mails may need to be disclosed on the same basis as written documents.
8. ESBOCES shall issue user IDs to help maintain individual accountability for system resource usage. Users shall select confidential passwords to be used in conjunction with their user ID. ESBOCES prohibits the sharing of passwords among users.
9. The Chief Operating Officer shall determine appropriate designees to implement the above items.



10. Internet usage will be consistently monitored for all users of the BCS. Formal usage reports may be requested only with the approval of a Cabinet member.

### **Divisional Administration**

1. Administrators (or their designees) will provide users with copies of Board Policy 5112 (*Employee/Board Member Use of ESBOCES Communication Systems*) and this administrative regulation. In addition, all users will receive an orientation, as well as the opportunity to ask questions, so that they fully understand the Board policy and administrative regulation. ESBOCES will establish and implement a process whereby users acknowledge in writing that they have read and understand the Board policy and administrative regulation that have been adopted to promote acceptable use of the BCS, and that they have received an orientation. All such acknowledgements shall be kept on file in the Department of Human Resources.
2. Administrators or their designee(s) have the right to monitor use of the BCS within their respective divisions.

A review of an individual's use of the BCS may be conducted at the discretion of ESBOCES.

### **References:**

- Board Policy 5110 - Code of Ethics for All ESBOCES Officers and Employees
- Board Policy 5112 – Employee/Board Member Use of ESBOCES Communication Systems
- Board Policy 6216 - Student Use of Electronic Communications and Telecommunications Equipment
- Administrative Regulation 6216R.1 - Student Use of Electronic Communications and Telecommunications Equipment

First Approved: 9/25/2001  
Revised: 8/2005  
Revised: 11/7/2006  
Revised: 12/20/2010  
Revised: 7/15/2014  
Revised: 6/13/2018

# Board Policy

## Employee Vacation

All vacation schedules must be approved by the employee's immediate supervisor. This includes any vacation time taken consecutively or as separate days.

All vacation time must be taken in half-day increments (i.e., half day or full day). No quarter days will be approved.

First Adopted: 7/1/03  
Readopted: 7/11/07  
Readopted: 1/25/12

# Board Policy

## Equal Employment Opportunity

It is the policy of the Board to provide equal opportunities for all people in recruiting, hiring, compensation, benefits, transfer assignments, training, promotions, terminations, social and recreational programs, and any other benefits and rights of employment without regard to race, color, religion, creed, national origin, ancestry, disability that can reasonably be accommodated without undue hardship, sex (unless gender is a bona fide occupational qualification), sexual orientation, gender identity or expression, transgender status, pregnancy, marital status, age, military or veteran status, domestic violence victim status, genetic predisposition or carrier status, or any other characteristic protected by Federal, State, or local law.

The Board also specifically acknowledges the interests of employees diagnosed as having a blood-borne disease (including, but not limited to, Hepatitis B (HBV) and Human Immunodeficiency Virus (HIV)) in continuing their employment. Accordingly, it is the policy of the Board that no ESBOCES employee shall be prevented from continuing his or her employment solely based on such information.

Further, it is the policy of ESBOCES to maintain a working environment that is free from discrimination and intimidation as outlined in Board Policy 5121 – Harassment Prohibition (Personnel), and to prohibit retaliation against any individuals because they have reported discrimination or harassment, or because they have participated in an investigation of such a report.

### Notification

A statement of the Board's commitment to equal employment opportunity will be incorporated into all applicable employment related forms, advertisements, and notices to recruitment sources, and will be posted appropriately at the ESBOCES facilities. Administration shall take appropriate steps to educate the ESBOCES community as to the requirements of this policy and the mechanisms available for complaining that there has been a violation of this policy.

### Violations

Violations of this policy will not be tolerated and shall be reported to the Department of Human Resources at the James Hines Administration Center, 201 Sunrise Highway, Patchogue, NY 11772 or by calling (631) 687-3005. All reports of discrimination, harassment, or retaliation will be investigated promptly and thoroughly in accordance with the procedures set forth in Board Policy 5121. Anyone found in violation of this policy will be subject to disciplinary action that may include termination of employment. Frivolous or bad faith complaints may result in disciplinary action against the individual who filed such a complaint, or who deliberately gave false information during the investigation of a complaint.

### References:

- Civil Rights Act of 1964 as amended
- Age Discrimination in Employment Act
- Americans with Disabilities Act
- §504 of the Rehabilitation Act of 1973
- Title IX of the Education Amendments of 1972

- NYS Human Rights Law
- [Board Policy 5121 – Harassment Prohibition \(Personnel\)](#)

First Adopted: 7/1/03

Readopted: 12/21/06

Readopted: 7/11/07

Readopted: 12/21/11

Readopted: 5/15/19

# Board Policy

## Equity, Inclusivity, and Diversity in Education

Eastern Suffolk BOCES is committed to creating and maintaining a positive and inclusive academic and professional environment where all students and employees, especially those currently and historically marginalized, feel safe, included, welcomed, and accepted, and experience a sense of belonging and academic success.

### Generally Accepted Beliefs and Agreements

All students and employees deserve to have equal access to opportunity. This freedom is fundamental to our mission and is extended to everyone without exception. However, ESBOCES also recognizes that students and employees have been historically marginalized due to inequities associated with aspects of their identities and their contexts, including, but not limited to, race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, or gender (including gender identity and expression). Racism, discrimination, and marginalization of any people or groups of people, whether intentional or not, have no place in ESBOCES or our community. Such actions damage not only those individuals and groups at which they are directed, but also our community as a whole. ESBOCES is committed to addressing these inequities and helping each and every student and employee to equitably access learning and professional opportunities to enable them all to thrive and to build a better society.

### Goals

The goal of ESBOCES is to provide equitable, inclusive and diverse opportunities for all students and employees to reach their highest potential. ESBOCES will strive to develop the individual and organizational knowledge, attitudes, skills, and practices to create culturally responsive learning and working environments for all students and employees. Differences will not just be seen as strengths, but they will be nourished, celebrated, and welcomed because they are what make people unique.

In order to truly realize this goal, it is imperative that the Board, its officers, and employees, be conversant in the historical injustices and inequalities that have shaped our society and to recognize and eliminate the institutional barriers, including racism and biases, that contribute to the pervasive, disparate educational outcomes within our Agency. Equitable and inclusive environments aim to understand, identify, address, and eliminate the biases, barriers, and disparities that may limit access and opportunities for students and employees.

The District Superintendent and Chief Operating Officer or designee(s) will ensure that curriculum and instructional materials reflect the Board's commitment to educational equity. All curriculum materials shall be reviewed and examined for bias on an ongoing basis, and by the appropriate administrator. Class instructional activities and extracurricular programs shall be designed to provide opportunities for cross-cultural interactions that foster respect for diversity.

Educational equity and inclusivity is an ongoing process that requires shared commitment and leadership if ESBOCES is to meet the ever-evolving society, unique learning needs of all students, and diverse backgrounds of our communities and schools.

ESBOCES believes students, employees, families and community are our greatest strength and diversity is viewed as an asset. Diversity means the condition of being different or having differences, including, but not limited to, sex, race, ethnicity, sexual orientation, gender, age, socioeconomic class, religion, and ability, and other human differences. Embracing these diversities and moving beyond tolerance and celebration to inclusivity and respect will help ESBOCES reach our goal of creating a community that ensures that each and every voice is heard and valued.

### **Accountability, Transparency and Review**

The ESBOCES Board, its officers and employees, accept responsibility and will hold themselves and each other accountable for every student having full access to quality education, qualified teachers, challenging curriculum, full opportunity to learn, and sufficient, individually-tailored support for learning so they can achieve at excellent levels in academic and other student outcomes. ESBOCES will commit time, energy and resources to develop a more equitable, inclusive, and diverse welcoming environment for all students, parents/persons in parental relation and staff. To this end, ESBOCES will establish a Board Diversity, Equity, and Inclusivity Committee as well as an ESBOCES Diversity, Equity, and Inclusivity Advisory Council. This Advisory Council may include representation from various staff including administrators from across the Agency. The Board Diversity, Equity, and Inclusivity Committee and the ESBOCES Diversity, Equity, and Inclusivity Advisory Council will assist the administration in developing and implementing specific prevention initiatives, including the adoption and revision of policies and implementation of practices designed to promote diversity, prevent discrimination, assure equitable access to high quality staff, professional development, facilities and materials, in order to maximize all student achievement.

ESBOCES will continue to develop goals and corresponding metrics related to this policy within the Agency-wide strategic plan. ESBOCES will identify the multiple indicators necessary to monitor student outcomes, engagement, school climate, and specific data necessary to ensure accountability for student, school, and ESBOCES-wide performance.

With committee input, the District Superintendent and Chief Operating Officer are directed to develop and implement a plan for ensuring that equitable educational and professional opportunities are being provided to all students and employees. In addition, the Board directs that training programs be established for students, and employees, to raise awareness of the issues surrounding cultural responsiveness, diversity, equity and inclusion and to implement preventative measures to help counteract biases and practices that perpetuate disparities and lead to disproportionate levels of success. The Plan will endeavor to address how age-appropriate instructional materials will be incorporated into the curriculum to educate students so that they can learn from a diverse range of experiences and points of view.

The Board, the District Superintendent and Chief Operating Officer will monitor and review ESBOCES' metrics and equity activities to determine the extent to which ESBOCES programs are complying with this policy, and progress made toward attaining the goals of this policy. The District Superintendent and Chief Operating Officer will regularly report progress on the equity, inclusivity, and diversity plan and outcomes to the Board of Education (and associated sub-committees), Agency Committees, and other stakeholders of Eastern Suffolk BOCES. Based on those results, this policy, and the specific objectives set to meet its goals, may be revised as needed.

## Equity Policy Communication

To be successful in this endeavor, it is imperative that all members of the ESBOCES community are aware of this policy, its purpose, procedures and ESBOCES commitment to diversity, equity and inclusivity by fostering a positive learning and professional environment that embraces all diverse, unique and individual differences.

The District Superintendent and Chief Operating Officer, or designee(s), are directed to ensure that this policy is communicated to students, staff, and the community. This policy will be posted on ESBOCES website, and will also be published in student registration materials, student, parent/person in parental relation and employee handbooks, and other appropriate ESBOCES publications.

## Policy Enforcement

The Board directs the District Superintendent and Chief Operating Officer or designee(s) to enforce this policy and create regulations and practices to implement this policy. The Board will annually review ESBOCES implementation of this policy and take appropriate action to ensure compliance with and enforcement of this policy.

## Equity Definitions

The following definitions have been taken from several sources, listed below. These definitions are offered to foster a deeper understanding of equity, inclusivity and diversity.

*Achievement gap* – refers to the unequal or inequitable distribution of educational results and benefits – the outputs. Compare to Opportunity gap and Learning gap;

*Culture* - is defined as the multiple components of one's identity, including but not limited to: race, economic background, gender, language, sexual orientation, nationality, religion, and ability. Therefore, it far transcends practices such as cuisines, art, music, and celebrations to also include ways of thinking, values, and forms of expression;

*Cultural competence* - refers to an ability to interact effectively with people of different cultures and is comprised of four components:

1. Awareness of your own cultural worldview;
2. Attitude towards cultural differences;
3. Knowledge of different cultural practices and worldviews; and
4. Cross-cultural skills.

*Cultural responsiveness* – acknowledges the presence of culturally diverse students and the need for students to find relevant connections among themselves and the subject matter and the tasks teachers ask them to perform;

*Disaggregated data* - means the numerical or non-numerical information that has been (1) collected from multiple sources and/or on multiple measures, variables, or individuals; (2) compiled into aggregate data i.e., summaries of data-typically for the purposes of public reporting or statistical analysis; and then (3) broken down in component parts or smaller units of data. For example, information about whether individual students graduated from high school can be compiled and summarized into a single graduation rate for a school or a graduating class, and annual graduation rates for individual schools can then be aggregated



into graduation rates for districts, states, and countries. Graduation rates can then be disaggregated to show, for example, the percentage of male and female students, or white and non-white students, who graduated. Generally speaking, data is disaggregated for the purpose of revealing underlying trends, patterns, or insights that would not be observable in aggregated data sets, such as disparities in standardized-test scores or enrollment patterns across different categories of students;

*Disparities* - mean the unequal outcomes of one subgroup (e.g., racial or ethnic groups) as compared to outcomes for another subgroup;

*Disproportionality* - is the underrepresentation or overrepresentation of a subgroup (e.g., racial or ethnic groups) compared to its percentage in the total population;

*Diversity* - is a reality created by individuals and groups from a broad spectrum of demographic and philosophical differences. These differences can exist along dimensions of race, ethnicity, gender, language heritage, sexual orientation, socio-economic status, age, physical abilities, religious beliefs, political beliefs, or other ideologies. It is the exploration of these differences in a safe, positive, and nurturing environment. It is about understanding each other and moving beyond simple tolerance to embracing and celebrating the rich dimensions of difference contained within everyone. Finally, we acknowledge that categories of difference are not always fixed but can be fluid, and we respect individual rights to self-identification, as no one culture is intrinsically superior to another;

*Educational equity* - means raising the achievement of all students while (1) narrowing the gaps between the lowest and highest performing students, and (2) eliminating the racial or cultural predictability and disproportionality of which student groups occupy the highest and lowest achievement categories including rates of graduation. The principle of educational equity goes beyond formal equality where students are treated the same. Instead, educational equity fosters a barrier-free environment in which all students have the opportunity to benefit equally;

*Equity lens* - means an intentional focus on analyzing or diagnosing the impact of the design and implementation of policies on under-served and marginalized individuals and groups, and to identify and potentially eliminate barriers;

*Historically marginalized* - refers to individuals who have not been able, due to societal constraints, to compete fairly in society (definition created by NYSSBA);

*Inclusive education* - is education that is based on the principles of acceptance and inclusion of all students. Students see themselves reflected in their curriculum, their physical surroundings, and the broader environment, in which diversity is honored and all individuals are respected. An inclusive school system ensures that each student can participate in the classroom and in the community in positive and contributing ways;

*Implicit bias* - is defined as a belief or attitude that affects our understanding, decision, and actions, and that exists without our conscious awareness;

*Institutional racism* - is racial inequity baked into our institutions, connoting a system of power that produces racial disparities in domains such as law, health, employment, education, and so on. It can take the form of unfair policies and practices, discriminatory treatment and

inequitable opportunities and outcomes. A school system that concentrates people of color in the most overcrowded and under-resourced schools with the least qualified teachers, compared to the educational opportunities of more advantaged students, is an example of institutional racism;

*Internalized racism* is the private racial beliefs held by and within individuals. The way we absorb social messages about race and adopt them as personal beliefs, biases, and prejudices are all within the realm of internalized racism. For people of color, internalized oppression can involve believing in negative messages about oneself or one's racial group. For Whites, internalized privilege can involve feeling a sense of superiority and entitlement or holding negative beliefs about people of color;

*Learning gap* - refers to relative performance of individual students – i.e., the disparity between what students have actually learned and what they were expected to learn at a particular age or grade level, as compared to "achievement gap" and "opportunity gap";

*Microaggressions* - are the everyday verbal, nonverbal, and environmental slights, snubs, or insults, whether intentional or unintentional, which communicate hostile, derogatory, or negative messages to target persons based solely upon their marginalized group membership. In many cases, these hidden messages may invalidate the group identity or experiential reality of targeted persons, demean them on a personal or group level, communicate the perception that they are lesser human beings, suggest they do not belong with the majority group, threaten and intimidate, or relegate them to inferior status and treatment;

*Opportunity gap* - is the ways in which race, ethnicity, socioeconomic status, English proficiency, community wealth, familial situations, or other factors contribute to or perpetuate lower educational aspirations, achievement, and attainment for certain groups of students;

*Rigor* - is defined as instruction, schoolwork, learning experiences, and educational expectations that are academically, intellectually, and personally challenging. Rigorous learning experiences, for example, help students understand knowledge and concepts that are complex, ambiguous, or contentious, and they help students acquire skills that can be applied in a variety of educational, career, and civic contexts throughout their lives;

*Socioeconomic status* - is the social standing or class of an individual or group. It is often measured as a combination of education, income, and occupation. Examinations of socioeconomic status often reveal inequities in access to resources, as well as issues related to privilege, power, and control;

*Sociocultural responsiveness* - involves the active sensitivity to what all students need to be successful academically, psychologically, emotionally, and socially. Such responsiveness recognizes that all students are different and must be uniquely responded to, challenged and stimulated, and strategies must be adapted to meet the needs of individual and groups of students;

*Student engagement* - is the degree of attention, curiosity, interest, optimism, and passion that students show when they are learning or being taught, which extends to the level of motivation they have to learn and progress in their education. Generally speaking, the concept of "student engagement" is predicated on the belief that learning improves when students are

inquisitive, interested, or inspired, and that learning tends to suffer when students are bored, dispassionate, disaffected, or otherwise "disengaged";

## SOURCES

1. The Glossary of Education Reform. (2014). An online resource produced by the Education Writers Association and the Nellie Mae Education Foundation. Available at <https://www.edglossary.org> Accessed 4/15/2020
2. Culturally Responsive-Sustaining Education (CR-S), New York State Education Department. (2018) Available at <http://www.nysed.gov/bilingual-ed/culturally-responsive-sustaining-education-framework> Accessed 2/25/2020
3. Key Equity Terms and Concepts: A Glossary for Shared Understanding. (2019). Center for the Study of Social Policy. Available at <https://cssp.org/our-work/project/equity-justice#glossary-of-terms> Accessed 6/25/2020
4. New York State's Final Every Student Succeeds Act (ESSA) Plan Summary. (2018). New York State Education Department. Available at [www.nysed.gov/common/nysed/files/programs/essa/nys-essa-plan-summary.pdf](http://www.nysed.gov/common/nysed/files/programs/essa/nys-essa-plan-summary.pdf) Accessed 7/25/2020
5. Equity Lens. (2018). University of Minnesota. Available at <https://policy.umn.edu/equity-lens> Accessed 8/18/2020
6. Equity Toolkit for Administrators. (2010). Colorado Department of Education and the Office of Language, Culture and Equity. Available at [https://www.cde.state.co.us/sites/default/files/documents/cde\\_english/download/resources-links/equity%20toolkit%20final\\_2010.pdf](https://www.cde.state.co.us/sites/default/files/documents/cde_english/download/resources-links/equity%20toolkit%20final_2010.pdf) Accessed 8/10/2020

## References:

- Board Policy 5150 - Recruitment, Selection, and Appointment of Employees
- Board Policy 5381 - Registration and Professional Development
- Board Policy 6120 – Student Referral and Placement
- Board Policy 6130 – Equal Educational Opportunity (Students)
- Board Policy 7140 - Evaluation of Instructional Programs and Services
- Board Policy 7210 - Textbooks
- Administrative Regulation 5150R.1 – Recruitment, Selection, and Appointment of Employees

First Adopted: 5/19/2021

# Board Policy

## Exposure Control Program

Eastern Suffolk BOCES has established an exposure control program designed to prevent and control exposure to infectious disease. Pursuant to the NYS Department of Labor's Division of Safety and Health and OSHA standards, the program consists of:

1. guidelines for maintaining a safe, clean, healthy environment to be followed by employees and students alike;
2. written standard operating procedures for blood/body fluid clean-up;
3. appropriate staff education/training;
4. evaluation of training objectives;
5. documentation of training and any incident of exposure to blood/body fluids;
6. a program of medical management to prevent or reduce the risk of bloodborne pathogens<sup>1</sup>;
7. written procedures for the disposal of medical waste; and
8. providing appropriate protective materials and equipment for all employees who perform job-related tasks involving exposure or potential exposure to blood, body fluids, or tissues.

The District Superintendent, Chief Operating Officer, or designee shall implement, and all ESBOCES employees shall comply with, guidelines and routine sanitary hygiene procedures for dealing with all spills of blood and other body fluids in or on ESBOCES premises and grounds. The District Superintendent, Chief Operating Officer, or designee should consult public health officials, as appropriate, for the most current methods and information pertaining to such procedures.

In addition, the District Superintendent, Chief Operating Officer, or designee has developed and implemented in-service education and training for ESBOCES designated employees<sup>2</sup> concerning bloodborne pathogens and the routine sanitary hygiene procedures to be followed in the case of all spills of blood and other body fluids.

<sup>1</sup> OSHA Bloodborne Pathogens Standard, 29 CFR 1910.1030, defines "bloodborne pathogens" as microorganisms present in human blood that can cause disease in humans. These pathogens include, but are not limited to, Hepatitis B (HBV) and Human Immunodeficiency Virus (HIV).

<sup>2</sup> Based upon the criteria outlined in the ESBOCES ECP, "designated employees" as used herein shall mean all employees except those working in administrative buildings (the Hines, DeFeo, and Instructional Support Center buildings).

**References:**

- US Department of Labor
- OSHA Instructional CPL2-244B
- OSHA Bloodborne Pathogens Standard, 29 CFR 1910.1030

First Adopted: 7/1/2003

Readopted: 7/11/2007

Readopted: 2/25/2015

# Board Policy

## Expense Reimbursement - Employees

The following policy shall apply to Eastern Suffolk BOCES employees with regard to reimbursement of expenses.

1. Employees who incur expenses in carrying out their authorized duties shall be reimbursed upon submission of a properly completed and approved Expense Voucher and such supporting receipts as required by the Associate Superintendent for Management Services.
2. Though the agency is exempt from the payment of New York State sales tax, and sales tax exemption forms should be submitted wherever possible, it is not reasonable to expect that sales tax exemption forms can be submitted and/or will be accepted at each establishment at which a reimbursable expenditure will be made. Therefore, employees shall be reimbursed for sales tax paid in those instances where it was either impossible or impractical to submit a sales tax exemption form to the vendor or in those instances where the vendor would not accept a sales tax exemption form.
3. Expenses may be approved and incurred in accordance with budgetary allocations for the specific type of expense.
4. Pursuant to IRS regulations, employees will not be reimbursed for commuting to and from work. Employees will be reimbursed for work-related travel. Administrative Regulation 5211R.1 provides specific guidance for reimbursement.

When ESBOCES-related travel by personally owned vehicle has been authorized, mileage reimbursement shall be made at the current Board-established mileage rate. This rate shall be the same for all ESBOCES employees.

The Director of Business Services will list, in Regulation 5211R.1, those annual conferences, conventions, and workshops for which ESBOCES employees shall not be reimbursed for travel expenses.

### References:

- Board Policy 4538 – Cellular Telephones/Blackberries
- Administrative Regulation 4538R.1 – Cellular Telephones/Blackberries
- Administrative Regulation 5210R.1 – Conferences, Meetings, and Workshops - Employees
- Administrative Regulation 5211R.1 - Expense Reimbursement – Employees

First Adopted: 7/1/03  
Readopted: 3/22/05  
Readopted: 5/30/07  
Readopted: 7/11/07  
Readopted: 10/29/08  
Readopted: 10/17/12

# Regulation

## Expense Reimbursement – Employees

Requests for reimbursement for approved expenses shall be submitted using an Expense Voucher, with properly itemized receipts attached, in accordance with the following guidelines.

### Meal Expenses

In addition to the meal regulations delineated in Administrative Regulation 5210R.1 – Conference Attendance–Employees, compliance is required with the following.

1. With the prior approval of the supervising administrator, Eastern Suffolk BOCES employees may be reimbursed for reasonable meal expenses during normal hours of employment only under the following circumstances:
  - a. for a necessary business luncheon or dinner when an ESBOCES employee incurs meal expenses for the employee and a non-ESBOCES employee when the meeting could not be scheduled at a time other than mealtime and
  - b. when attending or participating in a regularly scheduled meeting of an organization held for ESBOCES-related purposes.
2. With the prior approval of the Chief Operating Officer or designee, employees may be reimbursed for reasonable meal expenses only under the following circumstances:
  - a. when, as part of an interview process, an ESBOCES employee incurs meal expenses for the employee and the candidate and
  - b. when required to attend an ESBOCES-related evening meeting or function that is scheduled at a time that does not allow sufficient mealtime to travel to and from their home.
3. ESBOCES employees will not be reimbursed for meal expenses under the following circumstances:
  - a. when electing to work beyond normal business hours or electing to remain at their assigned work stations prior to a designated meeting time when sufficient time exists for the employee to take meals at home;
  - b. when entertaining a visitor or guest;
  - c. for persons who are entitled to claim reimbursement through another organization, other employment, or consultation agreement; and
  - d. when meals are held primarily for social purposes such as retirement dinners.



Appropriate documentation should be provided for all expenses claimed.

### **Travel Expenses**

1. Regular and temporary work assignments are defined in sections (a) and (b) below, unless otherwise defined by a Collective Bargaining Agreement. Employees will be reimbursed for work-related travel as follows:
  - a. An employee assigned to work in more than one regular location will not receive a mileage reimbursement for commuting to the first assignment of the day or home from the last assignment of the day. A "regular location" is defined as an assignment for one (1) school year or more.
  - b. An employee assigned to a temporary work location will be reimbursed for his/her daily round trip mileage less his/her daily deduct. The daily deduct for the month is the round trip mileage from the employee's home to the employee's primary work assignment for the month. A "work assignment" is defined as an assignment where the employee functions in his/her job capacity most frequently (number of trips) or the greatest number of hours for the month. A "temporary work location" is defined as an assignment for less than one (1) school year in duration.
  - c. Mileage claims shall be submitted monthly to ensure that they are charged to the appropriate budget year. Mileage claims that are submitted late (i.e., beyond a month) must be approved by the supervising Administrative Council member.
2. ESBOCES employees shall not be reimbursed for travel expenses to the following ESBOCES annual conferences, conventions, and workshops:
  - a. Superintendent Conference Days;
  - b. First Day of School Meeting; and
  - c. Last Day of School Meeting.

### **Other Expenses**

Upon approval of the employee's supervising administrator, the employee may request reimbursement for the cost of incidental items when extenuating circumstances require their immediate purchase. A detailed receipt must accompany the request for reimbursement. The employee should use a sales tax exemption form as sales tax will not be reimbursed.

### **References:**

- Board Policy 5211 – Expense Reimbursement - Employees
- Administrative Regulation 5210R.1 – Conference Attendance – Employees

First Approved: 6/30/1998  
Revised: 8/2005  
Revised: 9/11/2008  
Revised: 9/4/2012  
Revised: 5/8/2017

# Board Policy

## Extraordinary Circumstances

Eastern Suffolk BOCES considers the safety of its students and employees to be of the utmost importance and is acutely aware that extraordinary circumstances such as widespread illness, natural disaster, or other emergency situation may make ESBOCES premises unsafe or otherwise interrupt ESBOCES ability to effectively operate.

In these circumstances, ESBOCES will follow its previously developed policies, procedures, and plans including, but not limited to, the District-Wide School Safety Plan and the Building-Level School Emergency Response Plan(s). To the extent that any ESBOCES policy, procedure, or plan is in any way inconsistent with or conflicts with federal, state, or county law, regulation, or executive order released for the purpose of addressing the extraordinary circumstance, the federal, state, or county law, regulation, or executive order will govern. Additionally, the Board may adopt resolutions or take other actions as needed to respond to changes in federal, state, or county law, regulation, or executive order to provide further direction during an extraordinary circumstance.

First Adopted: 12/9/2020

# Board Policy

## Use of ESBOCES Facilities

It shall be the policy of the Board to restrict use of all facilities, either owned or leased by ESBOCES, to approved ESBOCES-related activities.

Exceptions to this policy, requiring approval of the District Superintendent, Chief Operating Officer, or designee, would include carefully screened activities, with such approval contingent upon non-interference with regular ESBOCES activities and consistent with the goals and objectives of the Board.

First Adopted: 7/1/03  
Readopted: 7/11/07

# Board Policy

## Family and Medical Leave Act

The Board recognizes the right of eligible employees to unpaid family and medical leaves pursuant to the Family and Medical Leave Act (FMLA) for certain family and medical reasons and/or because of a “qualifying exigency” arising out of the fact that a family member is a “covered service member” called to active military duty on behalf of the United States. For the purpose of all such leaves, except Military Caregiver Leave (as defined in Regulation 5352R.1), the twelve (12) month period necessary for eligibility shall be “rolling year” as defined in Eastern Suffolk BOCES Administrative Regulation 5352R.1 - Family and Medical Leave Act.<sup>1</sup> For Military Caregiver Leave, the twelve (12) month period will be measured forward from the date the employee first takes such leave.

To be eligible for FMLA leave, an employee must have been employed by ESBOCES for a total of at least twelve (12) months (which need not be consecutive; however, employment prior to a continuous break of seven (7) years or more will not be counted) and have worked at least one thousand two hundred fifty (1,250) hours during the twelve (12) month period immediately preceding the leave. ESBOCES may require a certification from the applicable healthcare provider if medical leave is requested. ESBOCES shall ensure that all eligible employees who use family/medical leave shall:

1. have their group health benefits continued during the leave;
2. keep all previously accrued benefits without alteration; and
3. except as otherwise provided by law, be returned to the same or an equivalent position at the end of the leave.

Family and medical leave shall be provided for Bonding Leave, Family Care Leave, Serious Health Condition Leave, Military Emergency Leave, and Military Caregiver Leave, all as defined in Regulation 5352R.1.

The maximum length of the leave depends upon the type of leave being taken, which is also set forth in Regulation 5352R.1. Employees must use paid leave concurrently with periods of FMLA leave.

This policy represents a brief summary of the legal requirements of FMLA and is not intended to include all regulatory requirements. ESBOCES will follow the implementing regulations for FMLA, 29 CFR Part 825, with respect to all FMLA applications, as well as the related administrative regulation(s) and Regulation 5352R.1

---

<sup>1</sup> A “rolling year” is a twelve (12) month period that is measured backward from the date an employee uses any family/medical leave.

A notice shall be posted in designated areas setting forth the pertinent provisions of the FMLA, including information concerning enforcement of the law. This policy and Regulation 5352R.1 shall be incorporated into the ESBOCES Employee Handbook.

**References:**

- The Family and Medical Leave Act of 1993, as Amended
- Administrative Regulation 5352R.1 - Family and Medical Leave Act

First Adopted: 7/1/2003

Readopted: 12/21/2006

Readopted: 7/11/2007

Readopted: 9/24/2008

Readopted: 9/22/2010

Readopted: 3/22/2017

# Regulation

## Family and Medical Leave Act

### Covered Leave

Eastern Suffolk BOCES recognizes that from time to time employees may require a leave of absence to attend to certain family or medical situations. Therefore, in compliance with the Federal Family and Medical Leave Act (FMLA), ESBOCES provides family/medical leave (FMLA leave) to eligible employees requiring time off from work for the following reasons:

1. for the birth of a child and in order to care for such child within twelve (12) months immediately following the birth, or for the adoption or foster placement of a child within twelve (12) months immediately following the date of adoption or placement (Bonding Leave);
2. to provide necessary care for the serious health condition (as defined under the FMLA) of a spouse, parent, or child (Family Care Leave);
3. for the employee's own serious health condition (as defined under the FMLA), including, but not limited to, pregnancy and on-the-job illnesses or injuries, which makes the employee unable to perform the essential functions of the job (Serious Health Condition Leave).
4. any "qualifying exigency" (as defined in *The Family and Medical Leave Act of 1993, as Amended*) arising out of an employee's parent's, spouse's, or child's "covered active duty" in a foreign country as a member of the military reserves, National Guard, or Armed Forces (Military Emergency Leave) ("covered active duty" means (a) in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and (b) in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty (or notification of an impending call or order to active duty) in support of a contingency operation as defined by applicable law); and/or
5. to care for a spouse, child, parent, or next of kin (defined as the nearest blood relative) who is (a) a Regular Armed Forces member (including the military reserves and National Guard) undergoing medical treatment, recuperation, or therapy, is otherwise in an outpatient status, or is otherwise on the temporary disability retired list, with a serious injury or illness incurred or aggravated in the line of duty while on active duty that may render the family member medically unfit to perform his or her military duties or (b) a person who, during the five (5) years prior to the treatment necessitating the leave, served in the active military, Naval, or Air Service, and who was discharged or released therefrom under conditions other than dishonorable (a "veteran" as defined by the Department of Veteran Affairs), and who has a qualifying injury or illness incurred or aggravated in the line of duty while on active duty that manifested itself before or after the member became a veteran (Military Caregiver Leave).

## **Eligibility**

To be eligible for leave, an employee must:

1. have been employed by ESBOCES for a total of at least twelve (12) months (which need not be consecutive, but employment prior to a continuous break in service of seven (7) years or more will not be counted);
2. have worked at least one thousand two hundred fifty (1,250) hours during the twelve (12) month period immediately preceding the commencement of the leave; and
3. work at a worksite that employs fifty (50) or more employees, or at a site within seventy-five (75) miles of fifty (50) or more employees.

## **Concurrent (Substitute) Leave**

Employees must use paid leave concurrently with periods of FMLA leave.

## **Leave Entitlement**

Eligible employees are entitled to up to twelve (12) weeks of FMLA leave in any twelve (12) month period for Bonding Leave, Family Care Leave, Serious Health Condition Leave, and/or Military Emergency Leave. For these types of leave, the twelve (12) month period is measured backward from the date an employee uses any FMLA leave (i.e., a “rolling” twelve (12) month period).

Eligible employees taking leave for Military Caregiver Leave are entitled to up to twenty-six (26) weeks of leave in a single twelve (12) month period. For the purpose of Military Caregiver Leave, the twelve (12) month period shall begin on the date of the employee’s first use of such leave and ends twelve (12) months after that date.

If both spouses work for ESBOCES and are eligible for leave under this policy, the spouses will be limited to a total of twenty-six (26) workweeks of leave between the two of them when the leave is for Military Caregiver Leave only, or is for a combination of Military Caregiver Leave, Bonding Leave, Family Care Leave taken to care for a parent, or Military Emergency Leave.

## **Forms of Leave**

Leave may be taken:

1. Consecutively;
2. Intermittently (in separate blocks of time) or on a reduced leave schedule (fewer hours in a day or days in a week) when medically necessary, for Serious Health Condition Leave, Family Care Leave, Military Emergency Leave, or Military Caregiver Leave.

Subject to the approval of an employee’s medical provider, the employee must attempt to schedule planned medical treatment so as to minimize disruption of ESBOCES operations. At ESBOCES discretion, employees taking intermittent or reduced schedule



leave due to planned medical treatment may be temporarily transferred to a position that may better accommodate such leave and which has equivalent pay and benefits.

Employees on Serious Health Condition Leave or Family Care Leave may not engage in other full-time employment during the term of the leave, unless such employment commenced prior to the leave.

### **Notice**

When planning an FMLA-qualifying leave, employees should make all reasonable efforts to minimize the disruption to ESBOCES operations. Employees seeking leave, to the extent that such leave is foreseeable, must provide at least thirty (30) days prior notice for leave for an expected birth, placement for adoption or foster care, or planned medical treatment for a serious health condition of the employee or of a family member. In emergency circumstances, employees must provide such notice as soon as practicable, i.e., the day of the need for leave, or the next business day, if not sooner. **Written notice must be submitted to the Department of Human Resources.**

Failure to provide proper notice first may result in a delay of leave. Additionally, if an employee is planning a medical treatment program, the employee must consult with ESBOCES regarding dates of such treatments and make a reasonable effort to schedule leave so as not to unduly disrupt ESBOCES operations, subject to the healthcare provider's approval.

### **Reporting While on Leave**

To the extent possible, employees should make every effort to notify the Department of Human Resources at least two (2) weeks in advance if the employee intends to return to work before the expiration of the scheduled leave or to take more leave than originally requested.

Employees must give notice as soon as practicable, within two (2) business days if feasible, if the dates of leave change, are extended, or if they were initially unknown. Additional medical certifications may be required.

### **Conditions of Leave**

ESBOCES requires that an eligible employee use accrued paid vacation days and/or personal leave until exhausted for purposes relating to Bonding Leave, Family Care Leave, Military Emergency Leave, or Military Caregiver Leave, unless otherwise provided in an applicable collective bargaining agreement. ESBOCES also requires that an eligible employee use accrued paid vacation days, personal leave, and/or sick leave until exhausted for purposes relating to Serious Health Condition Leave, unless otherwise provided in an applicable collective bargaining agreement. The remainder of the leave will generally be unpaid unless an employee is receiving workers' compensation benefits.

### **Medical or Other Certification**

Employees requesting Family Care Leave, Serious Health Condition Leave, or Military Caregiver Leave must provide the Department of Human Resources with written certification from the healthcare provider. Employees who provide at least thirty (30) days' notice of medical leave should provide the medical certification before the leave begins. Medical Certification

Forms are available from the Department of Human Resources. Written certification from a healthcare provider must be provided to ESBOCES every thirty (30) days, unless a healthcare provider certifies the need for leave for a longer period. Failure to provide the certification required by ESBOCES in a timely manner or upon the expiration of prior certification may result in the delay or denial of leave, denial of benefits, or denial of reinstatement or termination of employment for unauthorized absence.

For Military Emergency Leave, employees are required to provide a copy of the covered military member's active duty orders when the employee requests leave, and a completed Certification of Qualifying Exigency form, available from the Department of Human Resources, within fifteen (15) calendar days of requesting leave, unless unusual circumstances exist to justify providing the form at a later date.

### **Designation of Leave**

Once ESBOCES has received a completed medical certification or other information for it to determine that the employee has requested leave for an FMLA-qualifying reason, ESBOCES will notify the employee that leave has been designated as FMLA leave and of the amount of leave to be counted against the employee's entitlement. ESBOCES will also provide a written "Notice of Eligibility and Rights & Responsibilities" to each employee taking qualifying FMLA leave. This notice details the specific expectations and obligations of the employee and the consequences of not meeting those terms.

ESBOCES will notify the employee if the leave is not designated as FMLA leave due to insufficient information or a non-qualifying reason.

If an employee has not notified the Department of Human Resources of the reason for leave and the employee wishes to have that leave counted as FMLA leave, the employee must notify the Department of Human Resources within two (2) business days of the employee's return to work that the leave was for an FMLA-qualifying reason.

### **Maintenance of Benefits**

ESBOCES will continue to maintain coverage under its group health plans for eligible employees during an FMLA-qualifying leave for up to twelve (12) weeks (or twenty-six (26) weeks in the case of Military Caregiver Leave). Employees are responsible for paying the required employee contribution portion of the benefits, if any. If the leave extends beyond twelve (12) weeks (or twenty-six (26) weeks in the case of Military Caregiver Leave), including FMLA, long-term disability, or a combination, the employee will be offered the opportunity to purchase continuing coverage under the Federal Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) continuation rules. An employee's healthcare coverage will cease if the premium payment is more than thirty (30) days late. At the sole discretion of ESBOCES and/or pursuant to an applicable collective bargaining agreement, employees may be granted additional leave with or without continuation of healthcare coverage. Although taking leave will not result in the loss of any employment benefit that accrued prior to the start of the leave, employees will not accrue additional benefits, such as vacation, during any leave period unless otherwise provided by contract or law.

## **Reinstatement**

Upon expiration of an employee's leave, ESBOCES will reinstate eligible employees, except those who would have been affected by a reduction in force or layoff had they not taken leave, to the same position, or to an equivalent position, with no loss in salary, benefits, or other terms and conditions of employment, except as authorized by law.

Employees returning from Serious Health Condition Leave must provide a certification from their healthcare provider that they are able to return to work and to perform the essential functions of their job with or without accommodation. Failure to provide the required certification may result in the denial or postponement of reinstatement.

Employees who fail to report to work on the first workday after the expiration of their leave of absence will be considered to have resigned from their position with ESBOCES. ESBOCES may seek to recover premiums it paid to maintain health coverage for an employee who fails to return to work from FMLA leave.

## **Posting**

A notice shall be posted in designated areas setting forth the pertinent provisions of the FMLA, including information concerning enforcement of the law. This regulation shall also be incorporated in the ESBOCES Employee Reference Book.

## **Instructional Employees**

Special rules apply to an employee who works principally in an instructional capacity and who needs intermittent leave or leave on a reduced schedule for Family Care Leave, Serious Health Condition Leave, or Military Caregiver Leave if the employee would be on leave for more than twenty percent (20%) of the number of working days over the period the leave would extend. These special rules include a requirement that the employee take leave for periods of a particular duration or transfer temporarily to an alternative, equivalent position that better accommodates the leave. Questions concerning these details should be directed to the Department of Human Resources.

Such employees may also be required to continue the leave until the end of the semester under the following circumstances:

1. if the leave is scheduled to begin more than five (5) weeks prior to the end of the semester and (i) the leave will last at least three (3) weeks, and (ii) the employee's scheduled return to work would occur within the three (3) week period of the end of the semester; or
2. if the leave is scheduled to begin within five (5) weeks prior to the end of the semester and (i) the leave will last for more than two (2) weeks, and (ii) the employee's scheduled return to work would occur within the two (2) week period of the end of the semester, unless it is a medical leave for the employee's own serious health condition; or
3. if the leave is scheduled to begin within three (3) weeks prior to the end of the semester and (i) the leave will last more than five (5) working days, again unless it is a medical leave for the employee's own serious health condition.

## **Unlawful Acts by Employers**

Under FMLA, it is unlawful for ESBOCES to

1. interfere with, restrain, or deny the exercise or attempted exercise of any right provided under FMLA;
2. discharge or discriminate against any person for opposing any practice made unlawful by FMLA; and
3. discharge or discriminate against any person because of involvement in any proceeding under or related to FMLA.

## **Conflicts**

This regulation is a brief summary of the legal requirements of the Federal Family and Medical Leave Act and is not intended to include all regulatory requirements. ESBOCES will follow the implementing regulations for the FMLA with respect to all FMLA applications. If there is a conflict between the FMLA/FMLA regulations and Board Policy 5352 – Family and Medical Leave Act - or this administrative regulation, the FMLA/FMLA regulations will govern. If there is a conflict between Board policy or this administrative regulation and an applicable collective bargaining agreement with regard to something that is not mandated by the FMLA/FMLA regulations, the collective bargaining agreement shall govern.

Employees should contact the Department of Human Resources for further information about entitlement to FMLA leave and the required procedures.

## **References:**

- The Family and Medical Leave Act of 1993, as Amended
- Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA)
- Board Policy 5352 – Family and Medical Leave Act

First Approved: 11/7/2006

Revised: 9/11/2008

Revised: 8/27/2010

Revised: 3/22/2012

Revised: 8/10/2015

Revised: 2/6/2017

# Procedure

## Family and Medical Leave Act

Under the Family and Medical Leave Act (FMLA), your job and benefits are protected during your leave (paid/unpaid) for a period of twelve (12) weeks. Employees must provide thirty (30) days' advance notice of the need to take FMLA leave. If this is not possible, notice must be provided as soon as practicable. Eligible employees who have worked at least one thousand two hundred fifty (1,250) hours during the twelve (12) months prior to the start of the FMLA leave may be entitled to FMLA leave for one (1) or more of the following reasons:

- for the birth of a son or daughter, and/or to care for the newborn child, within the twelve (12)-month period immediately following the birth;
- for the placement with the employee of a child for adoption or foster care, and to care for the newly placed child within the twelve (12)-month period immediately following the date of adoption or placement;
- to care for an immediate family member (spouse, minor or disabled child, or parent – but not a parent 'in-law') with a serious health condition; and
- for Military Leave Entitlements (please refer to the Employee Handbook); and
- when the employee is unable to work because of a **serious health condition**.

As used herein, '**serious health condition**' means an illness, injury, impairment, or physical or mental condition that involves:

- any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility; or
- a period of incapacity requiring absence of **more than ten (10) calendar days from work** that also involves continuing treatment by (or under the supervision of) a health care provider; or
- any period of incapacity due to pregnancy, or for prenatal care; or
- any period of incapacity (or treatment therefore) due to a chronic serious health condition for which treatment may not be effective (e.g., Alzheimer's, stroke, terminal diseases, etc.); or
- any absences to receive multiple treatments (including any period of recovery therefrom) by, or on referral by, a health care provider for a condition that likely would result in incapacity for more than **ten (10) consecutive days** if left untreated (e.g., chemotherapy, physical therapy, dialysis, etc.).

Supporting documentation is required for all types of FMLA requests. Approval will be determined after appropriate documentation is received. The agency, as the employer, has the right to request an independent medical examination.

If any of the above conditions occur, please contact the Human Resources Benefits Office at 687-3180 so that the appropriate FMLA paperwork may be forwarded for your completion.

**References:**

- Board Policy 5352 – Family and Medical Leave Act
- Administrative Regulation 5352R.1 – Family and Medical Leave Act

# Board Policy

## Educational Outings/ Field Trips

The Board recognizes the inherent value of properly organized and conducted educational outings/field trips as instructional techniques and endorses the use of these learning experiences to the degree financial resources permit.

Qualified employees and their respective administrators must determine whether the educational outing/field trip is the most appropriate avenue to meet the instructional objective. All educational outings/field trips must have the endorsement of the program Director.

The following criteria must be considered prior to the approval of each outing/trip:

1. the educational objectives must be stated;
2. the relation to the classroom curriculum must be documented;
3. it must be an approved part of the educational program;
4. it must be recognized as appropriate for academic credit;
5. it must be subject to the Eastern Suffolk BOCES Code of Conduct; and
6. it must be open to all students with a legitimate interest in the subject area.

All field trips require prior approval in accordance with Regulation 7320R.1 (Educational Outings/Field Trips).

Educational outing/field trip parental permission slips shall be sent home with each participating student. A signed permission slip from the parent/person in parental relation must be received before any student may participate in the outing/trip.

All educational outings/field trips shall be supervised by sufficient ESBOCES faculty. Transportation for all educational outings/field trips shall be in appropriately registered, safe vehicles, sufficient for the number of participating students and faculty.

All educational outings/field trips shall be conducted in accordance with regulations and procedures developed by ESBOCES administration.

Educational outings/field trips are voluntary for students. Alternative experiences should be arranged for students who are unable to participate in educational outings/field trips or whose parents/persons in parental relation will not allow participation in educational outings/field trips.

No student shall be refused participation in an educational outing/field trip due to financial hardship. Provisions shall be made through alternate funding sources to provide for such students.



**References:**

- Administrative Regulation 7320R.1 – Educational Outings/Field Trips

First Adopted: 7/1/2003

Readopted: 6/25/2008

Readopted: 10/20/2013

Adopted as revised: 7/8/2020

# Regulation

## Educational Outings/ Field Trips

### Guidelines

In order for an activity to qualify as an educational outing/field trip, it must be an intricate component of the Eastern Suffolk BOCES curriculum. In addition, the criteria delineated in Policy 7320 – Educational Outings/Field Trips - must be met.

1. ESBOCES educational outing/field trip requests will be considered on the basis of the outing's/trip's educational objectives, relation to the classroom curriculum, extent of student participation, adequacy of supervision, availability of funds, and the cost of the outing/trip relative to educational values to be gained.
2. All ESBOCES educational outings/field trips, and the details thereto, must have the endorsement of the program Director.
3. A signed permission slip from a parent/person in parental relation must be received before any student may participate in an educational outing/field trip.

### Approvals

All ESBOCES educational outings/field trips must receive prior approval as follows:

1. Educational outings/field trips to destinations in Suffolk County require the approval of the program Director or designee. The approval process shall be initiated at least two (2) weeks prior to the intended date of the educational outing/field trip.
2. Educational outings/field trips to destinations in Nassau County require the approval of the program Director or designee and/or the Associate Superintendent for Educational Services. The approval process shall be initiated at least two (2) weeks prior to the intended date of the educational outing/field trip.
3. Educational outings/field trips to destinations beyond Nassau and Suffolk Counties require Board approval. The approval process shall be initiated at least six (6) weeks prior to the intended date of the educational outing/field trip.
4. All overnight outings/trips, regardless of destination, require Board approval. The approval process shall be initiated at least six (6) weeks prior to the intended date of the educational outing/field trip.

These guidelines may be revised in the event the Homeland Security Advisory System threat level is raised.

### **Adequate Supervision**

Adequate supervision shall be provided to ensure orderly conduct on all ESBOCES educational outings/field trips. The standards for adequate supervision are as follows:

1. Career, Technical, and Adult Education Program educational outings/field trips require one (1) adult for every ten (10) students.
2. Special Education Program educational outings/field trips vary by program and student population.

### **Transportation**

Transportation for all ESBOCES educational outings/field trips will be arranged through the Transportation Office. Transport in vehicles owned by ESBOCES faculty or parents/persons in parental relation is prohibited. Upon approval by the District Superintendent, Chief Operating Officer, or designee, ESBOCES owned vehicles may be used for educational outings/field trips. If an ESBOCES vehicle is used, the driver must be an approved ESBOCES driver and must meet the criteria to be classified as an occasional driver. An “occasional driver” shall mean a qualified employee employed by ESBOCES, who is not primarily employed on either a full-time or part-time basis as a school bus driver or substitute school bus driver. An occasional driver is required to have an annual physical exam, provide three (3) character references, be approved by the Chief Operating Officer to transport students and must have knowledge of school transportation laws.

### **References:**

- Board Policy 7320 – Educational Outings/Field Trips

First Approved: 6/30/1998  
Revised: 4/4/2008  
Revised: 9/18/2013  
Revised: 6/10/2020

# Board Policy

## Fire and Emergency Drills, Bomb Threats, and Bus Emergency Drills

### Fire and Emergency Drills

The administration of each instructional center will instruct and train students on appropriate emergency responses, through fire and emergency drills, in the event of a sudden emergency.

Fire and emergency drills shall be held at least twelve (12) times in each school year; eight (8) of these will be evacuation drills and the other four (4) will be lockdown drills. Eight (8) of the required drills must be completed by December 31. Four (4) of the eight (8) required evacuation drills will be through the use of fire escapes (where fire escapes exist) or identified secondary exits. Drills will be conducted at different times of the instructional day. Students will also be instructed on the procedures to be followed in the event a fire occurs during a regular lunch period or assembly.

#### Summer School

At least two (2) additional drills will be held during summer school in buildings where summer school is held, and one (1) of these drills shall be held during the first week of summer school.

#### Adult Education

At least three (3) fire drills will be held during an Adult Education Program session, one (1) of which shall be held during the first two weeks of the session.

#### Childcare

At least one (1) fire drill per month will be held in buildings in which childcare classes are held.

#### After-School Programs, Events, or Performances

The building Principal or designee will require those in charge of after-school programs, events, or performances attended by any individuals unfamiliar with the building to announce, at the beginning of such programs, events, or performances, the procedures to be followed in the event of an emergency.

### Bomb Threats

A bomb threat, even if later determined to be a hoax, is a criminal act. No bomb threat should be treated as a hoax when it is first received. Upon receiving any bomb threat, ESBOCES has an obligation and responsibility to ensure the safety and protection of the students and other occupants of the building. This obligation takes precedence over a search for a suspect object. Prudent action is dependent upon known information about the bomb threat location, if any, time of detonation, etc. Specific procedures as to appropriate responses as a result of a bomb threat

can be located in the Building-Level School Emergency Response Plan, as required by relevant law and regulation.

#### Police Notification and Investigation

Appropriate law enforcement agencies must be notified by the building administrator or designee of any bomb threat as soon as possible after receiving the threat. Law enforcement officials will contact, as the situation requires, fire and/or County emergency coordinators according to the County emergency plan.

#### Implementation

The District Superintendent, Chief Operating Officer, or designee will develop written procedures to implement the terms of this policy. Additionally, these procedures will be incorporated into the District-Wide School Safety Plan and the Building-Level School Emergency Response Plan, with provisions to provide written information to all employees and students regarding emergency procedures by October 1 of each school year, an annual drill to test the emergency response procedures under each of its Building-Level School Emergency Response Plans, and the annual review of the District-Wide School Safety Plan and Building-Level School Emergency Response Plan, along with updates as necessary, by September 1, as mandated by law or regulation.

#### **Bus Emergency Drills**

The administration will conduct a minimum of three (3) emergency drills to be held on each school bus during the school year. The first drill will be conducted during the first seven (7) days of classes, the second drill between November 1 and December 31, and the third drill between March 1 and April 30. No drills will be conducted when buses are on routes.

Students who ordinarily walk to ESBOCES will also be included in the drills. Students attending public and nonpublic schools who do not participate in regularly scheduled drills will also be provided drills on school buses, or as an alternative, will be provided classroom instruction covering the content of these drills.

Each drill will include practice and instruction in the location, use, and operation of the emergency door, fire extinguishers, first-aid equipment, and windows as a means of escape in the event of fire or accident. Similarly, students will be instructed on all topics mandated by relevant sections of the Education Law and Commissioner's Regulations, including, but not limited to, the following:

1. safe boarding and exiting procedures, with specific emphasis on when and how to approach, board, disembark, and move away from the bus after disembarking;
2. advancing at least ten (10) feet in front of the bus before crossing the highway after disembarking; and
3. orderly conduct as bus passengers.

Instruction on Use of Seat Safety Belts

When students are transported on school buses equipped with seat safety belts, ESBOCES will ensure that all students who are transported on any school bus owned, leased, or contracted for by ESBOCES will receive instruction on the use of seat safety belts. This instruction will be provided at least three (3) times each year to both public and nonpublic school students who are so transported and will include, but not be limited to:

1. proper fastening and release of seat safety belts;
2. acceptable placement of seat safety belts on students;
3. times at which the seat safety belts should be fastened and released; and
4. acceptable placement of seat safety belts when not in use.

**References:**

- Education Law §§807, 2801-a and 3623
- Penal Law §§240.55, 240.60 and 240.62
- 8 NYCRR §§155.17, 156.3(f), 156.3(g), and 156.3(h)(2)
- Board Policy 2140 - Crisis Management
- Board Policy 4534 - Safety Plans
- Board Policy 6213 - Loss or Destruction of ESBOCES Property or Resources

First Adopted: 7/1/2003

Readopted: 7/11/2007

Readopted: 9/28/2016

Readopted: 9/27/2017

# Board Policy

## Human Immunodeficiency Virus (HIV)-Related Illnesses

The Board recognizes the public concern over the health issues surrounding Human Immunodeficiency Virus (HIV) infection and Acquired Immune Deficiency Syndrome (AIDS). ESBOCES also recognizes, based upon the current state of medical knowledge, that the virus associated with AIDS is not easily transmitted and there is no evidence that the HIV virus or AIDS can be transmitted by casual social contact in the open school setting.

The Board acknowledges the interests of employees diagnosed as having HIV infection or AIDS in continuing their employment, as well as the interests of all students and employees of ESBOCES to learn and work without being subjected to significant risks to their health. ESBOCES also takes notice that, under current law and regulations, the disclosure of confidential AIDS and/or HIV-related information must be strictly limited.

Accordingly, it is the policy of the Board that no ESBOCES employee shall be prevented from continuing his or her employment solely based on such information.

In accordance with current law and regulations, it is also the policy of the Board to prevent any employee from being subjected to adverse or discriminatory treatment or stigma solely because he or she has been diagnosed as having AIDS or being HIV-infected.

The District Superintendent, Chief Operating Officer, or designee is hereby directed to develop administrative regulations in regard to preventing and prohibiting employment discrimination against individuals diagnosed as having AIDS or being HIV-infected.

The District Superintendent, Chief Operating Officer, or designee shall also implement, and all ESBOCES employees shall comply with, guidelines and routine sanitary hygiene procedures for dealing with all spills of blood and other body fluids in or on ESBOCES premises and grounds. The District Superintendent, Chief Operating Officer, or designee should consult public health officials, as appropriate, for the most current methods and information pertaining to such procedures.

In addition, the District Superintendent, Chief Operating Officer, or designee shall develop and annually implement in-service education and training for all ESBOCES employees concerning AIDS and HIV infection and the routine sanitary hygiene procedures to be followed in the case of all spills of blood and other body fluids.

### References:

- Board Policy 6513 - Communicable Diseases
- Board Policy 6530 - Human Immunodeficiency Virus (HIV)-Related Illnesses - Students

First Adopted: 7/1/03  
Readopted: 7/11/07  
Readopted: 4/28/11



# Board Policy

## Human Immunodeficiency Virus (HIV)-Related Illnesses (Students)

A student who has been diagnosed or identified as having a positive blood test for the antibodies to the Human Immunodeficiency Virus (HIV) shall not be denied the right to attend Eastern Suffolk BOCES or continue his/her education. The Board further directs that, under current law and regulations, the disclosure of confidential HIV-related information shall be strictly limited.

Administrative regulations and procedures shall be developed and implemented by the administration based on recommendations from the NYS Education Department and from consultation with appropriate professional and medical employees in ESBOCES.

The District Superintendent, Chief Operating Officer, or designee shall also establish protocols for routine sanitary procedures for dealing with the cleaning and handling of body fluids in ESBOCES facilities with special emphasis placed on employee awareness.

### References:

- Confidentiality: [NYS Public Health Law, Article 27-F](#)
- [Board Policy 5141 – Human Immunodeficiency Virus \(HIV\) Related Illnesses](#)

First Adopted: 7/1/03  
Readopted: 7/11/07

# Board Policy

## Idling School Buses and ESBOCES Vehicles on ESBOCES Grounds

The Board recognizes the need to promote the health and safety of Eastern Suffolk BOCES students and employees and to protect the environment from harmful emissions found in bus and vehicle exhaust. In accordance with Education Law and Commissioner's Regulations, ESBOCES will minimize, to the extent practicable, the idling of all school buses and other vehicles owned, leased, or contracted for by ESBOCES while such buses or vehicles are parked or standing on ESBOCES grounds or in front of any ESBOCES facility.

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

### Exceptions

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

1. for mechanical work;
2. to maintain appropriate temperatures for passenger comfort; or
3. in emergency evacuations where necessary to operate wheelchair lifts.

### Private Vendor Transportation Contracts

Any contract for student transportation services between ESBOCES and a private vendor entered into on or after August 21, 2008, shall include a provision requiring such vendor's compliance with the provisions of reducing idling in accordance with Commissioner's Regulations §156.3(h).

### References:

- [NYS Education Law §3637](#)
- [Vehicle and Traffic Law §142](#)
- [8 NYCRR §156.3\(h\)](#)

First Adopted: 9/23/09

# Regulation

## Idling School Buses and ESBOCES Vehicles on ESBOCES Grounds

The Board recognizes the need to promote the health and safety of Eastern Suffolk BOCES students and employees and to protect the environment from harmful emissions found in bus and vehicle exhaust. In accordance with Education Law and Commissioner's Regulations, ESBOCES will minimize, to the extent practicable, the idling of all school buses and other vehicles owned, leased, or contracted for by ESBOCES while such buses or vehicles are parked or standing on ESBOCES grounds or in front of any ESBOCES facility.

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

ESBOCES has established a practice requiring prompt loading and unloading of individual school buses rather than waiting for all buses to arrive.

### Exceptions

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

1. for mechanical work;
2. to maintain appropriate temperatures for passenger comfort; or
3. in emergency evacuations where necessary to operate wheelchair lifts.

### Requirements of School Bus Drivers

School bus drivers shall

1. inform students of the necessity of boarding the bus promptly in order to reduce loading time;
2. whenever possible, park the bus diagonally in loading areas to minimize the exhaust from adjacent buses that may enter the bus and ESBOCES facilities; and
3. turn off the bus engine during sporting or other events.

### Additional ESBOCES Responsibilities

1. Notice - ESBOCES shall annually provide its employees, no later than five (5) instructional days from the start of classes, with notice of the provisions of Education Law 3637 and Commissioner's Regulations §156.3(h).

## 2. Monitoring and Reports

- a. ESBOCES shall periodically monitor compliance of bus drivers and drivers of vehicles, owned, leased, or contracted for by ESBOCES with the requirements of Commissioner's Regulations.

### **Private Vendor Transportation Contracts**

Any contract for student transportation services between ESBOCES and a private vendor entered into on or after August 21, 2008, shall include a provision requiring such vendor's compliance with the provisions of reducing idling in accordance with Commissioner's Regulations §156.3(h).

### **SED Compliance/Training Material**

ESBOCES shall meet the notice requirement by including Board Policy 4552 and Regulation 4552R.1, both entitled "Idling School Buses and ESBOCES Vehicles on ESBOCES Grounds," in its Employee Handbook, which is updated annually.

To assist with compliance, SED has prepared materials for the annual notice to ESBOCES employees and for training school bus drivers. These materials have been posted on SED's website at: [www.emsc.nysed.gov/schoolbus/anti-idling/home.html](http://www.emsc.nysed.gov/schoolbus/anti-idling/home.html)

ESBOCES may meet the notice requirement by providing employees with a copy of Education Law Section 3637 and Commissioner's Regulations Section 156.3(h). As an alternative, the District may notify employees that the materials have been posted on all employee bulletin boards and the ESBOCES website.

To assist with training school bus drivers, SED has updated a PowerPoint presentation that was part of its 2004 Professional Development Seminar and school bus driver refresher training. Other materials, such as driver handouts, pledge cards, and a reducing idling campaign logo are part of the 2004 School Bus Driver Refresher materials.

### **References:**

- [NYS Education Law §3637](#)
- [Vehicle and Traffic Law §142](#)
- [8 NYCRR §156.3\(h\)](#)
- Board Policy 4552 - Idling School Buses and ESBOCES Vehicles on ESBOCES Grounds

First Approved: 8/11/2009  
Revised: 6/23/2014

# Board Policy

## Legal Postings

In order to provide our employees with pertinent information regarding appropriate laws, regulations, and safety procedures, the Board directs the Chief Operating Officer or designee to develop a list of documents that must be posted in our facilities.

This list should include all requirements of Federal, State, and local governments, as well as appropriate agencies.

First Adopted: 3/29/06  
Readopted: 7/11/07

# Regulation

## Posting Requirements

The following list has been developed in accordance with Board Policy 5400.

TOPIC	POSTER
Discrimination	Discrimination based on race, creed, age, color, disability, national origin, sex, or martial status is prohibited.... (English and Spanish)
Minimum Wage	<i>Attention Employees Minimum Wage Information</i> (in English and Spanish combined)
Safety & Health	<i>Job Safety &amp; Health Protection:</i> Same as federal requirement. Public employers must post <i>You have a right to know!</i>
Unemployment Insurance	<i>Notice to Employees</i> (IA 133)
Workers' Compensation and Disability Benefits	<i>Notice of Compliance</i> (white) for Workers' Compensation <i>Notice of Compliance</i> (blue) For Disability Benefits
Smoking	<i>No Smoking</i> signs or the international No Smoking symbol must be permanently posted in every place where smoking is prohibited or restricted under the New York State Clean Indoor Air Act.
Equal Employment Opportunity Law	Post in conspicuous places available to employees, applicants for employment, and representatives of labor organization.
Your Rights Under the Family and Medical Leave Act	Post in conspicuous places available to employees and applicants for employment.
Federal Minimum Wage Employment Standards Administration, Wage and Hour Division	Any employer of employees to whom §7 of the Fair Labor Standards Act does NOT apply may alter or modify the poster legibly to show that the overtime provisions do not apply.
Uniformed Services Employment and Reemployment Rights Act	Protects the job rights of individuals who leave employment to undertake military service.
Article 18, General Municipal Law	Describes conflict of interest issues for employees.
Criminal Convictions Records	Use of correctional records for employment. Effective February 1, 2009, employers must post a copy of Article 23-A of the Correction Law relating to the employment of persons with a criminal conviction. The posting must be visually conspicuous in a location accessible to workers.
Child Nutrition Program	<i>And Justice for All</i> (in English and Spanish combined) must be posted in buildings in which program is operational.
Homeless Students	<i>Information for Parents</i> must be posted in instructional facilities advising of the rights of homeless students.
Choking	Choking emergency procedures must be posted in each cafeteria and lunchroom.

Automated External Defibrillator (AED)	A sign must be posted at the main entrance of each building indicating the location of the AED.
--	---

**References:**

- [McKinney-Vento Homeless Education Assistance Improvement Act §722\(g\)\(6\)\(A\)\(v\)](#)
- [Rehabilitation Act of 1973 §503](#)
- [20 CFR 1002](#)
- [29 CFR 825.300, 825.402](#)
- [41 CFR Chapters 60-I.42, 60-250.4\(k\), 60-74 1.5\(a\)\(4\)](#)
- [38 USC 4334](#)
- [NYS Clean Indoor Air Act](#)
- [NYS Correction Law Article 23-A](#)
- [NYS Executive Law Article 15](#)
- [NYS Labor Law §652](#)
- [NYS Public Health Law §1352-b](#)
- [NYS Public Health Law §3000-b\(3\)\(f\)](#)
- [Board Policy 5400 - Posting Requirements](#)

First Approved: 8/05  
Revised: 4/15/11



# Board Policy

## Medicaid Compliance Program

Eastern Suffolk BOCES shall comply with New York State and Federal laws and regulations related to ESBOCES participation as a provider of care, services, or supplies under the Medicaid program.

ESBOCES, as a provider receiving or submitting Medicaid claims of at least \$500,000 and as a designated billing agent for component Suffolk County school districts with billing of at least \$500,000 in any consecutive twelve-month period, has established and implemented a Medicaid Compliance Program designed to detect and prevent fraud, waste, and abuse.

During the month of December each year, ESBOCES shall certify, using a form provided by the Office of the Medical Inspector General on its Web site, that a compliance program is in place.

As required by the New York State Office of the Medicaid Inspector General (hereinafter referred to as "OMIG"), the ESBOCES Medicaid Compliance Program is comprised of the following core elements:

1. written policies and procedures that describe compliance expectations applicable to all ESBOCES employees, including Board members - such compliance expectations or standards of conduct shall include provisions designed to:
  - a. implement the operation of the Medicaid Compliance Program;
  - b. provide guidance to employees and others on dealing with potential compliance issues;
  - c. identify how to communicate compliance issues to appropriate personnel; and
  - d. describe how issues are investigated and resolved;
2. designation of a Medicaid Compliance Officer – the Associate Superintendent for Educational Services is designated as the ESBOCES Medicaid Compliance Officer and shall report directly to the District Superintendent or designee and shall also periodically report directly to the Board on ESBOCES Medicaid Compliance Program activities;
3. training and education of all affected ESBOCES employees and other persons associated with the ESBOCES Medicaid Compliance Program, including, but not limited to, members of the Board - such training shall occur periodically and shall be made a part of any required training or orientation for new employees, Board members, volunteers, and/or others on dealing with the ESBOCES Medicaid Compliance Program;
4. communication lines and processes directed to the ESBOCES designated employee who will be responsible for the day-to-day operation of the Medicaid Compliance Program - such communication lines and processes shall be accessible to all ESBOCES employees,

Board members, volunteers, and others associated with the ESBOCES Medicaid Compliance Program. The communication lines and processes are designed to allow employees to report compliance issues, including the anonymous and confidential good faith reporting of any practice or procedure related to Medicaid reimbursement of supportive health services, that an employee believes is inappropriate;

5. disciplinary procedures that encourage good faith and fair dealing in the ESBOCES Medicaid Compliance Program by all affected individuals - such disciplinary procedures shall include procedures that articulate expectations for reporting and assisting with the resolution of compliance issues and also provide sanctions for the failure to report suspected problems and participating (either actively or passively) in non-compliant behavior;
6. a system for the routine identification of Medicaid compliance risk areas in the ESBOCES Medicaid Compliance Program - self-evaluation of such risk areas may be accomplished by, but not necessarily limited to, internal audits and external audits, as appropriate;
7. a system for responding to, investigating, correcting, and reporting compliance issues as they are raised, including the development of procedures and systems to reduce the potential for recurrence, identifying, and reporting compliance issues to the OMIG and refunding overpayments; and
8. a policy of non-intimidation and non-retaliation against any person for the good faith participation in any aspect of the administration of the ESBOCES Medicaid Compliance Program, including, but not limited to, the reporting of potential issues; assisting as a witness with any investigation, evaluation, audit, remedial actions; or reporting to appropriate officials as provided in Sections 740 and 741 of the New York State Labor Law.

**References:**

- [NYS Social Services Law §363-d](#)
- [NYS Labor Law §§740 and 741](#)
- 18 NYCRR §521
- Board Policy 4481 – Allegations of Financial Improprieties/Fraud or Wrongful Conduct
- Board Policy 4480 - Internal Audit Function
- Administrative Regulation 4490R.1 – Medicaid Compliance – False Claims, Fraud Prevention, and Detection
- ESBOCES Medicaid Compliance Program

First Adopted: 6/30/10

# Regulation

## Administering Medication

In general, prescribed medications which are necessary to maintain the student while at ESBOCES, and which must be given during instructional hours, regardless of the route of administration, must be administered by Eastern Suffolk BOCES nurses. Unless otherwise permitted by ESBOCES, administration of prescribed medications may not be performed by unlicensed persons. Unlicensed persons in the instructional setting, following directives and in conjunction with approval by ESBOCES nursing personnel, may assist supervised students with taking their own oral, topical, and inhalant medication.

### **Responsibilities of ESBOCES Nursing Personnel**

ESBOCES nursing personnel will be responsible for the following:

1. coordinating with ESBOCES administration, as appropriate, regarding policies and procedures for the administration of medication at ESBOCES;
2. ensuring proper and appropriate techniques for the administration of medication at ESBOCES;
3. providing appropriate supervision and documenting adequate in-service education for unlicensed persons assisting students with self-medication;
4. maintaining adequate and secure storage of all medications;
5. documenting or assuring documentation by other licensed or unlicensed persons for each dose of medication given or taken on a daily log;
6. performing intermittent evaluation of the practices and procedures related to the administration of medications and modifying them as needed; and
7. publicizing the requirements for administration of medication at ESBOCES.

### Written Order from a Licensed Prescriber Required

All medications given at ESBOCES, including non-prescription drugs, must be prescribed by a licensed healthcare professional on an individual basis as determined by the student's health status.

1. Written orders for prescription and nonprescription medications should minimally include:
  - a. student's name and date of birth;
  - b. diagnosis;

- c. name of medication;
  - d. dosage and route of administration;
  - e. Self-administration orders (if indicated);
  - f. frequency and time of administration;
  - g. for prn (as necessary) medications, conditions under which medication should be administered;
  - h. date written;
  - i. prescriber's name, title, and signature; and
  - j. prescriber's telephone number.
2. When a properly labeled medication comes to the Health Office accompanied by a written request from the parent/person in parental relation regarding its administration, but without a written order from a licensed prescriber, the following procedure should be followed:
- a. contact parent/person in parental relation regarding the need for a written order from a licensed prescriber;
  - b. contact licensed prescriber to obtain a verbal order to administer medication;
  - c. request fax or written orders to be received within twenty-four (24) hours;
  - d. contact parent/person in parental relation and discontinue medication if written orders are not received in twenty-four (24) hours; and
  - e. document above steps.

#### Special Considerations

- 1. Prescription medications must display the original pharmacy label.
- 2. Over-the-counter medications must be in the original manufacturer's container/package with the student's name affixed to the container. The same applies to drug samples.
- 3. For certain medications, especially controlled substances, the building nurse should inventory the medication upon receipt from the parent/person in parental relation and periodically thereafter. Similarly, a count of any controlled substances should be witnessed by another nurse, Principal, or staff member designated by the Principal in an effort to avert any missing medication. Any discrepancies should be reported to ESBOCES administration and parent(s) immediately.

4. Medications should not be transported daily to and from ESBOCES unless the student is self-directed or self-carrying as identified by his or her healthcare provider and the building nurse.

#### Medication Administration

All students requiring medication during instructional hours should receive their medication in the building Health Office, except for independent students who are allowed to carry their own medication and self-administer.

#### Carry and Self-Administer Medication

Students who have been diagnosed with allergies, asthma and other respiratory conditions, and diabetes, and who require rescue medications for their conditions, must be permitted to carry and self-administer their prescribed epinephrine auto-injector, inhaled respiratory rescue medications, and insulin, glucagon, and related diabetes supplies if the students provide to ESBOCES licensed prescribers' orders attesting that the providers have determined that the students are able to self-administer their own medications effectively, as well as written parent or person in parental relation consent for the students to self-carry and self-administer that medication.

Independent students with other health conditions warranting rapid administration of their medications should also be permitted to self-carry and self-administer their medications to prevent negative health outcomes provided the students have provided to the Health Office the above-mentioned documentation and consent. Any questions regarding these orders warrant a telephone call by the building nurse or Certified Health Professional to confirm the need for rapid administration warranting the student to carry their medication.

If students are self-carrying and self-administering their medications, the medication administration is not documented by ESBOCES, and the parent or person in parental relation assumes responsibility for ensuring that their children are taking the medications as ordered. Such students should:

1. have written emergency action plans developed by the building nurse, healthcare provider, or Certified Health Professional, and be instructed on how to obtain help from ESBOCES personnel as needed;
2. be instructed to carry the properly labeled medications on their person or to store it in their lockers to ensure that no other students can access it; and
3. have additional dose(s) of the medications kept in the Health Office in the event the students do not have access to their carried medications.

#### Procedures for Taking Oral, Topical, or Inhalant Medications Off ESBOCES Grounds or After Instructional Hours While Participating in an ESBOCES-Sponsored Activity

Building nursing personnel should assure:

1. oversight of self-administration to:

- a. any supervised students and
  - b. ensure that voluntary staff members, if any, have been appropriately instructed by ESBOCES nursing personnel to assist supervised students (note: consistent with good practice, the employee's willingness to perform the task should be considered in making the assignment).
2. Proper Preparation of Medication: When medications are to be given off ESBOCES grounds or after instructional hours, the medications should remain in original, properly labeled containers until utilized by the students.
  3. Proper Administration of Medication to Nurse-Dependent Students: The building nurse, under the direction of the Certified Health Professional, will administer medications to nurse-dependent students; however, certain emergency medications, such as epinephrine, may be administered by an LPN or a trained voluntary staff member, in the absence of a registered nurse.

#### Herbal Remedies, Dietary Supplements, Natural Products, and Other Non-FDA Sanctioned Requests

While requests or orders for use of non-FDA sanctioned medicines including, but not limited to, herbal remedies, dietary supplements, or natural products do not need to be honored by ESBOCES or building nurses, such determinations will be made on a case-by-case basis. The building nurse may independently decide to administer such natural products after being provided with scientific research and other documentation from the ordering provider regarding the validity of such product's use and significance during instructional hours. ESBOCES will note these requests on the student's health record.

#### **Emergency Building Evacuation and Medications**

Each building Health Office will be supplied with a readily accessible, easily carried, and recognizable emergency pack for an assigned staff member that includes supplies for basic first aid, including supplies for infection control, a stock EpiPen with non-patient specific orders (if applicable), and a glucose source, such as glucose gel or honey sticks. Each building Health Office will establish a plan for communicating with the building Principal during emergencies. A list of all students with significant medical conditions and medical orders for prescription medication, including emergency contact numbers, will also be kept in the emergency pack.

#### **Storage of Medication**

All medications, except as otherwise arranged, will be properly stored and secured within a Health Office cabinet, drawer, or refrigerator designated for medications only. This storage site, in addition to the outside Health Office door, must include a lock. Whenever possible, medication storage units will be secured to the wall or floor and will not have breakable glass doors. Controlled substances must always be secured and never left open or accessible to the public.

### **Disposal of Unused Medication**

Any unused medication (including, but not limited to, expired prescription and non-prescription drugs) must be returned to the parent/person in parental relation by the end of each school year. If the parent/person in parental relation does not retrieve the unused medication by the end of the school year, then the building nurse or designated building Health Office personnel must document that the medication was abandoned and properly dispose of the unused medication.

### **Disposal of Needles and Syringes**

Needles and syringes should be disposed of in a manner consistent with the following guidelines:

1. needles should not be recapped and should not be purposely bent or broken;
2. disposable syringes, needles, and other sharp items should be placed in approved sharps containers and labeled "BIOHAZARD"; and
3. arrangements should be made with custodial staff or an appropriate agency to dispose of containers at periodic intervals according to established ESBOCES procedures regarding regulated medical waste.

### **Recordkeeping**

Building nursing personnel will maintain accurate records of medications administered, any special circumstances related to the procedure, and students' reactions/responses. Building nursing personnel will retain, at a minimum, written orders from prescribers and parent or person in parental relation request letters. Additional information will be retained in the student's cumulative health record as appropriate.

### **References:**

- Individuals with Disabilities Education Improvement Act of 2004 (Public Law 108-446 §614(a))
- Individuals with Disabilities Education Act (IDEA), 20 USC §1400, et seq.
- §504 of the Rehabilitation Act of 1973, 29 USC §794, et seq.
- NYS Education Law §§902(b), 916, 916-a, 916-b, 919, 921, 6527, 6908(1)(a)(iv), 6909
- NYS Public Health Law §§3000-a, c, 3309
- 8 NYCRR 136.6, 136.7
- FDA List of Medicines Recommended for Disposal by Flushing
- Board Policy 6511 - Administering Medication

First Approved: 8/11/2009

Revised: 5/21/2010

Revised: 4/11/2012

Revised: 11/21/2013

Revised: 2/10/2016



# Board Policy

## Medication and Personal Care Items

### Administration of Medication

An Eastern Suffolk BOCES registered professional nurse may administer medication to a student during the instructional day under certain circumstances. For the purpose of this policy, the term *medication* includes both prescription and non-prescription medications. ESBOCES must receive the following before medication will be administered to a student:

1. the original written order from the student's healthcare provider stating the name of the medication, precise dosage, frequency, time, and route of administration;
2. written, signed consent from the student's parent or person in parental relation requesting the administration of the medication, as prescribed by the healthcare provider, to the student at ESBOCES; and
3. the medication, properly labeled, in its original container, which must be delivered to the building Health Office by the student's parent or person in parental relation.

The term *properly labeled*, in the context of this policy, means that the container must include the following information: the student's name, name of medication, dosage, frequency, and prescribing healthcare provider. A student is not permitted to carry any medication on his or her person at ESBOCES, or on the school bus, or keep any medication in his or her locker(s). Exceptions may apply, however, for students diagnosed with asthma or other respiratory illnesses, diabetes, or allergies, who will be permitted to carry and self-administer medication under certain conditions.

All medication orders must be reviewed annually by Health Office personnel or whenever there is a change in dosage.

### Students with Asthma or Other Respiratory Illnesses

ESBOCES will make a nebulizer available on-site in buildings where full- or part-time nursing services are provided. Only students with patient-specific orders may have access to the nebulizer. ESBOCES nursing personnel will clean and maintain the ESBOCES nebulizer as appropriate.

Personal equipment used to deliver nebulized medication to a student will be cleaned, appropriately labeled with the student's name, and used solely by that individual student. (Examples of equipment to be cleaned and labeled are the nebulizer tubing, facemask, mouthpiece, spacer, etc.)

## **Self-Administration of Medication**

### Generally

Each student who is permitted to self-administer medication should have an emergency care plan on file with ESBOCES. Further, the building Health Office will maintain a record of all written parental consents in the student's cumulative health record.

Building Health Office personnel will also maintain regular parental contact in order to monitor the effectiveness of self-medication procedures and to clarify parental responsibility as to the daily monitoring of the student to ensure that the medication is being utilized in accordance with the healthcare provider's instructions. Additionally, the student will be required to report to the building Health Office on a periodic basis, as determined by Health Office personnel, to maintain an ongoing evaluation of the student's management of such self-medication techniques and to work cooperatively with the parents and the student regarding self-care management.

Students who self-administer medication without proper authorization will be referred for counseling by ESBOCES nursing personnel, as appropriate. Additionally, ESBOCES administration and parents will be notified of such unauthorized use of medication by the student, and ESBOCES administration may determine the proper resolution of this behavior.

### Students with Asthma or Another Respiratory Disease

A student will be permitted to carry and self-administer his or her prescribed inhaled rescue medication during the instructional day, on ESBOCES property, and at any ESBOCES function if the building Health Office has the following on file:

1. written order/permission and an attestation from a duly authorized health care provider stating that:
  - a. the student has a diagnosis of asthma or other respiratory disease for which inhaled rescue medications are prescribed to alleviate respiratory symptoms or to prevent the onset of exercise-induced asthma;
  - b. that the student has demonstrated that he or she can self-administer the prescribed medication effectively; and
  - c. the expiration date of the order, the name of the prescribed medication, the dose the student is to self-administer, times when the medication is to be self-administered, and the circumstances which may warrant use of the medication; and
2. written consent from the student's parent or person in parental relation.

Upon written request of the student's parent or person in parental relation, ESBOCES will allow the student to maintain an extra inhaled rescue medication in the care and custody of the building nurse or ESBOCES Certified Health Professional.

Students with Allergies

A student will be permitted to carry and self-administer his or her prescribed EpiPen during the instructional day, on ESBOCES property, and at any ESBOCES function if the building Health Office has the following on file:

1. written order/permission and an attestation from a duly authorized healthcare provider stating:
  - a. that the student has a diagnosis of an allergy for which an EpiPen is needed for the emergency treatment of allergic reactions;
  - b. that the student has demonstrated that he or she can self-administer the prescribed EpiPen effectively; and
  - c. the expiration date of the order, the name of the medicine, the dose the student is to self-administer, and the circumstances which may warrant use of the medication; and
2. written consent from the student's parent or person in parental relation.

Upon written request of the student's parent or person in parental relation, ESBOCES will allow the student to maintain an extra EpiPen in the care and custody of an ESBOCES nurse or the ESBOCES Certified Health Professional.

Students with Diabetes

A student will be permitted to carry and self-administer his or her prescribed insulin through an appropriate medication delivery device, carry glucagon, and carry and use equipment and supplies necessary to check blood glucose and/or ketone levels during the instructional day, on ESBOCES property, and at any ESBOCES function if the building Health Office has the following on file:

1. written order/permission and an attestation from a duly authorized healthcare provider stating:
  - a. that the student has a diagnosis of diabetes for which insulin and glucagon through appropriate medication delivery devices, and the use of equipment and supplies to check blood glucose and/or ketone levels, are necessary;
  - b. that the student has demonstrated that he or she can self-administer effectively, can self-check glucose or ketone levels independently, and can independently follow prescribed treatment orders; and
  - c. the expiration date of the order, the name of the prescribed insulin or glucagon, the type of insulin delivery system, the dose of insulin and/or glucagon the student is to self-administer, times when the insulin and/or glucagon is to be self-administered, and the circumstances which may warrant administration by the student;

the written permission must also identify the prescribed blood glucose and/or ketone test, the times testing is to be done, and any circumstances which warrant checking a blood glucose and/or ketone level and

2. written consent from the student's parent or person in parental relation.

Upon written request of the student's parent or person in parental relation, ESBOCES will allow the student to maintain extra insulin, insulin delivery system, glucagon, blood glucose meter, and related supplies to treat the student's diabetes in the care and custody of an ESBOCES nurse or the ESBOCES Certified Health Professional.

Students with diabetes will also be permitted to carry food, oral glucose, or other similar substances necessary to treat hypoglycemia in accordance with ESBOCES policy.

### **Storage and Disposal of Medication**

ESBOCES will comply with relevant State laws, regulations, and guidelines governing ESBOCES receipt, storage, and disposal of medication.

### **Personal Care Items**

#### Feminine Hygiene Products

Each school building within ESBOCES serving students in any grade from six through twelve will provide feminine hygiene products in building restrooms. These products will be provided at no charge to students.

#### **Alcohol-Based Hand Sanitizers**

The New York State Education Department (SED) permits the use of alcohol-based hand sanitizers in instructional facilities. ESBOCES may approve and permit the use of alcohol-based hand sanitizers in ESBOCES instructional facilities without a healthcare provider's order. Parents or persons in parental relation may provide written notification to ESBOCES in the event that they do not wish to have their children use this product.

#### **Sunscreen**

Students may carry and use FDA-approved sunscreen products for over-the-counter use. The student's parent or person in parental relation must provide written permission for the student to carry and use sunscreen. This written parental consent will be maintained by the building. A student who is unable to physically apply sunscreen may be assisted by unlicensed personnel when directed to do so by the student, if permitted by a parent or person in parental relation, and authorized by ESBOCES.

#### **References:**

- Individuals with Disabilities Education Act (IDEA), 20 USC §1400, et seq.
- §504 of the Rehabilitation Act of 1973, 29 USC §794, et seq.
- Education Law §§ 902(b), 907, 916, 916-a, 916-b, 919, 921, 6527, 6908(1)(a)(iv), and 6909

- Public Health Law §§267, 3000-a, 3000-c, and 3309
- 8 NYCRR §§136.6 and 136.7
- Administrative Regulation 6511R.1 – Administering Medication

First Adopted: 7/1/2003

Readopted: 7/11/2007

Readopted: 9/23/2009

Readopted: 6/30/2010

Readopted: 3/16/2016

Readopted: 8/29/2018

# Board Policy

## Non-Discrimination and Anti-Harassment

Eastern Suffolk BOCES is an equal opportunity employer. In accordance with applicable law, we prohibit discrimination by or against any individuals involved in our operations, including employees regardless of their position, applicants, interns and student teachers, vendors, contractors, sub-contractors, consultants and any other third party involved in our operations based on any legally-recognized basis, including, but not limited to: race, color, religion, creed, sex, pregnancy or related medical conditions, sexual orientation, marital, familial or partnership status, gender expression or identity, transgender status, age, national origin or ancestry, citizenship, physical or mental disability (including being a certified medical marijuana patient), genetic information (including predisposition or carrier status), gender dysphoria, military status, veteran status, status as a victim of domestic violence, certain arrest or conviction records or any other status protected by federal, state or local law.

Eastern Suffolk BOCES (the Agency) is also committed to providing a work environment that is free of unlawful discrimination and harassment based on any of the protected categories listed above, including sexual harassment, and strictly prohibits discrimination and harassment by or against any individuals involved in our operations, including employees regardless of their position, applicants, interns and student teachers, vendors, contractors, sub-contractors, consultants and any other third party involved in our operations.

If such discrimination or harassment is committed in the workplace by someone not employed by the Agency, the reporting and complaint procedure in this policy should still be followed. The workplace includes: actual worksites, any setting in which work-related business is being conducted (whether during or after normal business hours), online and electronic interactions among agency employees and third parties involved in our operations, agency-sponsored events, and agency owned/controlled property.

### *Sexual Harassment*

Sexual harassment is unwelcome verbal or physical behavior based upon a person's gender/sex and includes unwanted verbal or physical sexual advances, requests for sexual favors or visual, verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made a term or condition of employment; or
- Submission to, or rejection of, such conduct is used as a basis for employment decisions affecting the individual; or

- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment, even if the individual raising the concern is not the intended target of such conduct.

Under the New York State Human Rights Law, sexual harassment is unlawful when it subjects an individual to inferior terms, conditions, or privileges of employment. Harassment need not be severe or pervasive to be unlawful, and can be any harassing conduct that consists of more than petty slights or trivial inconveniences.

The following is a non-exhaustive list of the types of conduct prohibited by this policy:

- Unwanted sexual advances or propositions (including repeated and unwelcome requests for dates);
- Offers of employment benefits in exchange for sexual favors;
- Making or threatening reprisals after a negative response to sexual advances;
- Visual conduct: leering, making sexual gestures, displaying of pornographic or sexually suggestive images, objects, pictures, cartoons, graffiti, posters or websites on computers, emails, cell phones, bulletin boards, etc.;
- Verbal conduct: making or using sexist remarks or derogatory comments based on gender, sexual orientation, gender identity or expression, transgender status, innuendos, epithets, slurs, sexually explicit jokes, or lewd or sexual comments about an individual's appearance, body or dress, whistling or making suggestive or insulting sounds;
- Verbal and/or written abuse of a sexual nature, graphic verbal and/or written sexually degrading commentary about an individual's body or dress, sexually suggestive or obscene letters, notes, invitations, emails, text messages, or social media postings;
- Physical conduct: unwelcome or inappropriate touching of employees or customers, physical violence, intimidation, assault or impeding or blocking normal movements;
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity or expression, or transgender status, 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;
  - Sabotaging an individual's work; and



- Bullying, yelling, name-calling.
- Retaliation for making reports or threatening to report sexual harassment.

Behavior may constitute sexual harassment regardless of the gender of the person committing it or the person who is exposed to it.

Individuals who observe conduct that may violate this policy are encouraged, but not required, to communicate to the offending person that the conduct is offensive and unwelcome. Individuals who observe any behavior directed at others that may violate this policy are encouraged to take reasonable action to defuse such behavior if possible, such as intervening directly, alerting a supervisor or Human Resources to assist, or making a report under this policy. Supervisors who observe conduct that may violate this policy are required to alert Human Resources.

#### *Other Types of Harassment*

Harassment on the basis of any legally protected status is prohibited. Prohibited harassment may include behavior similar to the illustrations above pertaining to sexual harassment. It also includes, but is not limited to:

Verbal conduct including taunting, jokes, threats, epithets, derogatory comments or slurs based on an individual's protected status;

Visual and/or written conduct including derogatory posters, photographs, calendars, cartoons, drawings, websites, emails, text messages or gestures based on an individual's protected status; and

Physical conduct including assault, unwanted touching or blocking normal movement because of an individual's protected status.

#### *Protection Against Retaliation*

Retaliation is prohibited against any person covered by this policy who, in good faith: makes a complaint of discrimination, harassment, and retaliation either internally or with a government agency; uses the complaint procedures described below; objects to, opposes or speaks out against discrimination, harassment, or retaliation; participates in an investigation of discrimination, harassment or retaliation; encourages another person to report discrimination, harassment or retaliation; or files, testifies, assists or participates in any manner in any investigation, proceeding or hearing conducted by a governmental enforcement agency regarding discrimination, harassment or retaliation.

Prohibited retaliation includes, but is not limited to, termination, demotion, suspension, failure to hire or consider for hire, failure to give equal consideration in making employment decisions, failure to make employment recommendations impartially, adversely affecting working conditions or otherwise denying any employment benefit because someone has raised a complaint or participated in an investigation of

discrimination or harassment. As with discrimination and harassment, retaliation is unlawful and a form of misconduct that will result in disciplinary action, up to and including termination of employment.

Individuals who believe that they or any other individual has been subjected to retaliation should report this concern using the complaint procedure set forth below.

#### *Internal Complaint Procedure*

Individuals who believe that they or any other individual has been subjected to discrimination, harassment, or retaliation should, as soon as possible, report it to their supervisor, building principal, other administrator, or the Assistant Superintendent for Human Resources at (631) 687-3029 or Associate Superintendent for Educational Services at (631) 687-3056. Reports can be made verbally or in writing. To submit a complaint in writing, individuals may use the sample complaint form (Employee Complaint Form 5121F.1, which can be found on *DocuShare*, also known as *eDocs*), but are not required to do so. Employees are not required to raise a complaint with their immediate supervisor, building principal, other administrator or person who has engaged in the complained of conduct.

After a report is received, or the Agency otherwise becomes aware of a possible violation of this policy, a fair, timely, thorough and objective investigation will be undertaken if needed. The Agency will maintain confidentiality surrounding the investigation to the extent possible, consistent with the need to conduct a thorough and objective investigation, and to the extent permitted or required under applicable law. Both the individual(s) raising the complaint and the individual(s) about whom the complaint was made will be permitted to provide information that may be relevant to the investigation. The Agency also will gather information and speak with witnesses, as applicable. Once the investigation is completed and a determination is made, the complaining party will be advised that the investigation has been completed and may be informed of the resolution. The individual(s) about whom the complaint was made also will be informed of the outcome and if the Agency determines that this policy has been violated, will be subject to disciplinary action and/or such other remedial actions as are appropriate in the circumstances. The Agency expects all employees to fully cooperate with any investigation conducted by the Agency into a complaint of discrimination, harassment or retaliation.

#### *Supervisory Responsibilities*

All supervisors, building principals, or other administrators who receive a complaint or information about suspected discrimination, harassment or retaliation, observe behavior that may violate this policy or for any other reason suspect that discrimination, harassment or retaliation is occurring, are required to report such information to the Assistant Superintendent for Human Resources at (631) 687-3029 or Associate Superintendent for Educational Services at (631) 687-3056.

In addition to being subject to discipline for engaging in discrimination, harassment or

retaliation themselves, supervisors, building principals or other administrators will be subject to discipline (up to and including termination) for failing to report suspected discrimination, harassment or retaliation or otherwise knowingly allowing such conduct to continue.

### *Discipline*

If the Agency determines that this policy has been violated, including in the event that a supervisor, building principal or other administrator knowingly allows the policy to be violated without reporting it, prompt remedial action will be taken, commensurate with the severity of the offense, up to and including termination of employment. Appropriate action will also be taken to deter any such conduct in the future.

### *Good Faith Reporting*

The initiation of a good faith complaint of discrimination, harassment or retaliation in good faith will not be grounds for disciplinary action. Any individual who makes a complaint that is demonstrated to be intentionally false may be subject to discipline, up to and including termination.

### *Notice*

The Agency will provide this policy to all employees in writing. The Agency will post this policy prominently throughout the Agency to the extent practicable.

At the time of hiring and at every annual discrimination, harassment, and retaliation prevention training program, the Agency will provide each employee a notice containing this policy and the information presented at the Agency's prevention training program.

This notice will be provided in English and in the language identified by the employee as the employee's primary language, provided that the New York State Department of Labor Commissioner has published a template of the model materials in that language.

The notice will be delivered in writing, either in print or digitally. The notice will either link to or include, as an attachment or printed copy, the policy and training materials.

### *Legal Protections and External Remedies*

Aside from the Agency's internal process, 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, an individual may seek the legal advice of an attorney.

In addition to those outlined below, individuals may have additional legal protections.

### State Human Rights Law (HRL)

The Human Rights Law (HRL), codified as N.Y. Executive Law, Article 15, Section 290 et seq., applies to all employers in New York State, and protects covered persons, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints with DHR may be filed any time within one (1) year (three (3) years beginning August 12, 2020) of the harassment. If an individual does not file with DHR, he or she can sue directly in State court under the HRL, within three (3) years of the alleged harassment. An individual may not file with DHR if he or she has already filed a HRL complaint in State court.

Complaining internally to the Agency does not extend an employee's time to file with DHR or in court. The one (1) year or three (3) years is counted from the date of the most recent incident of harassment.

Individuals do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

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

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. Individuals may call (718) 741-8400 or visit: [www.dhr.ny.gov](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. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

### Civil Rights Act of 1964

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 Federal Civil Rights Act (codified as 42 USC Section 2000e, et seq.). An individual can file a complaint with the EEOC anytime within three hundred (300) days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred, at which

point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court within ninety (90) days.

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.

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 EEOC to preserve the right to proceed in federal court.

### Title IX

Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex in any federally funded education program or activity. The U.S. Department of Education's Office for Civil Rights (OCR) enforces Title IX of the Education Amendments of 1972.

For more information about how to file a complaint, contact OCR at 800-421-3481 (TDD 800-877-8339) or visit: <https://www2.ed.gov/about/offices/list/ocr/docs/howto.html>. The website contains information about filing the complaint online, by mail, or by email.

### Local Protections

Many localities enforce laws protecting individuals from harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists.

### Local Police Department

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

### **References:**

- Title VII of the Civil Rights Act of 1964, 42 USC Section 2000e, et seq.
- Title IX of the Education Amendments of 1972, 20 USC Section 1681, et seq.
- 29 CFR Section 1604.11(a)
- 34 CFR Subtitle B, Chapter I
- Civil Service Law Section 75-B
- Executive Law Article 15
- Labor Law Section 201-g
- Board Policy 5180 – Complaints and Grievances by Employees

- Board Policy 6560 - Harassment, Bullying, and Discrimination (Students)
- Administrative Regulation 5180R.1 – Complaints and Grievances by Employees
- Administrative Regulation 6560R.1 – Harassment, Bullying, and Discrimination (Students)

First Adopted: 7/1/2003

Readopted: 12/21/2006

Readopted: 7/11/2007

Readopted: 2/11/2009

Readopted: 12/21/2011

Readopted: 10/17/2012

Readopted: 4/30/2014

Readopted: 11/14/2018

Readopted: 5/15/2019

Adopted as revised: 7/8/2020

# Board Policy

## ESBOCES Personal Property Accountability

### Definitions

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

"Valuable personal property" shall mean personal property which has a unit resale value of five hundred dollars (\$500) or more, and supplies, parts, or materials which are disposed of in lots having an aggregate resale value of five hundred dollars (\$500) or more, and critical assets as defined by regulation.

For asset capitalization depreciation purposes, refer to Board Policy 4433 - Asset Capitalization Threshold.

"Surplus personal property" shall mean personal property which has no known, immediate, or currently foreseeable use to ESBOCES.

### Acquisition of Personal Property by Purchase

Competitive Bidding – Acquisition shall be made in compliance with all established policies and regulations regarding purchasing and competitive bidding and procurement.

### Accounting for Gifts

1. All gifts shall be entered into the perpetual physical inventory of ESBOCES in the same manner as purchased personal property and consistent with the provisions of subheading "Perpetual Inventory/Accounting of Fixed Assets" below.
2. Gifts of money shall be annually accounted for under the expendable trust fund in the bank designated by the Board.
3. Any property donated shall be for the use of ESBOCES, and no employee shall benefit personally from such donations.
4. All gifts shall become the sole property of ESBOCES.
5. The District Superintendent, Chief Operating Officer, or designee shall present a recommendation to accept or reject such gifts to the Board at a regular meeting.



6. It shall be the responsibility of the President of the Board, District Superintendent, Chief Operating Officer, or designee to acknowledge, in writing, the receipt of the gift or donation on behalf of the Board.
7. The use of gifts or donations made that are not specific to a program shall be determined by the District Superintendent, Chief Operating Officer, or designee, who will be responsible for implementation of same.

### **Perpetual Inventory/Accounting of Fixed Assets**

1. The District Superintendent, Chief Operating Officer, or designee shall develop, in writing, the basic rules and regulations to be followed in maintaining the ESBOCES personal property records. Procedures employed shall comply with all applicable laws and requirements of the NYS Department of Audit and Control, which are issued pursuant to §36 of the NYS General Municipal Law.
  - a. The minimum standards to be considered for inclusion in the personal property records are:
    - i. The property shall be valuable. Personal property valued at five hundred dollars (\$500) or more, and items identified as critical assets, shall be included in the personal property inventory;
    - ii. The property must have an estimated useful life of one year or more; and
    - iii. The physical characteristics of the property are not appreciably affected by use or consumption.
  - b. It shall be the responsibility of the District Superintendent, Chief Operating Officer, or designee to assure that all new acquisitions, by purchase or gift, are entered into the perpetual inventory system.
2. Inventory Record – The inventory record shall contain sufficient information to identify each item classified as a personal property and include at least the following:
  - a. a sufficient description of the property;
  - b. the class of the property (machinery, equipment, etc.);
  - c. the year of acquisition of the property;
  - d. the historical cost (the cost at acquisition) of the property. If unknown or a gift, the estimated value; and
  - e. the source of financing or acquisition (general fund, federal fund, gift, etc.).
3. Management of Assets Acquired Under a Federal Government Grant or Sub grant – The Administrator overseeing a Federal Grant in which an asset is acquired will be responsible for complying with the Grant, including but not limited to:

- a. Maintaining inventories of assets purchased with grant funds in the same manner ESBOCES records assets.
  - b. Labeling assets to specify the source of the funds used to purchase the item. All Title I assets will include "Title I" on the label.
  - c. Tracking assets until disposition.
  - d. Disposing of assets – When original or replacement assets acquired under a federal grant or sub grant are no longer needed for the original project or for other activities currently or previously supported by a federal agency, the District will dispose of the assets as follows:
    - i. Assets with a current per-unit fair market value if less than five thousand dollars (\$5,000) may be retained, sold or otherwise disposed of with no further obligation to the awarding agency.
    - ii. Assets with a current per-unit fair market value of greater than five thousand dollars (\$5,000) may be retained or sold and the awarding agency will have a right to the amount calculated by multiplying the current market value or proceeds from sale by the awarding agency's share of the assets.
    - iii. No federal approval is necessary to dispose of an asset costing over five thousand dollars (\$5,000) but approval from the New York State Education Department (SED) is necessary. Once SED has determined that it has no other need for the use of an asset, the District may proceed with selling it.
4. Physical Inventory – A physical inventory shall mean determining the actual existence and condition of real and personal property in the records by visually examining the property in question. A physical inventory shall be conducted on at least an annual basis for personal property valued at five hundred dollars (\$500), including those units which in the aggregate are valued at five hundred dollars (\$500) or more, and other critical assets as determined by regulation.

### **Disposition of Personal Property**

1. Building administrators and supervisors are responsible for identifying obsolete and surplus equipment and supplies within their area(s) of responsibility. Periodically, a determination shall be made as to what equipment, supplies, and materials cannot be salvaged or utilized effectively or economically by ESBOCES or might be reassigned to other areas within ESBOCES.
2. Procedures for Disposition of Equipment, Textbooks, Supplies, or Materials
  - a. Prior to classifying as surplus, all items should be considered for reassignment to other locations within ESBOCES as needed or stored in a central location if they may have potential usefulness in the future;

- b. All surplus, obsolete or broken equipment, supplies, and materials whose original cost is five hundred dollars (\$500) or greater or those assets identified as critical assets must be declared surplus by the Board;
- c. All sales of surplus and obsolete personal property with a market value of five hundred dollars (\$500) or greater shall be open to the public and sold to the highest bidder. Bidding is open to all persons except ESBOCES employees and their spouses. Notice of the sale and/or requests for bids shall be made through appropriate means to assure public awareness. If the personal property with a market value of five hundred dollars (\$500) or greater does not sell after at least one (1) prior attempt at competitive bidding, such property can be disposed of only upon the approval of the Director of Administrative Services;
- d. Final discretion of the sale of any personal property shall be the responsibility of the Director of Administrative Services as to ensure the absence of a conflict of interest and/or appearance of impropriety; and
- e. Any personal property whose market value is less than five hundred dollars (\$500), broken, obsolete, damaged or in poor condition shall be the responsibility of the Director of Administrative Services and disposed of in the best interest of ESBOCES.

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

- 1. Penalty for violation – Any officer or employee who violates this policy shall be subject to removal from office or discipline in accordance with existing law and collective bargaining agreements. Unauthorized use of personal property and the theft or conversion of personal property belonging to ESBOCES will be prosecuted vigorously and to the maximum extent allowable under the law.
- 2. Dissemination of policy – The District Superintendent, Chief Operating Officer, or designee shall be responsible for the enforcement of this policy and shall take such action as is necessary to communicate this policy to all officers and employees of ESBOCES including, but not limited to, the publication of this policy in the ESBOCES Policy Manual and employee handbooks. This policy will be included on the agenda of faculty and administrative meetings at least annually.
- 3. Complaints – Complaints concerning violation of this policy shall be forwarded to the District Superintendent, Chief Operating Officer, or designee. The District Superintendent, Chief Operating Officer, or designee shall cause an investigation to be conducted, and a report shall be filed in his/her office at the completion of the investigation.

### **Review and Amendment of the Policy**

**Review** – The Board shall review the policy on personal property accountability annually and make amendments it deems necessary.

**Amendments** - Any amendments made to the originally approved policy on personal property accountability shall be submitted to the Commissioner of Education for approval within thirty (30) days of its adoption by the Board.

### **References:**

- Regulations of the Commissioner of Education §170.3
- Board Policy 4310 - Purchasing
- Board Policy 4311 - Procurement of Goods and Services
- Board Policy 4433 - Asset Capitalization Threshold
- Administrative Regulation 4470R.1 - ESBOCES Personal Property Accountability

First Adopted: 1/21/1997

Readopted: 7/14/2005

Readopted: 7/11/2007

Readopted: 6/25/2008

Readopted: 12/12/2012

Readopted: 2/13/2019

# Board Policy

## Purchasing

### Principles of Purchasing

The purchasing procedures shall be in compliance with all applicable laws and regulations of the State and the Commissioner of Education.

1. Requisitions - All purchases initiated by employees shall follow the procedures for requisitions and purchases. The requisition is a formal written request from an employee in Eastern Suffolk BOCES for the purchase of supplies or equipment. The requisition is a request and not a guarantee that a purchase will actually be made. Direct mileage reimbursement does not require a requisition.
2. The Purchase Order - The Purchase Order is a document that authorizes a vendor to deliver described merchandise or materials at a specified price. Purchase Orders will be issued only by the Purchasing Agent or the Assistant Purchasing Agent. A Purchase Order must be in place prior to the ordering of goods/services.
3. Procedures - The Purchasing Agent shall administer procedures for the requisitioning, purchasing, receipt, and distribution of the supplies and equipment.
4. In accordance with law, ESBOCES shall give preference in the purchase of instructional materials to vendors who agree to provide materials in alternative formats. The term "alternative format" shall mean any medium or format for the presentation of instructional materials, other than a traditional print textbook, that is needed as an accommodation for a disabled student enrolled in an ESBOCES program, including, but not limited to, Braille, large print, open and closed captioned, audio, or an electronic file in a format compatible with alternative format conversion software that is appropriate to meet the needs of the individual student.

### Purchasing Authority

Purchasing shall be centralized for the entire ESBOCES organization in the ESBOCES Management Services Office.

The Purchasing Agent shall be appointed each year at the Annual Organizational Meeting of the Board, at which time an Assistant Purchasing Agent(s) will also be appointed.

Except as bidding is required, the budgets adopted by the Board shall serve as authority for the Purchasing Agent to make specific purchases, subject to established procedures for submission and approval of requisitions.

The Associate Superintendent for Management Services or designee shall be assigned the specific responsibility of assuring that procedures are consistent with good practice and contribute toward the best possible purchasing decision.

**References:**

- NYS Education Commissioner Regulations §170.2
- NYS Education Commissioner Regulations §205.3
- Administrative Regulation 4310R.1 - Purchasing Guidelines
- Administrative Regulation 4310R.2 - Purchasing Procedures
- Administrative Regulation 4310R.3 - Sales Calls and Demonstrations
- Administrative Regulation 4310R.4 - Sample Materials from Vendors
- Administrative Regulation 4310R.5 - Bidding Requirements
- Administrative Regulation 4310R.6 - Signing Authority
- Administrative Regulation 4310R.7 - Purchase of Food for Consumption by Employees, Board Members, and Volunteers

First Adopted: 7/1/03

Readopted: 8/29/07

Readopted: 4/3/08

Readopted: 5/26/10

Readopted: 10/27/10

# Board Policy

## Recruitment, Selection, and Appointment of Employees

The Board encourages recruitment of highly qualified employees with a wide variety of educational, cultural, ethnic, and other backgrounds reflecting the heterogeneous and diverse society in which we are preparing students to engage. It is the policy of the Board to employ the individual best qualified.

It shall be the duty of the District Superintendent, Chief Operating Officer, or designee to see that persons recommended for employment meet all qualifications established by law, or by the Board, for the position for which recommendation is made.

Former students of Eastern Suffolk BOCES are welcome additions to the staff. As such, former students who apply for posted positions and meet the minimum qualifications of the posting will be granted an invitation to interview for said position.

Assignments of personnel shall be at the direction of the District Superintendent, Chief Operating Officer, or designee. Upon employment, the Department of Human Resources shall be responsible for familiarizing the new employees with Board policies and administrative plans of ESBOCES.

Instructional and non-instructional employees shall be appointed by the Board upon the recommendation of the District Superintendent, Chief Operating Officer, or designee.

### **Certified Personnel**

Appointment of all professional employees shall be in accordance with §3014 of NYS Education Law and in accordance with rules and regulations established by the New York State Commissioner of Education.

### **Civil Service Employees**

Appointment of all non-instructional employees is subject to the regulations of the Suffolk County Civil Service Commission.

### **References:**

- [NYS Civil Service Law §63](#)
- [NYS Education Law §3014](#)
- Administrative Regulation 5150R.1 – Recruitment, Selection, and Appointment of Employees

First Adopted: 7/1/03  
Readopted: 7/11/07  
Readopted: 4/28/11  
Adopted as revised: 10/16/2019



# Board Policy

## Smoking, Tobacco, and Cannabis (Marijuana) Use

The following actions are prohibited on Eastern Suffolk BOCES property and at ESBOCES functions: smoking; vaping; using tobacco products; and/or using or ingesting any form of cannabis.

Smoking and vaping are prohibited within one hundred (100) feet of the entrances, exits, or outdoor areas of any ESBOCES facility. However, this prohibition does not apply to smoking or vaping in a residence, or within the real property boundary lines of residential real property. Exceptions may exist for authorized medical cannabis use.

### Definitions

For purposes of this policy, the following definitions apply:

1. *Electronic cigarette (or e-cigarette)* means an electronic device delivering vapor inhaled by an individual user, and includes any refill, cartridge, and any other component of such a device;
2. *ESBOCES function* means an ESBOCES-sponsored or ESBOCES-authorized extracurricular event or activity regardless of where the event or activity takes place, including any event or activity that may take place virtually or in another state;
3. *ESBOCES property* means any building, structure, and surrounding outdoor grounds, including entrances and exits, contained within the legally defined property boundaries (as registered in the County Clerk's Office) of all ESBOCES elementary and secondary facilities and administration buildings (whether owned or leased by ESBOCES), as well as any vehicles used to transport students or ESBOCES employees, whether the vehicles are owned or leased by ESBOCES;
4. *Smoking* means the burning of a lighted cigar, cigarette, pipe, or any other matter or substance containing tobacco, cannabis, or cannabinoid hemp;
5. *Tobacco products* means cigarettes or cigars, bidis, chewing tobacco, powdered tobacco, nicotine water, or any other tobacco products;
6. *Vaping* means the use of an electronic cigarette.

### Notification

ESBOCES will prominently post signs prohibiting smoking and vaping on ESBOCES property in accordance with applicable law. Each Building Principal will inform individuals found smoking or vaping in a non-smoking area that they are in violation of law and/or ESBOCES policy.

ESBOCES will communicate this policy to employees, students, parents/persons in parental relation, volunteers, visitors, contractors, and outside groups through means such as the ESBOCES *Code of Conduct*, student handbooks, newsletters, announcements, facilities use forms/agreements, and/or the prominent display of this policy in appropriate locations.

### **Prohibition of Tobacco Promotional Items/Tobacco Advertising**

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

1. on ESBOCES property;
2. in any vehicles used to transport ESBOCES students or employees;
3. at ESBOCES functions;
4. in ESBOCES publications;
5. on clothing, shoes, accessories, gear, and school supplies in accordance with the ESBOCES *Code of Conduct* and applicable collective bargaining agreements.

This prohibition of tobacco promotional items will be enforced in accordance with the ESBOCES *Code of Conduct* and applicable collective bargaining agreements.

ESBOCES will request, whenever possible, tobacco-free editions of periodical publications for classroom and library use.

### **References:**

- 20 USC §§6081-6084 and 7971-7974
- 41 USC §8101 et seq.
- NYS Education Law §409
- NYS Penal Law §222.10
- NYS Public Health Law §§1399-n, 1399-o, 1399-p, and 1399-aa
- 8 NYCRR §§155.5 and 156.3
- Board Policy 2230 – Use of ESBOCES Facilities
- Board Policy 5161 – Alcohol, Drugs, and Other Substances (Employees)
- Board Policy 6220 – Student Alcohol and Substance Abuse
- Administrative Regulation 2410R.1 – Code of Conduct

First Adopted: 7/1/2003

Readopted: 7/11/2007

Readopted: 9/22/2010

Readopted: 6/26/2013

Readopted: 1/24/2018

Adopted as revised: 9/22/2021

# Regulation

## Social Networking Sites

### Philosophy Statement

To accommodate new communication paradigms and tools and remain at the forefront of preparing students for the future, educators must explore new and emerging technologies to supplement the range of services they currently offer to their respective stakeholders. Stakeholders may include Board members, parents, students, employees, media, and the community at large. Among the newest tools available to educators are social networking sites/accounts (hereinafter referred to as “SNS”).

SNS have great potential to connect people across the globe and enhance communication; however, they are also more informal, less structured, and still emerging. These guidelines are designed to establish some basic parameters on the creation and use of SNS for Eastern Suffolk BOCES and its employees.

### Definition of SNS

SNS are websites or online communities that connect people through social and other networks. SNS often include a range of communication platforms, including, but not limited to, creation of profiles, blogs, discussion boards, instant messaging, and file sharing (sharing of text, photos, video, etc).

### Establishing the ESBOCES Social Networking Sites

The ESBOCES Communications Office will establish and maintain the initial ESBOCES SNS to further the public relations/outreach/connection to ESBOCES various stakeholders and will monitor all of the content on this SNS.

#### Establishing Separate SNS

The Chief Operating Officer or designee shall have the exclusive and final authority to determine whether individual ESBOCES buildings/facilities may initiate and maintain a separate SNS/account.

### Quality Control/Content Integrity

The ESBOCES official Web site will remain the primary source for all content. Any and all material on the ESBOCES SNS and other approved SNS will supplement information that exists on the ESBOCES official Web site.

The ESBOCES SNS and other approved SNS must reference back to an official ESBOCES I website.

ESBOCES shall provide general training, including training on ethical and legal considerations and compliance with all applicable policies and regulations, for all employees on the use of the ESBOCES SNS and other approved SNS.

### **Ethical Standards/Legal Obligations for ESBOCES Employees**

ESBOCES employees shall conduct themselves in the "virtual" or online world of SNS just as they would in all face-to-face human interactions, namely treating others with dignity and respect and observing all other established standards of professional conduct. It is expected that ESBOCES employees will represent themselves accurately during online interactions associated with their professional responsibilities.

ESBOCES employees acknowledge and agree that when they create or post material on the ESBOCES SNS or other ESBOCES officiated sites, they are in effect "content publishers" and, as such, are subject to a host of ethical and legal obligations, including, but not limited to, compliance with the Federal Digital Millennium Copyright Act.

The Communications Office shall monitor the ESBOCES SNS and other approved SNS and encourage users to contribute accurate, valuable, and high-quality information on the ESBOCES SNS and other approved SNS. Protocols will be developed to govern the daily operation of the ESBOCES SNS and other approved SNS, including the respective rights and responsibilities of ESBOCES and site/account users.

While mindful of employees' First Amendment free speech rights, ESBOCES employees who participate in social networking sites/accounts shall not post any material which may result in the disruption of classroom or ESBOCES activities. ESBOCES is entitled to make such a determination based on the facts surrounding the material as ESBOCES reasonably believes them to be. ESBOCES employees enjoy limited free speech rights at work. When an employee speaks as part of his/her official job duties and/or on matters which are not of public concern, his/her speech may not be protected and, as a result, he/she may be disciplined in accordance with applicable collective bargaining agreements, law, and policies. As a result, employees are encouraged to exercise caution when posting on ESBOCES officiated SNS.

Due to the evolving nature of these social networking sites/accounts, ESBOCES employees should not use the ESBOCES officiated sites/accounts to create or maintain personal relationships with students. For purposes of these guidelines, "personal relationships with students" shall mean any behavior or conduct that is unrelated to coursework or official ESBOCES matters. Such behavior may erode the professional authority and traditional roles of teacher and student within ESBOCES and may violate ESBOCES policies and/or regulations. ESBOCES employees shall not disclose confidential student information at any time.

Access to social networking sites/accounts for personal use during the ESBOCES workday is prohibited. However, access to the ESBOCES SNS and other approved SNS for matters related to ESBOCES business and/or educational activities may be permitted as authorized by the employee's supervisor.

### **Reporting Requirements**

ESBOCES employees shall be required to report known or suspected violations of this regulation to their Building Principal or supervisor.

## **Disciplinary Sanctions**

ESBOCES employees who violate any provision of the ESBOCES SNS guidelines shall be subject to appropriate disciplinary measures up to and including termination of employment in accordance with legal guidelines, ESBOCES policy and regulations, and applicable collective bargaining agreements.

## **Compliance with Other Applicable Policies and Regulations**

ESBOCES employees who participate in ESBOCES officiated SNS shall be subject to all applicable ESBOCES policies and regulations, including, but not limited to, the following:

1. Board Policy 5110 – Code of Ethics for All ESBOCES Employees
2. Board Policy 5112 – Employee Use of Electronic Communications and Telecommunications Equipment
3. Administrative Regulation 5112R.1 – Employee Use of Electronic Communications and Telecommunications Equipment
4. Board Policy 5121 – Harassment Prohibition (Personnel)
5. Administrative Regulation 5121R.1 – Harassment Prohibition (Personnel)
6. Board Policy 7230 – Use of Copyrighted Materials
7. Administrative Regulation 7230R.1 – Regulations Regarding the Fair Use of Copyrighted Material

## **References:**

- [Federal Digital Millennium Copyright Act](#)
- [Family Educational Rights and Privacy Act \(FERPA\), 20 USC §1232g](#)
- [Garcetti v. Ceballos, 547 US 410 \(2006\)](#)
- Board Policy 5110 - Code of Ethics for All ESBOCES Personnel
- Board Policy 5112 – Employee Use of Electronic Communications and Telecommunications Equipment
- Administrative Regulation 5112R.1 - Employee Use of Electronic Communications and Telecommunications Equipment
- Board Policy 5121 – Harassment Prohibition (Personnel)
- Administrative Regulation 5121R.1 – Harassment Prohibition (Personnel)
- Board Policy 7230 – Use of Copyrighted Materials
- Administrative Regulation 7230R.1 – Regulations Regarding the Fair Use of Copyrighted Material

First Approved: 12/20/2010  
Revised: 6/20/2014

# Board Policy

## Student Attendance

The Board recognizes that regular attendance is a critical factor in student academic, social, and vocational success leading to the achievement of their life goals. In order to meet the Regents goals of raising student performance to higher levels and closing the gaps in student achievement, it is imperative that all students regularly attend class to receive instruction and to actively participate in authentic learning activities. These diverse activities often rely on teacher-to-student and student-to-student interaction that cannot be recreated or duplicated for the student who is absent. Recognizing that the classroom experience provides an educational value essential to achieving high standards, the Board enacts this policy aimed at encouraging full attendance by all students.

Through implementation of this policy, the Board expects to:

1. reduce the current level of unexcused absences, tardiness, and early departures (referred to in this policy as “ATEDs”);
2. adopt and maintain an adequate attendance recordkeeping system for the purpose of accountability;
3. identify patterns of student ATEDs; and
4. develop effective intervention strategies to improve attendance.

This policy shall apply to all Eastern Suffolk BOCES instructional programs at the elementary, middle, and secondary school levels, including summer programs and summer special education services.

### Notice

To be successful in this endeavor, it is imperative that all members of the ESBOCES community are aware of this policy, its purpose, procedures, and the consequences of non-compliance. To ensure that students, parents, teachers, administrators, and all support staff are notified of and understand this policy, the following procedures shall be implemented.

1. The Building Principal will ensure that a summary of this policy is included in student handbooks and that the policy is reviewed with students at the start of each instructional year or upon entrance to the program.
2. Parents/persons in parental relation will receive a plain language summary of this policy by mail at the start of each instructional year or upon their child’s entrance to the program. The summary will indicate that parents/persons in parental relation will be provided with a copy of the full policy upon request.

3. The policy will be explained to parents/persons in parental relation at a back-to-school event held at the beginning of each school year. Parental/person in parental relation responsibility for ensuring their children's attendance will be stressed.
4. The Building Principal will provide a copy of this policy, related regulation(s), and any amendments to faculty and staff. New employees will receive a copy upon their employment.
5. Copies of this policy will be made available to any community member upon request.

### **Excused and Unexcused Absences**

1. Definitions
  - a. Excused Absence - Excused ATEDs are defined as absences, tardiness, and early departures from class due to:

personal illness	illness or death in the family
impassable roads or weather	transportation delay
home district school closures	religious observances
quarantine	required court appearance
attendance at health clinics	approved college visits
military obligations	approved cooperative work programs
school related instruction/activities	DMV road test

or other such reasons as may be approved by building administration
  - b. Unexcused Absence - All other ATEDs are considered unexcused absences.
  - c. Absences Versus Tardiness/Early Departure - Any student who misses more than fifty percent (50%) of a particular class session for any non-ESBOCES related activity shall be considered absent for that class session for the purposes of determining eligibility for course credit and/or a secondary career education certificate of completion.
  - d. Suspension - Consequences of serious disciplinary infractions may include the removal of the student from the program for a specified period of time (NYS Education Law §3214). These removals are commonly referred to as "suspensions" and should be recorded as such. After the term of suspension, the student is responsible for making up all class work where possible.



## 2. Notification

- a. All ATEDS must be accounted for.
- b. Parents/persons in parental relation are encouraged to call the facility whenever their child will be absent or tardy regardless of the reason. All absences will be considered “unexcused” until ESBOCES has evaluated the reason for the absence submitted in writing by the parent/person in parental relation or through another form of contact with the parent/person in parental relation.
- c. It is the parent’s/person in parental relation’s responsibility to notify the ESBOCES office on the day of the ATED and to provide a written excuse upon the student’s return to class. After extended absence due to illness, medical documentation may be required. When the absence is the result of involvement with a community agency or organization (the Department of Corrections, Department of Motor Vehicles, Child Protection Services, or religious institutions for religious instruction, etc.), it is the parent’s/persons in parental relation’s responsibility to obtain written verification from that agency. Alternate documentation may be accepted at the discretion of the Building Principal. If no notification, either written or verbal, is received, then the student’s absence will be documented as unexcused.
- d. When a student is absent, tardy, or leaves class early without excuse, a designated employee will notify the student’s parents/persons in parental relation by telephone and/or by mail of the specific ATED, remind them of the Attendance Policy, and review ATED intervention procedures with them.
- e. The parents/persons in parental relation and the home district will be informed of any student who is absent three (3) consecutive days without notification by the parent/person in parental relation, has developed a repetitive pattern of absences, or has any type of questionable absence.

### **Disciplinary Consequences**

Unexcused ATEDs will result in disciplinary action consistent with the ESBOCES Code of Conduct. Penalties for unexcused absences will be developed and implemented at the building level (e.g., students may be denied the privilege of participating in or attending extracurricular events). The Board does not support suspension for absence-related problems.

### **Notification and Intervention Procedures**

A written warning notice will be sent by the Building Principal to the student, the student’s parents/persons in parental relation, and the student’s home district when a student’s pattern of excessive absences threatens the student’s ability to master course content and/or receive a passing grade due to lack of classroom participation. In such instances, appropriate ESBOCES employees will counsel the student regarding the importance of regular attendance and will continue to monitor the student’s attendance at least weekly.



### **Course Credit**

Academic credit for ESBOCES courses taken by students attending ESBOCES programs is awarded by local school districts. At the end of each academic period (semester for half year courses; year for full year courses), ESBOCES will report the student's examination results (where applicable), final grade(s), and attendance (including which absences were excused and which were unexcused) to the student's home school district.

ESBOCES will advise students and their parents/persons in parental relation to consult with their local district regarding any policies linking the award of course credit to attendance that may be enforced at the local level.

### **Annual Review**

The Board directs the District Superintendent, Chief Operating Officer, or designee to annually review building-level student attendance records. If such records show an improvement, the Board shall recognize this achievement and if such records show a decline in student attendance, the Board shall review and revise this comprehensive Attendance Policy in order to improve student attendance.

### **References:**

- NYS Education Law §3214
- Administrative Regulation 6110R.1 - Student Attendance

First Adopted: 7/1/2003  
Readopted: 7/11/2007  
Readopted: 2/25/2009  
Readopted: 11/20/2013

# Board Policy

## Confidentiality of Student Records - Access and Challenge

Eastern Suffolk BOCES shall comply with the provisions of the Family Educational Rights and Privacy Act (FERPA).

Generally, FERPA requires that parents/persons in parental relation and noncustodial parent(s), whose rights are not limited by court order or formal agreement, of a student under eighteen (18) years of age, or a student who is eighteen (18) years of age or older or who is attending an institution of post-secondary education ("eligible students") be given the opportunity to inspect and review the student's education records. Parents and eligible students may request an amendment to an education record if they believe the record to be inaccurate in some way. In addition, under certain circumstances, parents/persons in parental relation or eligible students may have the opportunity for a hearing to challenge the content of student records.

Under FERPA, unless otherwise exempted in accordance with law and regulation, ESBOCES may only release education records or personally identifiable information contained in those records if it has received a "signed and dated written consent" from a parent/person in parental relation or eligible student.

FERPA and the associated regulations contain a number of exceptions to the prohibition against disclosure. In certain instances, there are recordkeeping requirements when records are released pursuant to an exception.

The Board directs that administrative regulations and procedures be formulated to comply with the provisions of FERPA to ensure the confidentiality of education records with respect to third parties and to make such records available, as appropriate.

### References:

- Family Educational Rights and Privacy Act (FERPA) (20 USC §1232g; 34 CFR Part 99)
- Individuals with Disabilities Education Act (IDEA)
- Administrative Regulation 6420R.1 – Confidentiality of Student Records – Access and Challenge

First Adopted: 7/1/2003  
Readopted: 7/11/2007  
Readopted: 5/26/2010  
Readopted: 5/23/2012  
Readopted: 12/18/2013

# Board Policy

## Student Use of Electronic Communications and Telecommunications Equipment

### System Definition

Eastern Suffolk BOCES may provide students with access to various electronic information resources such as computer hardware, software, networks and electronic communication systems, including, but not limited to, telephones, fax machines, photocopiers, and personal digital assistants (PDAs) through the ESBOCES Communication Systems (BCS). This may include access to electronic mail, "on-line services," "WiFi," the "Internet," and videoconferencing. It may also include the opportunity for students to have independent access to the BCS from home or other remote locations. All use of the BCS, including independent use off ESBOCES premises, shall be subject to Board policies and administrative regulations, including those governing student use of electronic communications and telecommunications equipment. Further, all such use must be in support of education and/or research and consistent with the goals and purposes of ESBOCES. All components of the BCS, including, but not limited, to computers and computer accounts, belong to ESBOCES and should be used for educational purposes.

### Purpose

The Board encourages use of the BCS to explore educational topics, conduct research, and explore curriculum-related communication to further the educational mission of ESBOCES. It is anticipated that access to various electronic information resources will expedite and enhance the student's ability to perform curriculum-related tasks and assignments. Toward that end, ESBOCES shall provide student orientation and parent information about this Board policy and the related administrative regulation.

### Access to Inappropriate Content/Material and Use of Personal Technology or Electronic Devices

This policy is intended to establish general guidelines for the acceptable student use of the BCS and also to give students and parents/guardians notice that student use of the BCS will provide student access to external computer networks not controlled by ESBOCES. ESBOCES cannot screen or review all of the available content or materials on these external computer networks. Thus, some of the available content or materials on these external networks may be deemed unsuitable for student use or access by parents/guardians.

Despite the existence of ESBOCES policy, regulations and guidelines, it is virtually impossible to completely prevent access to content or material that may be considered inappropriate for students. Students may have the ability to access such content or material from their home, other locations off ESBOCES premises, and/or with a student's own personal technology or electronic device on ESBOCES premises or at ESBOCES events. Parents and guardians must be willing to establish boundaries and standards for the appropriate and acceptable use of technology and communicate these boundaries and standards to their children. The appropriate/acceptable use standards outlined in this policy apply to student use of technology via the BCS or any other electronic media or communications, including by means of a student's own personal technology or electronic device on ESBOCES premises or at ESBOCES events.

### **Acceptable/Unacceptable Use**

ESBOCES shall take reasonable precautions to ensure student safety and acceptable use of the BCS. These precautions shall include, but not be limited to, electronic filters and classroom/other monitoring systems as deemed necessary to restrict access that may be harmful, inappropriate, or unsafe for our students. ESBOCES will employ filtering technology on computers with Internet access. The filtering system shall enable ESBOCES to block or filter Internet access to obscene materials, child pornography, or other materials which are harmful to minors as those terms are defined in the Children's Internet Protection Act (CIPA). ESBOCES shall have the discretion to determine which materials are inappropriate pursuant to those definitions.

The on-line activities of students shall be monitored to ensure compliance with all of the above.

Generally, the same standards of acceptable conduct that apply to any aspects of behavior governed by the ESBOCES Code of Conduct and the Dignity for All Students Act shall apply to use of the BCS. Students are expected to communicate in an appropriate manner consistent with Board policies and administrative regulations. The BCS is to be used only for ESBOCES-related activities. Direct electronic communications (including, but not limited to, videoconferencing, chat rooms, and instant messaging) may not be used unless prior authorization has been obtained from an ESBOCES employee. Electronic communications and telecommunications equipment are not to be utilized to share confidential information (such as student personal data) or copyrighted or inappropriate information. In order to access the BCS, students and/or their parents/guardians must acknowledge, in writing, that they understand and accept the guidelines for acceptable use.

### **Discipline**

Students who engage in unacceptable use may lose access to a portion or all of the BCS and may be subject to further discipline. These disciplinary actions will be consistent with Administrative Regulation 2410R.1 – Code of Conduct - and tailored to meet specific concerns related to the violation. Students who willfully, maliciously, or unlawfully damage or destroy ESBOCES or other electronic information resources (sometimes referred to as "hacking") may be subject to legal action. Further, ESBOCES may bring an action against the parents/guardians of any minor student (over the age of ten (10) but under the age of eighteen (18)) who willfully, maliciously, or unlawfully damages or destroys ESBOCES premises pursuant to General Obligations Law Section 3-112.

In addition to Board policies and administrative regulations, students shall also adhere to Federal and State laws and regulations governing electronic communications, including, but not limited to, copyright laws, rights of software publishers, license agreements, and rights of privacy.

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.

An administrative regulation further describes general guidelines for appropriate conduct and use, as well as proscribed behavior.

## **Limitation of Liability**

ESBOCES will make reasonable efforts to assist students who are experiencing technical problems with the BCS. However, ESBOCES makes no warranties of any kind, either expressed or implied, that the functions, filters, or the services provided by or through the BCS will be error-free or without defect. ESBOCES will not be responsible for damages students may incur, including, but not limited to, loss of data or interruptions of service. ESBOCES is not responsible for the accuracy or quality of the information obtained through or stored on the BCS. ESBOCES will not be responsible for obligations, financial or otherwise, incurred as a result of the unauthorized use of the BCS.

## **Privacy Rights**

### **1. No Expectation of Privacy**

Computers and computer accounts are provided to students to assist them in completing educationally related tasks and assignments and to help prepare them for academic success and future work and careers. Students have no expectation of privacy in anything they create, store, send, or receive on the BCS. By accessing the BCS, the student has consented to ESBOCES exercise of its authority and the rights set forth in this policy, including the right to monitor any information or communication stored or transmitted over the BCS.

Student data files and other electronic storage areas will be treated like school lockers. This means that such areas shall be considered to be ESBOCES premises subject to control and inspection. Appropriate administrative staff may access all such files and communications without prior notice to ensure system integrity and that users are complying with the requirements of this policy and accompanying regulation. Students should NOT expect that information stored on the BCS will be private.

### **2. Waiver of Privacy Rights**

Students expressly waive any right of privacy in anything they create, store, send, or receive through the BCS, including the computer. Students consent to allow ESBOCES employees to access and review all materials students create, store, send, or receive through the BCS, including the computer and through computer networks and the Internet. Students acknowledge that ESBOCES may use human or automated means to monitor use of the BCS resources.

## **Notification**

This policy and associated regulation will be disseminated to students and parents/guardians in order to provide notice of ESBOCES requirements, expectations, and students' obligations when accessing the BCS.

## **Implementation**

An administrative regulation has been developed to implement the terms of this policy.

**References:**

- Dignity for All Students Act
- Children's Internet Protection Act (CIPA), codified as 20 USC §§6801, 6777, 9134 (2003); 47 USC §254 (2003)
- [General Obligations Law §3-112](#)
- Board Policy 7151 - Internet Content Filtering
- [Administrative Regulation 2410R.1 – Code of Conduct](#)
- Administrative Regulation 6216R.1 – Student Use of Electronic Communications and Telecommunications Equipment

First Adopted: 7/1/2003

Readopted: 12/21/2006

Readopted: 7/11/2007

Readopted: 12/21/2011

Readopted: 8/15/2013

# Board Policy

## Use of Surveillance Cameras On ESBOCES Property

The Board recognizes its responsibility to promote, foster, and ensure the safety of Eastern Suffolk BOCES students, staff, visitors, facilities, and property and ensure a safe, efficient and effective learning and working environment. While the Board recognizes the importance of privacy, after having carefully considered and balanced the rights of privacy with the duty of ESBOCES to promote discipline, health, welfare, security and safety of staff and students, as well as that of the general public who has occasion to use ESBOCES facilities, the Board supports the use of surveillance cameras in or on ESBOCES property, including facilities, school buses, and/or ESBOCES grounds, when necessary. These surveillance cameras will help to assist in maintaining the overall security, safety and welfare of ESBOCES students, staff, property, and visitors, as well as to deter theft, violence, and other criminal activities.

Further, ESBOCES surveillance cameras will only be placed in public or common areas, such as stairwells, hallways, cafeterias, parking lots, or playgrounds, and not in private areas such as locker rooms, bathrooms, or other areas in which individuals have a reasonable expectation of privacy. Audio recordings shall not be utilized by ESBOCES officials; however, this prohibition may not preclude the use of audio recordings by law enforcement officials in accordance with their official duties and/or as otherwise authorized by law.

### **Disciplinary Proceedings**

Video recordings or footage from ESBOCES surveillance cameras may be used in student or employee (as permitted by any applicable collective bargaining agreement) disciplinary proceedings, as appropriate.

### **Signage/Notification**

ESBOCES will place signage at entrances to ESBOCES campuses or at major entrances into buildings notifying students, staff, and visitors of the use of surveillance cameras. Students and staff will also receive additional notification, as deemed appropriate by the Chief Operating Officer, regarding the use of its surveillance cameras through means such as publication in the ESBOCES calendar, Employee Handbook, and/or the Student Handbook. Such notification does not preclude, as deemed appropriate by administration, the discussion of the use of surveillance cameras

### **Maintenance of Video Recordings**

Any video surveillance recording (tape, CD, or digital) in ESBOCES buildings, on school buses, or on ESBOCES property will be the sole property of ESBOCES and stored in its original form and in a secure location to avoid tampering and also to ensure its confidentiality in accordance with relevant law and regulations.

In addition, to the extent that any video images create student or personnel records, ESBOCES will comply with all applicable State and Federal laws related to record retention, record

maintenance, and record disclosure, including the Family Educational Rights and Privacy Act (FERPA).

To further the Board's objective, the ESBOCES Administrative Council shall meet as appropriate and/or deemed necessary to develop, implement, and review Agency and building-level safety practices. The Administrative Council shall also make recommendations to the Chief Operating Officer regarding the implementation and use of surveillance cameras as authorized by the Board. The Chief Operating Officer shall retain final decision-making authority regarding the recommendations of the Administrative Council and shall notify the Board as to the procedures to be implemented with regard to the use of surveillance cameras by ESBOCES.

An Administrative Regulation has been developed to implement this Policy.

**References:**

- 20 U.S.C. §1232g (Family Educational Rights and Privacy Act)
- NYS Arts & Cultural Affairs Law Article 57-A
- NYS Public Officers Law §87
- Retention and Disposition Schedule for New York Local Government Records (LGS-1)
- Administrative Regulation 4535R.1 – Use of Surveillance Cameras On ESBOCES Property

First Adopted: 11/20/2013  
Readopted: 7/6/2016  
Adopted as revised: 6/23/2021



# Regulation

## Use of Surveillance Cameras On ESBOCES Property

In determining the most appropriate use and implementation of surveillance cameras in or on Eastern Suffolk BOCES buildings, school buses, and/or ESBOCES grounds, recommendations will be guided by, at a minimum, the following considerations:

1. demonstrated need for the device at designated locations;
2. appropriateness and effectiveness of proposed protocol;
3. use of additional, less intrusive, means to further address the issue of safety (e.g., restricted access to buildings, use of pass cards or identification badges, increased lighting, alarms);
4. right to privacy and other legal considerations; and
5. expense involved to install and maintain the use of surveillance cameras at designated locations, including school buses and/or on ESBOCES grounds.

The following rules and regulations implement the Eastern Suffolk BOCES policy on the use of video surveillance cameras on ESBOCES property, including school buses. Through these rules and regulations, ESBOCES seeks to protect students, employees, visitors, and ESBOCES property.

1. Each building Principal, in conjunction with the Chief Operating Officer or designee, will determine when and where the video surveillance cameras are to be used.
2. Administrative Council members, the Security Coordinator, or designee are the only individuals permitted to view the surveillance cameras, when necessary.
3. Surveillance recordings are not available for viewing by the public, ESBOCES employees, or the media. Access to surveillance recordings will be limited in order to maintain the integrity and confidentiality of the recordings. To that end, viewing of surveillance recordings will be limited to Administrative Council members, the Security Coordinator, and designees for the purpose of documenting disciplinary issues, criminal activity, suspicious activity, Workers' Compensation incidents and for any other insurance purposes, or other educational reason as determined by the Chief Operating Officer.
  - a. If surveillance recordings are to be used in student disciplinary proceedings or other investigations, those recordings will be maintained as an educational record in accordance with relevant law and regulation, including the Family Educational Rights and Privacy Act (FERPA).

- b. Students may be permitted to view certain portions of surveillance camera recordings that are maintained by ESBOCES to the extent that they are used as evidence in their own disciplinary hearings. Those students and/or persons in parental relation may be entitled to obtain a copy of those portions of the recordings at their own personal expense.
4. Surveillance recordings will generally be promptly erased or reused unless the Chief Operating Officer determines that those recordings should be preserved for use in disciplinary proceedings or other investigations.
5. There may be occasions pursuant to Court Order, Subpoena, or law where ESBOCES is authorized to make video surveillance camera recordings available to law enforcement officials or the Office of Children and Family Services.

Any camera recording used for surveillance purposes in or on ESBOCES buildings, school buses, and/or ESBOCES property shall be the sole property of ESBOCES, and the Chief Operating Officer or designee will be the custodian of such recordings.

Any requests for obtaining a copy of a camera surveillance recording by anyone other than an Administrative Council member or the Security Coordinator must be made in writing to the Chief Operating Officer. If the request is granted, such viewing must occur in the presence of the ESBOCES designated custodian of the recording, in accordance with applicable law. Under no circumstances will the ESBOCES camera surveillance recording be removed from ESBOCES premises unless in accordance with a Court Order and/or Subpoena and/or written permission from the Chief Operating Officer.

**References:**

- 20 U.S.C. §1232g (Family Educational Rights and Privacy Act)
- NYS Arts & Cultural Affairs Law Article 57-A
- NYS Public Officers Law §87
- Retention and Disposition Schedule for New York Local Government Records (LGS-1)
- Board Policy 4535 – Use of Surveillance Cameras on ESBOCES Property

First Approved: 6/23/2014  
Revised: 6/17/2016  
Revised: 2/13/2018  
Revised: 4/16/2021

# Board Policy

## Threats of Violence in ESBOCES Facilities

The Board is committed to the prevention of violence against any individual or property in Eastern Suffolk BOCES or at ESBOCES activities, whether such acts and/or threats of violence are made by students, employees, or others. Threats of violence against students, ESBOCES employees and/or ESBOCES property will not be tolerated whether or not such threats occur on ESBOCES grounds or during the ESBOCES day.

Any acts and/or threats of violence, whether made orally, in writing, or by e-mail, shall be subject to appropriate discipline in accordance with applicable law, ESBOCES policies and regulations, the ESBOCES *Code of Conduct*, and collective bargaining agreements, as may be necessary.

While acknowledging an individual's constitutional rights, including applicable due process rights, the Board does not condone acts and/or threats of violence which threaten the safety and wellbeing of employees, students, and the ESBOCES environment. Employees and students shall not engage in threats or physical actions which create a safety hazard for others.

All employees who are made aware of acts and/or threats of violence directed to students, employees, or ESBOCES property are to report such incidents to the building administrator, principal, or designee, who shall report such occurrences to the appropriate Director. The Director will also report occurrences of violence, whether involving an actual confrontation or threat of potential violence, to the Chief Operating Officer or designee. Local law enforcement agencies may be called, as deemed necessary.

Students are to report all acts and/or threats of violence, including threats of suicide, of which they are aware to a faculty member.

ESBOCES reserves the right to seek restitution, in accordance with law, from the parent/guardian and/or student for any costs or damages incurred by ESBOCES as a result of any threats or acts of violence in ESBOCES.

This policy shall be enforced in accordance with applicable laws and regulations, collective bargaining agreements, and the *Code of Conduct*, as may be necessary.

Administrative Regulation 2410R.1 (Code of Conduct) addresses safety concerns in ESBOCES and appropriate sanctions for violations of this policy by members of the ESBOCES community.

### References:

- NYS Homeland Security System for Schools
- Board Policy 4534 - Safety Plans
- Board Policy 7111 - Fire Drills and Bomb Threats
- Administrative Regulation 2410R.1 – Code of Conduct
- Administrative Regulation 7111R.2 - Bomb Threat Guidelines

# Board Policy

## Title IX and Sex Discrimination

Eastern Suffolk BOCES is committed to creating and maintaining education programs and activities which are free from discrimination and harassment. This policy addresses complaints of sex discrimination, including sexual harassment, made under Title IX of the Education Amendments Act of 1972 and its implementing regulations (Title IX). It is just one component of ESBOCES overall commitment to maintaining a discrimination and harassment-free educational and work environment.

Title IX prohibits discrimination on the basis of sex in any education program or activity operated by a district that receives federal financial assistance. As required by Title IX, ESBOCES does not discriminate on the basis of sex in its education programs and activities or when making employment decisions.

ESBOCES adopts this policy as part of its effort to provide for the prompt and equitable resolution of complaints of sex discrimination, including sexual harassment. ESBOCES will promptly respond to reports of sex discrimination, ensure that all investigations are conducted within a reasonably prompt time frame and under a predictable fair grievance process that provides due process protections to complainants and respondents, and impose sanctions and implement remedies when warranted.

Inquiries about this policy or the application of Title IX may be directed to ESBOCES Title IX Coordinator(s), the Assistant Secretary for Civil Rights of the United States Department of Education, or both.

### Scope and Application of Policy

This policy is limited to addressing complaints of sex discrimination, including sexual harassment, that fall within the scope of Title IX which, among other things, has a specific definition of sexual harassment and applies only to sex discrimination occurring against a person in the United States. This policy applies to any individual participating in or attempting to participate in ESBOCES education programs or activities including students and employees.

Other ESBOCES policies and documents address sex-based misconduct and may have different definitions, standards of review, and grievance procedures. These documents must be read in conjunction with this policy as they may cover incidents of sex-based misconduct not addressed by Title IX.

If the allegations forming the basis of a formal complaint of sexual harassment, if proven, would constitute prohibited conduct under Title IX, then the grievance process outlined in this policy would be applied to the investigation and adjudication of all the allegations. Depending on the allegations, additional grievance procedures may apply.

The dismissal of a formal complaint of sexual harassment under Title IX does not preclude action under another related ESBOCES policy, procedure, collective bargaining agreement, or other document such as ESBOCES *Code of Conduct*.

## What Constitutes Sex Discrimination Including Sexual Harassment

Title IX prohibits various types of sex discrimination including, but not limited to: sexual harassment; the failure to provide equal athletic opportunity; sex-based discrimination in a District's science, technology, engineering, and math (STEM) courses and programs; and discrimination based on pregnancy.

Under Title IX, sexual harassment means conduct on the basis of sex that satisfies one (1) or more of the following:

1. an employee of ESBOCES conditioning the provision of an aid, benefit, or service of ESBOCES on an individual's participation in unwelcome sexual conduct;
2. unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to ESBOCES education program or activity;
3. sexual assault, meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
4. dating violence, meaning violence committed by a person:
  - a. who is or has been in a social relationship of a romantic or intimate nature with the victim; and
  - b. where the existence of such a relationship shall be determined based on a consideration of the following factors:
    - i. the length of the relationship;
    - ii. the type of relationship;
    - iii. the frequency of interaction between the persons involved in the relationship;
5. domestic violence, meaning felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction; or
6. stalking, meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
  - a. fear for that person's safety or the safety of others; or
  - b. suffer substantial emotional distress.

## **Title IX Coordinator**

ESBOCES has designated and authorized the following ESBOCES employee(s) to serve as its Title IX Coordinator(s):

Assistant Superintendent for Human Resources, 201 Sunrise Highway, Patchogue, NY 11772, (631) 687-3029, ComplianceOfficers@esboces.org; and

Associate Superintendent for Educational Services, 201 Sunrise Highway, Patchogue, NY 11772, (631) 687-3056 ComplianceOfficers@esboces.org.

The Title IX Coordinator(s), who must be referred to as such, will coordinate ESBOCES efforts to comply with its responsibilities under Title IX. However, the responsibilities of the Title IX Coordinator(s) may be delegated to other personnel.

Where appropriate, the Title IX Coordinator(s) may seek the assistance of ESBOCES Civil Rights Compliance Officer(s) (CRCO(s)) and/or Dignity Act Coordinator(s) (DAC(s)) in investigating, responding to, and remedying complaints of sex discrimination, including sexual harassment.

## **Reporting Allegations of Sex Discrimination**

Any person may report sex discrimination, including sexual harassment, regardless of whether they are the alleged victim or not. Reports may be made in person, by using the contact information for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's oral or written report. This report may be made at any time (including during non-business hours) by using the telephone number or email address, or by mail to the office address, listed for the Title IX Coordinator.

Reports of sex discrimination may also be made to any other ESBOCES employee including a supervisor, building principal, or ESBOCES CRCO. All reports of sex discrimination, including sexual harassment, will be forwarded to ESBOCES Title IX Coordinator. Reports may also be forwarded to other ESBOCES employees depending on the allegations.

All ESBOCES employees who witness or receive an oral or written report of sex discrimination must immediately inform the Title IX Coordinator. Failure to immediately inform the Title IX Coordinator may subject the employee to discipline up to and including termination.

Making a report of sexual harassment is not the same as filing a formal complaint of sexual harassment. A formal complaint is a document either filed by a complainant or a parent or person in parental relation who has a right to act on behalf of the complainant or signed by the Title IX Coordinator which alleges sexual harassment against a respondent and requests that ESBOCES investigate the allegations. While ESBOCES must respond to all reports it receives of sexual harassment, the Title IX grievance process is only initiated with the filing of a formal complaint.

In addition to complying with this policy, ESBOCES employees must comply with any other applicable ESBOCES policy, procedure, collective bargaining agreement, or other document such as ESBOCES *Code of Conduct*. This includes, but is not limited to, Board Policy 6100 - Dignity for All Students Act (DASA).

If the Title IX Coordinator is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to another Title IX Coordinator, if ESBOCES has designated another individual to serve in that capacity. If ESBOCES has not designated another Title IX



Coordinator, the Chief Operating Officer will designate another person with the appropriate training and qualifications to act as the Title IX Coordinator.

### **Grievance Process for Complaints of Sex Discrimination Other than Sexual Harassment**

ESBOCES will provide for the prompt and equitable resolution of reports of sex discrimination other than sexual harassment. In responding to these reports, the Title IX Coordinator will utilize, as applicable, the grievance process set forth in Board Policy 5121 - Non-Discrimination and Anti-Harassment and any other applicable ESBOCES policy, procedure, collective bargaining agreement, or other document such as ESBOCES *Code of Conduct*.

### **Grievance Process for Formal Complaints of Sexual Harassment**

ESBOCES will promptly respond to allegations of sexual harassment in a manner that is not deliberately indifferent whenever it has actual knowledge of sexual harassment in an education program or activity of ESBOCES. ESBOCES is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances. For purposes of reports and formal complaints of sexual harassment under Title IX, education program or activity includes locations, events, or circumstances over which ESBOCES exercised substantial control over both the respondent(s) and the context in which the sexual harassment occurred.

ESBOCES will follow the grievance process set forth herein before the imposition of any disciplinary sanctions or other actions against a respondent that are not supportive measures.

ESBOCES will conduct the grievance process in a timely manner designed to provide all parties with a prompt and equitable resolution. It is anticipated that, in most cases, the grievance process will be conducted within a reasonably prompt manner and follow the time frames established in this policy.

### **Definitions**

**"Actual knowledge"** means notice of sexual harassment or allegations of sexual harassment to an ESBOCES Title IX Coordinator or any official of ESBOCES who has authority to institute corrective measures on behalf of ESBOCES, or to any ESBOCES employee. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of ESBOCES with actual knowledge is the respondent. The mere ability or obligation to report sexual harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of ESBOCES. "Notice" as used in this paragraph includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator as described in this policy.

**"Complainant"** means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

**"Days"** means business days, but excludes any weekday during which ESBOCES is closed.

**"Formal complaint"** means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that ESBOCES investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of ESBOCES. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by email, by using the contact information required to be listed for the Title IX Coordinator.

As used in this paragraph, the phrase "document filed by a complainant" means a document or electronic submission (such as by email) that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party, and must comply with the requirements of law and regulation.

**"Respondent"** means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

**"Supportive measures"** means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. These measures are designed to restore or preserve equal access to ESBOCES education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or ESBOCES educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, appropriate escort services in and between facilities depending upon the circumstances, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of the appropriate facility(ies), and other similar measures. ESBOCES must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of ESBOCES to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

#### General Requirements for the Investigative and Grievance Process

During the investigation of a formal complaint and throughout the grievance process, ESBOCES will ensure that:

1. complainants and respondents are treated equitably. This includes applying any provisions, rules, or practices incorporated into ESBOCES grievance process, other than those required by law or regulation, equally to both parties.
2. all relevant evidence is objectively evaluated, including both inculpatory and exculpatory evidence. Inculpatory evidence implicates or tends to implicate an individual in a crime or wrongdoing. Exculpatory evidence frees or tends to free an individual from blame or accusation.
3. the Title IX Coordinator, investigator, decision-maker involved in the grievance process, or any person designated by ESBOCES to facilitate any informal resolution process does not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.
4. respondents are presumed not to be responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
5. the grievance process, including any appeals or informal resolutions, is concluded within a reasonably prompt time frame and that the process is only temporarily delayed or extended for good cause. Good cause includes, but is not limited to, considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of



disabilities. Whenever the time frame is temporarily delayed or extended, written notice will be provided to all complainants and respondents of the delay or extension and the reasons for the action.

6. the range of possible disciplinary sanctions and remedies that may be implemented by ESBOCES following any determination regarding responsibility are described to any known party.
7. the same standard of evidence is used to determine responsibility in all formal complaints.
8. the procedures and permissible bases for an appeal are known to all complainants and respondents.
9. the range of supportive measures available are known to all complainants and respondents.
10. there is no requirement, allowance of, reliance on, or otherwise use of questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding the privilege has waived the privilege.
11. the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on ESBOCES and not on the parties.
12. the Title IX Coordinator, the investigator, any decision-maker, or any other person participating on behalf of ESBOCES does not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless ESBOCES obtains that party's voluntary, written consent to do so for the grievance process. If the party is not an eligible student, as defined in ESBOCES Policy No. 6420, ESBOCES will obtain the voluntary, written consent of a parent/person in parental relation.
13. the parties have an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.
14. credibility determinations are not be based on a person's status as a complainant, respondent, or witness.
15. the ability of the parties to discuss the allegations under investigation or to gather and present relevant evidence is not restricted.
16. the parties are provided with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for any complainant or respondent in any meeting or grievance proceeding. However, ESBOCES may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.

17. written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, is provided to any party whose participation is invited or expected with sufficient time for the party to prepare to participate.
18. the parties are provided with equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which ESBOCES does not intend to rely on in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.
19. any document sent to a minor or legally incompetent person is also sent to the party's parent or person in parental relation.
20. any document sent to a party is also sent to the party's advisor, if known.

#### After a Report of Sexual Harassment Has Been Made

After receiving a report of sexual harassment, the Title IX Coordinator will:

1. promptly contact the complainant to discuss and offer supportive measures as defined herein;
2. inform the complainant both of the range of supportive measures available and that these measures are available regardless of whether a formal complaint is filed;
3. consider the complainant's wishes with respect to supportive measures; and
4. explain to the complainant the process for filing a formal complaint.

The Title IX Coordinator may also contact the respondent to discuss and/or impose supportive measures.

Requests for confidentiality or use of anonymous reporting may limit how ESBOCES is able to respond to a report of sexual harassment.

#### Emergency Removal and Administrative Leave

At any point after receiving a report or formal complaint of sexual harassment, ESBOCES may immediately remove a respondent from ESBOCES education program or activity on an emergency basis, provided that ESBOCES:

1. undertakes an individualized safety and risk analysis;
2. determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal; and
3. provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.

ESBOCES may place a non-student employee respondent on administrative leave with or without pay during the pendency of the grievance process in accordance with law and regulation and any

applicable ESBOCES policy, procedure, collective bargaining agreement, or other document such as ESBOCES *Code of Conduct*.

The emergency removal and administrative leave provisions do not modify any individual's rights under the Individual with Disabilities Act (IDEA), Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.

#### Filing a Formal Complaint

A complainant may file a formal complaint with the Title IX Coordinator in person or by mail, email, or by using the contact information listed herein for the Title IX Coordinator. The complainant must be participating in or attempting to participate in the education program or activity of ESBOCES at the time of filing the complaint. The filing of a formal complaint initiates the grievance process.

A formal complaint must be signed by the complainant, the complainant's parent or person in parental relation as appropriate, or the Title IX Coordinator. Where a parent or person in parental relation signs the complaint, the parent or person in parental relation does not become the complainant; rather the parent or person in parental relation acts on behalf of the complainant. The Title IX Coordinator may sign the formal complaint, but his or her signature does not make him or her a complainant or a party to the complaint. If the formal complaint is signed by the Title IX Coordinator, the Title IX Coordinator is still obligated to comply with the grievance process outlined in this policy.

The complainant, or the complainant's parent or person in parental relation, must physically or digitally sign the formal complaint, or otherwise indicate that the complainant is the person filing the formal complaint. When a formal complaint is filed, the Title IX Coordinator must send a written notice to the parties containing the information set forth below.

ESBOCES will not discriminate on the basis of sex in its treatment of a complainant or a respondent in responding to a formal complaint of sexual harassment.

The formal complaint form may be obtained from ESBOCES Title IX Coordinator or found on ESBOCES website.

#### Consolidation of Formal Complaints

ESBOCES may consolidate formal complaints of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

#### Written Notice of Allegations

Upon receipt of a formal complaint, ESBOCES will send all known parties written notice of:

1. ESBOCES grievance process, including any informal resolution process; and
2. the allegations of sexual harassment which will:
  - a. provide sufficient details known at the time and sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known;

- b. state that the respondent is presumed not to be responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
- c. inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney;
- d. inform the parties that they may inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint; and
- e. include notice of any provision in any applicable ESBOCES policy, procedure, collective bargaining agreement, or other document such as ESBOCES *Code of Conduct* that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If, in the course of an investigation, ESBOCES decides to investigate allegations about any complainant or respondent that were not included in the initial notice, ESBOCES will provide another notice of the additional allegations to the parties whose identities are known.

#### Investigation of a Formal Complaint

The Title IX Coordinator will oversee ESBOCES investigation of all formal complaints. During the investigation of a formal complaint, the Title IX Coordinator or another ESBOCES employee may serve as ESBOCES investigator. ESBOCES may also outsource all or part of an investigation to appropriate third parties. The outsourcing of all or part of an investigation does not relieve ESBOCES from its obligation to comply with law and regulation.

It is anticipated that most investigations will be completed within sixty (60) days.

During the investigation of a formal complaint, the investigator will keep any written documentation, records and evidence in a secure and confidential location.

Prior to completion of the investigative report, ESBOCES will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy. The parties will have ten (10) days to submit a written response, which the investigator will consider prior to completion of the investigative report.

At the end of the investigation, an investigative report will be created that fairly summarizes all relevant evidence.

At least ten (10) days prior to a hearing or other determination regarding responsibility, the investigative report will be sent to each party and the party's advisor, if any, in an electronic format or a hard copy, for their review and written response.

#### Dismissal of a Formal Complaint

ESBOCES must investigate the allegations in a formal complaint. ESBOCES must dismiss a formal complaint under Title IX if the conduct alleged:

1. would not constitute sexual harassment (as defined herein) even if proven;

2. did not occur in ESBOCES education program or activity; or
3. did not occur against a person in the United States.

Further, ESBOCES may dismiss a formal complaint or any of its allegations under Title IX, if at any time during the investigation or hearing:

1. a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any of its allegations;
2. the respondent is no longer enrolled or employed by ESBOCES; or
3. specific circumstances prevent ESBOCES from gathering evidence sufficient to reach a determination as to the formal complaint or any of its allegations.

Upon a dismissal of a formal complaint, ESBOCES must promptly send written notice of the dismissal and reason(s) for the dismissal simultaneously to the parties.

The dismissal of a formal complaint under Title IX does not preclude action under another related ESBOCES policy, procedure, collective bargaining agreement, or other document such as ESBOCES *Code of Conduct*.

#### Informal Resolutions

Before reaching a determination regarding responsibility, but only after a formal complaint is filed, ESBOCES may offer and facilitate the use of an informal resolution process, such as mediation, that does not involve a full investigation and adjudication of the formal complaint.

It is anticipated that most informal resolutions will be completed within thirty (30) days.

ESBOCES will not require that parties participate in an informal resolution process. ESBOCES will not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student. Further, ESBOCES will not require the waiver of the right to an investigation and adjudication of formal complaints of sexual harassment as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right.

If ESBOCES offers and facilitates the use of an informal resolution process, it will:

1. provide written notice to all known parties which details:
  - a. the allegations in the formal complaint;
  - b. the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint;
  - c. any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared; and

2. obtain the parties' voluntary, written consent to the informal resolution process.

#### Title IX Decision-Maker

ESBOCES will designate an individual decision-maker or a panel of decision-makers to issue a written determination regarding responsibility. A decision-maker can either be an ESBOCES employee or, where appropriate, a third-party. They cannot be the same individual as either the Title IX Coordinator or the investigator(s).

#### Optional Hearings

ESBOCES grievance process may, but is not required to, provide for a hearing. The determination as to whether a hearing will be provided will be made on a case-by-case basis. If a hearing is provided, ESBOCES will make all evidence subject to the parties' inspection and review available to give each party equal opportunity to refer to this evidence during the hearing, including for purposes of cross-examination.

#### Procedures Prior to a Determination

With or without a hearing, before reaching a determination regarding responsibility, the decision-maker(s) will afford each party the opportunity to:

1. submit written, relevant questions that a party wants asked of any party or witness within five (5) days after the parties have received the investigative report;
2. provide each party with the answers given by any party or witness within ten (10) days of receiving the questions; and
3. allow for additional, limited follow-up questions and responses from each party to occur within five (5) days after the parties have received responses to their initial questions.

Questions and evidence about a complainant's sexual predisposition or prior sexual behavior will not be considered, unless the questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The decision-maker(s) will explain to the party proposing the questions any decision to exclude a question as not relevant.

The decision-maker(s) will issue a written determination regarding responsibility to the Title IX Coordinator, the Chief Operating Officer, and all parties simultaneously within ten (10) days after all follow-up questions have been responded to or after the hearing, if one has been provided.

To reach this determination, the decision-maker(s) will use the preponderance of the evidence standard, which is the standard of evidence that will be applied in all formal complaints of sexual harassment under this policy. This standard is understood to mean that the party with the burden of persuasion must prove that a proposition is more probably true than false meaning a probability of truth greater than 50 percent.

The written notice of the determination regarding responsibility will include:

1. identification of the allegations potentially constituting sexual harassment, as defined herein;



2. a description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
3. findings of fact supporting the determination;
4. conclusions regarding the application of any applicable ESBOCES policy, procedure, collective bargaining agreement, or other document such as ESBOCES *Code of Conduct* to the facts;
5. a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions ESBOCES is imposing on the respondent, and whether remedies designed to restore or preserve equal access to ESBOCES education program or activity will be provided by ESBOCES to the complainant; and
6. ESBOCES procedures and permissible bases for the complainant and respondent to appeal.

#### Finality of Determination Regarding Responsibility

The determination regarding responsibility becomes final either on the date that ESBOCES provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

Where a determination regarding responsibility for sexual harassment has been made against the respondent, remedies will be provided to a complainant and disciplinary sanctions may be imposed on a respondent. Where applicable, remedies will be designed to restore or preserve equal access to ESBOCES education program or activity. Where applicable, remedies and disciplinary sanctions will be implemented in accordance with applicable laws and regulations, as well as any ESBOCES policy, procedure, collective bargaining agreement, or other document such as ESBOCES *Code of Conduct*.

To the extent permissible by applicable law, contract rights and ESBOCES Policy, the Title IX Coordinator is responsible for the effective implementation of any remedies and/or disciplinary sanctions. The Title IX Coordinator will work with other individuals as necessary to effectively implement remedies and/or disciplinary sanctions.

#### Appeals

Either party may file an appeal from a determination regarding responsibility or from ESBOCES dismissal of a formal complaint or any of its allegations. Appeals must be submitted in writing to the Title IX Coordinator within ten (10) days of the written notice of the determination regarding responsibility or dismissal of the formal complaint or any of its allegations.

An appeal may only be based upon one (1) or more of the following bases:

1. procedural irregularity that affected the outcome of the matter;



2. new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
3. the Title IX Coordinator, investigator, or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

The bases on which a party is seeking an appeal should be specifically stated in the party's written appeal.

Upon receipt of an appeal, ESBOCES will:

1. notify the other party in writing that an appeal has been filed and implement appeal procedures equally for both parties;
2. ensure that any decision-maker for the appeal:
  - a. is not the same person as any decision-maker that reached the initial determination regarding responsibility or dismissal, investigator, or Title IX Coordinator;
  - b. does not have any conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent and has received the training required of decision makers set forth herein;
3. give all parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome. Parties will have to submit these written statements within five (5) days after the parties have been notified of the appeal;
4. issue a written decision describing the result of the appeal and the rationale for the result; and
5. provide the written decision simultaneously to the Title IX Coordinator, the Chief Operating Officer, and all parties within fourteen (14) days after receiving the parties written statements in support of, or challenging, the outcome.

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

ESBOCES prohibits retaliation (i.e intimidation, threats, coercion, or discrimination) against any individual for the purpose of interfering with an individual's Title IX rights or because the individual made a report or complaint, testified, assisted, or participated or refused to participate in an investigation, proceeding, or hearing under this Policy.

Charging an individual with *Code of Conduct* or other applicable violations that do not involve sex discrimination, including sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation.

Charging an individual with a *Code of Conduct* or other applicable violation for making a materially false statement in bad faith during a grievance proceeding does not constitute retaliation, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

The exercise of rights protected under the First Amendment to the United States Constitution does not constitute prohibited retaliation under this policy.

All complaints alleging retaliation will be handled in a manner consistent with ESBOCES policies and procedures regarding the investigation of discrimination and harassment complaints, including Board Policy 5121 - Non-Discrimination and Anti-Harassment.

If the Title IX Coordinator is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to another Title IX Coordinator, if ESBOCES has designated another individual to serve in that capacity. If ESBOCES has not designated another Title IX Coordinator, the Chief Operating Officer will designate another person with the appropriate training and qualifications to act as the Title IX Coordinator.

### **Confidentiality**

Except where disclosure may be permitted or required by law or regulation including but not limited to FERPA or to carry out the purposes of this Policy, ESBOCES will keep confidential the identity of any:

1. individual who has made a report or complaint of sex discrimination;
2. individual who has made a report or filed a formal complaint of sexual harassment;
3. complainant;
4. individual who has been reported to be the perpetrator of sex discrimination;
5. respondent; and
6. witness.

### **Training**

ESBOCES will ensure that:

1. all Title IX Coordinators, investigators, decision-makers, or persons who facilitate an informal resolution process receive training on:
  - a. the definition of sexual harassment as defined herein;
  - b. the scope of ESBOCES education program or activity;
  - c. how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable; and
  - d. how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.
2. all decision-makers receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about a complainant's sexual predisposition or prior sexual behavior are not relevant as set forth herein.

3. all investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.
4. all ESBOCES employees receive training on mandatory reporting obligations and any other responsibilities that they may have relative to Title IX.

Materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process will not rely on sex stereotypes and will promote impartial investigations and adjudications of formal complaints of sexual harassment. Training materials will be made publicly available on ESBOCES website.

### **Notification**

ESBOCES will notify students, parents or persons in parental relation of students, employees, applicants for employment, and all unions or professional organizations holding collective bargaining or professional agreements with ESBOCES of this policy.

Further, ESBOCES will prominently publish this policy and the contact information for the Title IX Coordinator(s) on its website and in other publications, including in each handbook or catalog that it makes available to the individuals and entities referenced above.

### **Recordkeeping**

For a period of seven (7) years, ESBOCES will retain the following:

1. records of each sexual harassment investigation including any:
  - a. determination regarding responsibility;
  - b. audio or audiovisual recording or transcript;
  - c. disciplinary sanctions imposed on the respondent; and
  - d. remedies provided to the complainant designed to restore or preserve equal access to ESBOCES education program or activity.
2. any appeal and its result.
3. any informal resolution and its result.
4. all materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.
5. for each response to sexual harassment where ESBOCES had actual knowledge of sexual harassment in its education program or activity against a person in the United States, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, ESBOCES must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to ESBOCES education program or activity. If ESBOCES does not provide a complainant with supportive measures, then ESBOCES must document the reasons why such a response was not clearly unreasonable in light of the known

circumstances. The documentation of certain bases or measures does not limit ESBOCES in the future from providing additional explanations or detailing additional measures taken.

**References:**

- 20 USC § 1092(f)(6)(A)(v)
- 20 USC § 1681, et. seq.
- 34 USC § 12291(a)(8, 10, and 30)
- 34 CFR Part 106
- [NYS Education Law § 13](#)
- 8 NYCRR Section 100.2(kk)
- Board Policy 2410 – Code of Conduct
- Board Policy 5121 - Non-Discrimination and Anti-Harassment
- Board Policy 6100 - Dignity for All Students Act
- Board Policy 6420 – Confidentiality of Student Records – Access and Challenge
- Administrative Regulation 2410R.1 – Code of Conduct

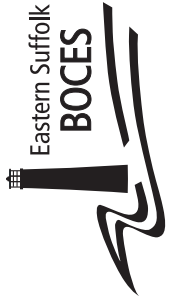
First Adopted: 7/7/2021

# Board Policy

## Workers' Compensation

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

First Adopted: 7/1/03  
Readopted: 7/11/07



# OFFICE CLOSINGS CALENDAR

## 2023-2024

JULY 2023				
M	T	W	T	F
3	4	5	6	7
10	11	12	13	14
17	18	19	20	21
24	25	26	27	28
31				
July 4 Independence Day				

AUGUST 2023				
M	T	W	T	F
	1	2	3	4
7	8	9	10	11
14	15	16	17	18
21	22	23	24	25
28	29	30	31	

SEPTEMBER 2023				
M	T	W	T	F
	4	5	6	7
11	12	13	14	15
18	19	20	21	22
25	26	27	28	29
September 4 Labor Day 25 Yom Kippur				

OCTOBER 2023				
M	T	W	T	F
2	3	4	5	6
9	10	11	12	13
16	17	18	19	20
23	24	25	26	27
30	31			
October 9 Columbus/Indigenous Peoples' Day				

NOVEMBER 2023				
M	T	W	T	F
6	{7}	8	9	10
13	14	15	16	17
20	21	22	23	24
27	28	29	30	
November 7 Election Day 10 Veterans Day (observed) 23-24 Thanksgiving Recess				

DECEMBER 2023				
M	T	W	T	F
4	5	6	7	8
11	12	13	14	15
18	19	20	21	22
25	26	27	28	29
December 25-26 Christmas Recess				

JANUARY 2024				
M	T	W	T	F
1	2	3	4	5
8	9	10	11	12
15	16	17	18	19
22	23	24	25	26
29	30	31		
January 1 New Year's Day 15 Martin Luther King, Jr. Day				

FEBRUARY 2024				
M	T	W	T	F
5	6	7	8	9
12	13	14	15	16
19	20	21	22	23
26	27	28	29	
February 19 Presidents' Day				

MARCH 2024				
M	T	W	T	F
4	5	6	7	8
11	12	13	14	15
18	19	20	21	22
25	26	27	28	29
March 29 Good Friday				

APRIL 2024				
M	T	W	T	F
1	2	3	4	5
8	9	10	11	12
15	16	17	18	19
22	23	24	25	26
29	30			

MAY 2024				
M	T	W	T	F
6	7	8	9	10
13	14	15	16	17
20	21	22	23	24
27	28	29	30	31
May 27 Memorial Day				

JUNE 2024				
M	T	W	T	F
3	4	5	6	7
10	11	12	13	14
17	18	19	20	21
24	25	26	27	28
June 19 Juneteenth				

○ = Office Closings + 1/2 floating holiday  
■ = School Closings (Instructional Staff)

⋯ = Summer Hours  
{ } = Conference Day

September 5 - First Day - Teachers  
September 6 - First Day - Students

June 26 - Last Day of School

# Eastern Suffolk BOCES 2023-2024 School Calendar

July 2023				
M	T	W	T	F
3	4	5	6	7
10	11	12	13	14
17	18	19	20	21
24	25	26	27	28
31				

3 - First day of Summer School  
4 - Independence Day

August 2023				
M	T	W	T	F
	1	2	3	4
7	8	9	10	11
14	15	16	17	18
21	22	23	24	25
28	29	30	31	

11 - Last day of Summer School

September 2023				
M	T	W	T	F
				1
4	{5}	6	7	8
11	12	13	14	15
18	19	20	21	22
25	26	27	28	29

4 - Labor Day  
5 - First day for teachers  
6 - First day for students  
16 - 17 - Rosh Hashanah  
25 - Yom Kippur

October 2023				
M	T	W	T	F
2	3	4	5	6
9	10	11	12	13
16	17	18	19	20
23	24	25	26	27
30	31			

9 - Columbus/Indigenous Peoples' Day

November 2023				
M	T	W	T	F
	1	2	3	
6	{7}	8	9	10
13	14	15	16	17
20	21	22	23	24
27	28	29	30	

7 - Election Day  
10 - Veterans Day (observed)  
12 - Diwali  
22 - 24 - Thanksgiving Recess

December 2023				
M	T	W	T	F
				1
4	5	6	7	8
11	12	13	14	15
18	19	20	21	22
25	26	27	28	29

25 - Christmas  
25 - 29 - Winter Recess

January 2024				
M	T	W	T	F
1	2	3	4	5
8	9	10	11	12
15	16	17	18	19
22	23	24	25	26
29	30	31		

1 - New Year's Day  
15 - Martin Luther King Jr. Day

February 2024				
M	T	W	T	F
			1	2
5	6	7	8	9
12	13	14	15	16
19	20	21	22	23
26	27	28	29	

19 - Presidents' Day  
19 - 23 - Mid Winter Recess

March 2024				
M	T	W	T	F
				1
4	5	6	7	8
11	12	13	14	15
18	19	20	21	22
25	26	27	28	29

29 - Good Friday

April 2024				
M	T	W	T	F
1	2	3	4	5
8	9	10	11	12
15	16	17	18	19
22	23	24	25	26
29	30			

1 - Easter Monday  
10 - Eid al-Fitr  
22 - 26 - Spring Recess  
23 - First Day of Passover

May 2024				
M	T	W	T	F
		1	2	3
6	7	8	9	10
13	14	15	16	17
20	21	22	23	24
27	28	29	30	31

24 - 27 - Memorial Day Weekend

June 2024				
M	T	W	T	F
3	4	5	6	7
10	11	12	13	14
17	18	19	20	21
24	25	26L	27	28

14 - 26 Regents Tests  
16 - Eid al-Adha  
19 - Juneteenth  
26 - Last Day School

Key:   = School Closing (Instructional Staff)  
{ } = Conference Day

The Board of Cooperative Educational Services reserves the right to revise this calendar if emergency school closings during the school year require additional teaching days. (Adopted by Eastern Suffolk BOCES Board on January 18, 2023)



## NO-CHARGE WORKERS' COMPENSATION GUIDELINES Revised 1-22-2024

When an employee is injured by an ESBOCES student/parent, the following must be adhered to:

Form	Submit to	Timeline: From Date of Injury	Comments
5320F.1 – <i>Employee Injury/Incident Report</i> – <b>Page 1</b>	Risk and Asset Management Office	1 Business Day	Submit page 1, completed and signed by employee, to Risk and Asset Management Office. Page 2, signed by Principal, can be submitted separately if necessary (see next line).
5320F.1 – <i>Employee Injury/Incident Report</i> – <b>Page 2</b>	Risk and Asset Management Office	5 Business Days	Submit form to Principal <u>immediately</u> for signature, then Principal will submit Page 2 to Risk and Asset Management Office within 5 business days.
<i>Notice of Right to Select a Workers' Compensation Board Authorized Health Care Provider</i>	Principal	1 Business Day	Submit with Form 5320F.1 to Building Principal or Administrator
Medical documentation as requested by Travelers Insurance Co.	Travelers Insurance Company	10 Business Days	Keep Copy

All forms referenced above can be accessed via the ESBOCES website ([esboces.org](http://esboces.org)) under the **FOR STAFF** tab.

**It is the employee's responsibility to ensure that documentation is received by the Risk and Asset Management Office within the required timelines. It is strongly suggested that the forms are submitted using a method that provides proof of submission (scan and e-mail, fax, or hand deliver for date stamp) and that you keep copies of these documents for your own records.**

- If the injury warrants medical attention, the employee must be seen by a healthcare professional under a physician's supervision. It is the employee's responsibility to obtain and submit the medical documentation required by Travelers Insurance company. The medical documentation must be received by Travelers Insurance Company from the employee within 10 business days from the date of injury.
- The Department of Human Resources may request further medical documentation as needed.
- The employee must continue to enter absences into AESOP as alleged Workers' Compensation. All time will be charged as SICK until adequate medical documentation is received.
- The employee will be provided with a maximum of 180 school days (1 year), for qualifying absences related to a qualifying injury, starting from the date of injury. As an example, if an employee is injured on 12/1/2010, the opportunity to draw upon those 180 days concludes 11/30/2011. Any treatment/recovery time needed after that is charged at ½ Sick and ½ Workers' Compensation.
- No-charge time and compensation will end when the Workers' Compensation Board closes the employee's case, an independent medical examination determines that the employee is fit to return to work, after 180 school days, or on the date one year after the qualifying injury, whichever occurs first.

- After medical documentation is received by Travelers Insurance Company clearing an employee to return to work without restrictions, further no-charge time for any medical concern arising from the original injury will not be considered in the absence of re-documentation from a healthcare professional under a physician's supervision. If therapy services are required, appointments must be made either before or after the school day. Therapy sessions scheduled during the school day shall not be eligible for no-charge time.
- All no-charge cases may be reviewed by a committee and/or by the Agency's Workers' Compensation insurance carrier. The No-Charge Workers' Compensation Committee consists of equal administration and labor representation, including the unit President and/or designee. If the Committee cannot jointly reach a decision, the case will be brought to the Assistant Superintendent for Human Resources for review.
- At the determination of the Agency's Workers' Compensation insurance carrier, an additional signed statement from the injured employee may be required and taken by a representative of the insurance carrier. The Agency's Worker's Compensation insurance carrier may require an independent medical examination (IME), the expense of which is borne by the Agency. In the event that the IME determines that the employee is fit to return to work, the employee will be notified by the Department of Human Resources that his or her no-charge compensation and no-charge time will end. In the event the employee provides medical documentation that disputes the findings of the IME ordered by the insurance carrier, and except if otherwise precluded by law, the Agency will require that the employee undergo an IME by an Agency physician.
- The findings from the Agency IME will be evaluated and reviewed by the No-Charge Workers' Compensation Committee. If the Committee cannot jointly reach a decision to determine if payment and use of time for no-charge compensation will continue or terminate, the case will be brought to the Assistant Superintendent for Human Resources for review.
- In the event your claim is denied, you are entitled to appeal the decision. Submit your request for appeal to the Department of Human Resources along with any additional supporting documentation that you want considered during the appeal review. Appeals must be initiated by the employee and received by the Department of Human Resources within 30 days from the date of the Agency's communication of decision.

## Employee Injury/ Incident Report

**5320F.1**  
**Page 1 of 3**

Board of Cooperative Educational Services  
First Supervisory District of Suffolk County  
201 Sunrise Highway  
Patchogue, NY 11772

**PAGE 1 MUST BE COMPLETED, SIGNED BY EMPLOYEE AND SUPERVISOR, AND FORWARDED TO RISK AND ASSET MANAGEMENT OFFICE WITHIN 24 HOURS OF INCIDENT. PAGE 2 MUST THEN BE FORWARDED TO EMPLOYEE'S SUPERVISOR FOR COMPLETION.**

<b>SECTION 1</b>	<div style="display: flex; justify-content: space-between;"> <div style="width: 20%;">Last Name</div> <div style="width: 20%;">First Name</div> <div style="width: 20%;">Home Telephone No.</div> <div style="width: 20%;">Cell Telephone No.</div> </div>			
<b>INJURED EMPLOYEE</b>	Home Street Address		City	Zip
	<input type="checkbox"/> Male <input type="checkbox"/> Female <div style="display: inline-block; text-align: center; margin-left: 10px;">           /   / Date of Birth         </div>	<div style="display: inline-block; text-align: center;">           /   / Date of Hire         </div>		
	Job Title		Division	
<b>SECTION 2A</b>	<div style="display: flex; justify-content: space-between;"> <div style="width: 20%;">/   /20 Date of Incident</div> <div style="width: 20%;">Day of Week</div> <div style="width: 20%;"> <input type="checkbox"/> AM   <input type="checkbox"/> PM Time of Incident         </div> </div>			
<b>DESCRIPTION OF INCIDENT</b>	Location of Incident (Name of Building, Address, Room No., Etc. - <b>BE SPECIFIC</b> )			
	Description of Incident (State what you were doing at the time of the incident and what occurred.)			
	EXAMPLE: I was walking down the hallway and slipped on the floor.			
<b>SECTION 2B</b>	Witnesses Student Related <input type="checkbox"/> Yes <input type="checkbox"/> No            Was student injured? <input type="checkbox"/> Yes <input type="checkbox"/> No   If "Yes" complete Student Accident Report.			
	Type of Surface (Carpet, Dirt, Tile, Etc.)		Safety Devices in Use (Gloves, Safety Glasses, Etc.)	
<b>SECTION 3</b>	<b>NATURE OF INJURY</b> State the nature of the incident, what part(s) of the body were affected, and indicate right or left side (such as injury to the right ear, left elbow, thumb on right hand, resulting in bruises, swelling, etc.)			
<b>NY FRAUD STATUTE</b>	Was immediate medical care provided? <input type="checkbox"/> Yes <input type="checkbox"/> No   If "Yes" when?			
	Immediate Medical Provider (Doctor, Ambulance No., Police Badge No., or Vehicle No., Etc.) (Optional)			
	Name and Address of Hospital (If Applicable)			
	Was work time lost beyond day of incident? <input type="checkbox"/> Yes <input type="checkbox"/> No The Insurance Law of the State of New York provides that any person who knowingly and with intent to defraud any insurance company or other person files a statement of claim containing any materially false information, or conceals for the purpose of misleading information concerning any fact material thereto, commits a fraudulent insurance act, which is a crime.			
<b>SECTION 4</b>	Signature of Employee  Title of Employee		ESBOCES Telephone No.  Date of Report	
	Signature of Supervisor (Acknowledges Receipt of Form)		Date Supervisor was Advised of Injury	
	Signature of Building Administrator		Building Administrator's Telephone No.	

Name of Employee \_\_\_\_\_

Date of Incident \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

**THE FOLLOWING SECTION IS TO BE COMPLETED BY SUPERVISOR WITHIN FIVE (5) BUSINESS DAYS OF RECEIPT OF EMPLOYEE INJURY/INCIDENT REPORT AND FORWARDED TO RISK AND ASSET MANAGEMENT OFFICE – HINES ADMINISTRATION CENTER. DESCRIBE IN DETAIL THE TASK THE EMPLOYEE WAS COMPLETING AT THE TIME OF INJURY (INCLUDE VEHICLE, EQUIPMENT, OR TOOLS USED).**

**SECTION 5 – EMPLOYEE INJURY/INCIDENT REPORT ACCIDENT ANALYSIS****Interview witnesses or co-workers for additional insights, if necessary.**☐ Additional sheet attached for supplementary information/commentsWas this the employee's regular work assignment? ☐ Yes ☐ No**\* \* \* Any O checked in this section requires a comment. \* \* \*****Environment**

Contributing Factors	Yes	No	N/A	Comments	Corrective Action
1.1 Did the work area design contribute to the injury?	<input type="radio"/>	<input type="checkbox"/>	<input type="checkbox"/>		
1.2 Was the area cluttered?	<input type="radio"/>	<input type="checkbox"/>	<input type="checkbox"/>		
1.3 Did the employee have to be in this area to complete the job?	<input type="checkbox"/>	<input type="radio"/>	<input type="checkbox"/>		<input type="checkbox"/>
1.4 Were other conditions (e.g., set floor, extreme temperatures, etc.) a contributing factor?	<input type="radio"/>	<input type="checkbox"/>	<input type="checkbox"/>		
1.4 Were there other environmental issues affecting safety? If so, what?	<input type="radio"/>	<input type="checkbox"/>	<input type="checkbox"/>		

**Equipment/Tools**

2.1 Was the correct equipment being used?	<input type="checkbox"/>	<input type="radio"/>	<input type="checkbox"/>		
2.2 Was the correct equipment readily available?	<input type="checkbox"/>	<input type="radio"/>	<input type="checkbox"/>		
2.3 Did any defects or change in equipment/material contribute to hazardous conditions? If so, what?	<input type="radio"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
2.4 Is regular maintenance done on affected machinery/equipment?	<input type="checkbox"/>	<input type="radio"/>	<input type="checkbox"/>		
2.5 Was the employee using proper PPE (shoes, apron, goggles)?	<input type="checkbox"/>	<input type="radio"/>	<input type="checkbox"/>		

**Method**

3.1 Was employee performing according to accepted work method?	<input type="checkbox"/>	<input type="radio"/>	<input type="checkbox"/>		
3.2 Was there a better method to perform the task? If so, what?	<input type="radio"/>	<input type="checkbox"/>	<input type="checkbox"/>		
3.3 Did employee comply with directives in student's IEP?	<input type="checkbox"/>	<input type="radio"/>	<input type="checkbox"/>		<input type="checkbox"/>
3.4 Were CPI methods necessary?	<input type="radio"/>	<input type="checkbox"/>	<input type="checkbox"/>		
3.5 Were proper CPI methods used?	<input type="checkbox"/>	<input type="radio"/>	<input type="checkbox"/>		

**Employee**

4.1 Was employee using all required safety equipment for task?	<input type="checkbox"/>	<input type="radio"/>	<input type="checkbox"/>		
4.2 Was employee trained on necessary equipment for the task?	<input type="checkbox"/>	<input type="radio"/>	<input type="checkbox"/>		<input type="checkbox"/>
4.3 Was employee authorized to operate the equipment?	<input type="checkbox"/>	<input type="radio"/>	<input type="checkbox"/>		
4.4 Were required safety procedures being followed? If not, why?	<input type="checkbox"/>	<input type="radio"/>	<input type="checkbox"/>		

**Management**

5.1 Were the behaviors that caused the injury/illness observed before?	<input type="radio"/>	<input type="checkbox"/>	<input type="checkbox"/>		
5.2 If so, what was done?					
5.3 Does management require specific safe work practices related to this task? If so, explain what was expected.	<input type="radio"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
5.4 Have safety related changes been made/suggested for this task?	<input type="radio"/>	<input type="checkbox"/>	<input type="checkbox"/>		

**To correct unsafe acts:**☐ Review/change procedures☐ Train/retrain injured employee☐ Instruct all employees☐ Other (Explain) \_\_\_\_\_**To correct unsafe conditions:**☐ Eliminate the hazard☐ Request repairs☐ Initiate ergonomic review☐ Conduct periodic inspections**Specific Corrective Actions****Assigned To****Date**

1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____

\_\_\_\_\_  
Signature of Supervisor\_\_\_\_\_/\_\_\_\_\_/20\_\_\_\_\_  
Date

# **SOME POSSIBLE REMEDIAL ACTIONS FOR CLASSROOM-RELATED INJURIES**

Cause of Injury	Possible Remedial Actions
Student Aggression	<ul style="list-style-type: none"> <li>• Establish administrative protocol to ensure that all employees know their individual student plans before interaction; review periodically and obtain sign-off</li> <li>• Define and train employees in, and reinforce use of, basic best practices, such as maintaining adequate distance, keeping hair short or restrained, watching for distress clues, and requesting assistance before crisis develops</li> </ul>
Slips/Falls – Wet Floors	<ul style="list-style-type: none"> <li>• Establish guidelines for janitorial staff to provide sop mats at all entrances prior to facility opening during inclement weather</li> <li>• Establish guidelines for janitorial staff to patrol and clean entranceways more often during inclement weather</li> <li>• Establish a “Spill” code for the public announcement system to easily alert janitorial staff to spills and puddles</li> <li>• Establish a protocol for all employees to post a watch and/or place cones at any spill/puddle to guide others around until it can be cleaned</li> </ul>
Slips/Trips/Falls – Housekeeping	<ul style="list-style-type: none"> <li>• Train employees in, and reinforce use of, a plan to ensure a clear path before assisting to move/guide a student</li> <li>• Train/require employees to pick up after themselves and students to keep walkways clear</li> </ul>
Strains/Sprains from Assisting Students	<ul style="list-style-type: none"> <li>• Define and train employees in, and reinforce use of, proper techniques for assisting students when standing, sitting, toileting, walking, etc.</li> <li>• Provide adequate lifts, train employees in, and reinforce, proper use of lifts and mechanical aids as may be needed for students requiring high levels of assistance</li> <li>• Train/require employees to assess needs and obtain assistance from other employees when situation exceeds reasonable physical capabilities for one person</li> </ul>
General Strains/Sprains	<ul style="list-style-type: none"> <li>• Define and train employees in, and reinforce, use of proper techniques for lifting, pushing, and pulling</li> <li>• Train employees in, and reinforce, proper use of machinery utilized by custodial staff</li> <li>• Train/require employees to assess needs and obtain assistance from other employees when situation exceeds reasonable physical capabilities for one person</li> </ul>

**State of New York  
WORKERS' COMPENSATION BOARD**

**Notice of Right to Select a Workers' Compensation Board Authorized  
Health Care Provider**

Injured Employee's Name	Injured Employee's Social Security No.	Date of Accident
Employer's Name and Address		

**To the Injured Employee:**

For the treatment of your work-related injury or illness, you may choose any physician, podiatrist, chiropractor, or psychologist (upon referral from an authorized physician) who is Workers' Compensation Board authorized and who is accepting workers' compensation patients.

While you may choose to utilize a network or provider which is recommended by your employer or its workers' compensation insurance carrier or to permit your employer to select a provider on your behalf, you may, at any time, change your health care provider without jeopardizing your workers' compensation claim for benefits.

\_\_\_\_\_  
Signature of Injured Employee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Date

**Please note:** It is not necessary for you to sign this consent form if your employer is (i) participating in a certified preferred provider organization (PPO) under Article 10-A of the Workers' Compensation Law, or (ii) participating in the alternative dispute resolution (ADR) pilot program under section 25(2-c) of the Workers' Compensation Law. In accordance with these statutory programs, except in emergency situations, you must obtain at least initial treatment for any workers' compensation injury or illness from the certified network(s) or providers designated by your employer.

**To the Employer:**

The employer shall provide the above-named injured employee with a copy of this signed form and shall maintain the original form in the employer's records where it may be inspected by the Workers' Compensation Board at any time. This form shall not be submitted to the Workers' Compensation Board nor shall it be executed prior to the occurrence of this employee's work-related injury or illness.

The Workers' Compensation Board employs and serves people with disabilities without discrimination.

EASTERN SUFFOLK BOCES  
201 Sunrise Highway  
Patchogue, NY 11772  
**2023-2024 Payroll Dates**  
**Timesheet\* Submission Schedule**

\*Timesheets for substitutes, overtime, adult education instructors, per-diem staff, etc.

Timesheet Schedule			
Work Period for Timesheets	Due Date in Payroll Office Electronic Supervisor Approval Due Date	Payroll Date	Note
06/15 to 06/22	6/26/2023	07/07/23	A, G
*****	*****	07/20/23	I
06/23 to 07/10	7/10/2023	07/21/23	B1, B2
07/11 to 07/20	7/24/2023	08/04/23	
07/21 to 08/03	8/7/2023	08/18/23	
08/04 to 08/17	8/21/2023	09/01/23	
08/18 to 08/30	9/1/2023	09/15/23	C
08/31 to 9/13	9/15/2023	09/29/23	F, T
09/14 to 09/27	9/29/2023	10/13/23	
09/28 to 10/12	10/16/2023	10/27/23	
10/13 to 10/25	10/27/2023	11/09/23	H
10/26 to 11/7	11/9/2023	11/22/23	H
11/8 to 11/23	11/27/2023	12/08/23	T
11/24 to 12/7	12/11/2023	12/22/23	
12/8 to 12/19	12/21/2023	01/05/24	
12/20 to 1/3	1/5/2024	01/19/24	
1/4 to 1/18	1/22/2024	02/02/24	
1/19 to 2/1	2/5/2024	02/16/24	
2/2 to 2/14	2/16/2024	03/01/24	
2/15 to 2/29	3/4/2024	03/15/24	
3/1 to 3/13	3/15/2024	03/28/24	G, H, T
3/14 to 3/27	4/1/2024	04/12/24	
3/28 to 4/11	4/15/2024	04/26/24	
4/12 to 4/25	4/29/2024	05/10/24	
4/26 to 5/9	5/13/2024	05/24/24	
5/10 to 5/22	5/24/2024	06/07/24	
5/23 to 6/6	6/10/2024	06/21/24	T
*****	*****	06/26/24	D, G
6/7 to 6/13	6/17/2024	06/28/24	E, G

A First payroll for 12 M staff (5 DAY PAY)

B1 First regular biweekly for 12 month staff

B2 First summer school payroll

C First payroll for 10 M instructional staff

D Final payroll for 10 M instructional staff

E Final payroll 12 M staff (5 DAY PAY)

F Deductions for 403b and 457 plans will occur

G Deductions for 403b and 457 plans will not occur

H Pay date due to school/office closing schedule

I Sell Back

T Taxable Fringe Benefits

***\*Timesheets should be entered by the employee in WinCapWeb at the completion of their work shift in accordance with this schedule.***



# Eastern Suffolk BOCES

## ARE YOU AWARE OF YOUR 403(b) BENEFIT?

New accounts may be opened with the following approved service providers.

### THE OPPORTUNITY

You have the opportunity to save for retirement by participating in your Employer's 403(b) retirement plan. A 403(b) plan is a retirement plan for certain employees of public schools, tax-exempt organizations and ministries.

We recommend that all employees visit our education page which can be found here:

<https://www.omni403b.com/Employees/Education>

### WHY SAVE WITH 403(b)?

1. You do not pay income on allowable contributions until you begin making withdrawals from the plan, usually after your retirement.
2. Investment gains in the plan are not taxed until distribution.
3. Generally, retirement assets can be carried from one employer to another.

### Future retirement savings value assuming 6% growth

Monthly Contributions	5 Year	15 Years	20 Years
\$50	\$3,489	\$14,541	\$23,102
\$200	\$13,954	\$58,164	\$92,408
\$500	\$34,885	\$145,409	\$231,020

### HOW CAN I PARTICIPATE?

Prior to contributing you must open an account with an investment provider authorized in the Plan, a list of which is available on the right. You may then complete a Salary Reduction Agreement (SRA) online at:

<https://www.omni403b.com/SRA>

If you are already contributing to your Employer's Plan and you want to change your contribution amount or investment provider, simply complete and submit a new SRA. You can begin or change your contributions as soon as your next payment cycle following our receipt of a completed SRA.

### HOW MUCH CAN I CONTRIBUTE ANNUALLY?

In 2023 you may contribute up to \$22,500 if you are 49 years of age or below and up to \$30,000 if you are 50 years of age and over. You may also be entitled to additional catch-up provisions like the 15 Year Service Catch-up. Please contact OMNI's Customer Care Center at **877.544.6664** for further details

Contribution Limits		15 Yr. Service Catch-up (if eligible)	Maximum Employer Contributions	Combined Limit	
Age 49 & below	Age 50 & above			Age 49 & below	Age 50 & above
\$22,500	\$30,000	\$3,000	\$66,000	\$66,000	\$73,500

### LOOKING FOR HELP?

Click the link below for an investment professional to reach out to you.

<https://www.omni403b.com/PlanDetail>

ASPIRE FINANCIAL SERVICES  
EQUITABLE FORMERLY AXA  
GWN EMPLOYEE DEPOSIT ACCT  
IPX INVESTMENT PROVIDER XCHANGE  
LINCOLN INVESTMENT PLANNING  
METLIFE  
MUTUAL INC PLANMEMBER SERVICES  
NY LIFE INS ANNUITY CORP  
OLDHAM RESOURCE GROUP INC  
THE LEGEND GROUP A LINCOLN INVESTMENT COMPANY  
VOYA FINANCIAL NATL NY  
NEW YORK STATE DEFERRED COMP PLAN 457  
ROTH NYS DEFERRED COMP PLAN 457

**Eastern Suffolk BOCES**  
Regional Certification Office

201 Sunrise Highway  
Patchogue, New York 11772

(631) 687-3020

[teachercert@esboces.org](mailto:teachercert@esboces.org)



# Teaching Assistant Certification

## TEACHING ASSISTANT LEVEL I CERTIFICATE APPLICATION INSTRUCTIONS

Applications must be submitted electronically via the NYSED Office of Teaching Initiatives TEACH website at [www.highered.nysed.gov/tcert/](http://www.highered.nysed.gov/tcert/).

If you do not have a TEACH Online Services account, you will need to create one. If you previously created an account that you are unable to access, contact TEACH Help at [teachhelp@nysed.gov](mailto:teachhelp@nysed.gov).

1. Log in to your TEACH account and submit an application for the **Teaching Assistant Level I** certificate. Assign the application to **Eastern Suffolk BOCES** for review. The application fee of **\$35.00** must be paid online with a credit card.
2. Submit a copy of your high school diploma or transcript with your date of birth written on it to the Eastern Suffolk BOCES Certification Office.
3. Submit official transcripts of all college coursework completed. Electronic transcripts must be sent to [transcriptsoti@nysed.gov](mailto:transcriptsoti@nysed.gov). Paper transcripts can be mailed to the Eastern Suffolk BOCES Certification Office in a sealed envelope from the college. If you have foreign education, your application must be reviewed by the NYSED Office of Teaching Initiatives.
4. Complete the NYS Assessment of Teaching Assistant Skills (ATAS) exam. Information on registering for the exam can be found at [www.nystce.nesinc.com](http://www.nystce.nesinc.com). The test fee is **\$54.00**.
5. Complete the Child Abuse Identification and Reporting workshop. A list of approved providers for this workshop can be found at [www.op.nysed.gov/training/caproviders.htm](http://www.op.nysed.gov/training/caproviders.htm). Cost varies by provider.
6. Complete the School Violence Prevention and Intervention workshop. A list of approved providers for this workshop can be found at [www.p12.nysed.gov/ss/ssae/schoolsafety/save/svipproviders.html](http://www.p12.nysed.gov/ss/ssae/schoolsafety/save/svipproviders.html). Cost varies by provider.
7. Complete the Dignity For All Students Act (DASA) workshop. A list of approved providers for this workshop can be found at [www.highered.nysed.gov/tcert/certificate/dasa-applicant.html](http://www.highered.nysed.gov/tcert/certificate/dasa-applicant.html). Cost varies by provider.
8. Apply for fingerprint clearance through MorphoTrust at [www.identogo.com](http://www.identogo.com) using Service Code **14ZGQT**. The cost is **\$101.75**.

The Level I Teaching Assistant certificate will be valid for **three years**. You may proceed to the Level I Renewal, Level II, Level III, or Pre-Professional Teaching Assistant certificate depending on your individual circumstances.

**CONTACT THE EASTERN SUFFOLK BOCES  
CERTIFICATION OFFICE WITH QUESTIONS**

**Absence Request  
(Vacation, Personal,  
Floating Holiday)**

Board of Cooperative Educational Services  
First Supervisory District of Suffolk County  
201 Sunrise Highway  
Patchogue, NY 11772

Directions: **A SEPARATE FORM FOR EACH WEEK (MONDAY-FRIDAY) MUST BE SUBMITTED.** Submit completed form to your administrator at least twenty-four (24) hours before the requested day(s), except in emergency situations, in which case this form should be submitted the day you return. Once approved (signed by the administrator), a copy will be returned to you and the original will be forwarded to the Department of Human Resources by the attendance clerk. If this request needs to be cancelled, you must complete the *Cancellation Request* portion and resubmit to your administrator as soon as possible.

**PLEASE PRINT**

Name \_\_\_\_\_ Date Submitted \_\_\_\_\_ / \_\_\_\_ / 20  
 Program \_\_\_\_\_ Employee ID No. \_\_\_\_\_  
 Building \_\_\_\_\_ **REQUIRED**  
 Bargaining Unit: \_\_\_\_\_ OR ☐ Non-Represented

I request permission to take the following day(s) as **vacation**:

Date	Through	Date	% of Day	Number of Days		
/ / 20		/ / 20			<input type="checkbox"/> AM	<input type="checkbox"/> PM
/ / 20		/ / 20			<input type="checkbox"/> AM	<input type="checkbox"/> PM

I request permission to take the following day(s) as **personal with reason** (supporting documentation may be required):

Date	Through	Date	% of Day	Number of Days		
/ / 20		/ / 20			<input type="checkbox"/> AM	<input type="checkbox"/> PM

State reason number using one of the acceptable reasons on the following page: \_\_\_\_\_

I request permission to take the following day(s) as **personal without reason**:

Date	Through	Date	% of Day	Number of Days		
/ / 20		/ / 20			<input type="checkbox"/> AM	<input type="checkbox"/> PM

I request permission to take **.50 floating holiday** on the following date: \_\_\_\_\_ / \_\_\_\_ / 20 ☐ AM ☐ PM

\_\_\_\_\_  
Signature of Employee

\_\_\_\_\_  
Date

**FOR OFFICE USE ONLY**

\_\_\_\_\_  
Signature of Supervising Administrator

\_\_\_\_\_  
Date

☐ Approved    ☐ Disapproved    Reason for Disapproval \_\_\_\_\_

**CANCELLATION REQUEST**

Date(s) to be cancelled: \_\_\_\_\_ / \_\_\_\_ / 20    \_\_\_\_\_ / \_\_\_\_ / 20    \_\_\_\_\_ / \_\_\_\_ / 20

\_\_\_\_\_  
Signature of Employee

\_\_\_\_\_  
Signature of Supervising Administrator

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

☐ Vacation  
☐ Personal  
☐ Floating Holiday

**ADMINISTRATIVE/SUPERVISORY UNIT MEMBERS ONLY**

- ☐ My building will be covered by \_\_\_\_\_ from \_\_\_\_ / \_\_\_\_ /20 \_\_\_\_ through \_\_\_\_ / \_\_\_\_ /20 \_\_\_\_  
Name of Administrator
- ☐ Coverage not required as no students in attendance under my supervision

Following is the list of normally acceptable reasons for using personal time.

1. Graduation (or related ceremony) from high school or college for self, spouse, or child (one (1) day is generally allowable; one (1) day travel if out of State)
2. House closing (one (1) day limit)
3. Confirmation, First Communion, Bar Mitzvah, etc. of your child (one (1) day limit)
4. Taking child away to college or picking child up from college (one (1) day limit)
5. Accompanying relative in household in need of medical care or caring for sick relative
6. Court appearance, hearing, legal appointment
7. IRS audit
8. Emergency situation (e.g., failure of heating system, automobile accident, flood, automobile mechanical failure, impassable roads)
9. Religious observance (e.g., official holy day or special ceremony such as gravestone unveiling)
10. Appointment/consultation with official (e.g., guidance counselor or teacher) or ceremony at child's school
11. Examinations, appointments, etc. for education or accreditation related to the performance of your duties at ESBOCES
12. Birth of a child (paternal) or adoption proceedings
13. Funeral of relative or close friend not covered by contract
14. Employee wedding or wedding of child, parent, niece, nephew, brother, sister (one (1) day is generally allowable; one (1) day travel if out of State)
15. Kindergarten registration for child (one (1) day limit)
16. Obtain marriage license (one (1) day limit)
17. Town Zoning Board Meetings (outside Long Island)
18. Plane delay or flight cancellation
19. Relocation (moving day) (one (1) day limit)
20. Driving test for employee or immediate family member (one (1) day limit)
21. Medical appointment
22. Retirement planning for self or spouse
23. Furniture delivery
24. Accompanying child to airport
25. Childcare (no babysitting available)
26. Construction on house



**Approval for Article 7  
Staff Development  
Completion**

Board of Cooperative Educational Services  
First Supervisory District of Suffolk County  
201 Sunrise Highway  
Patchogue, NY 11772

**Pursuant to Article 7, Section I (2) of the BOCES Educators of Eastern Suffolk BOCES Agreement, I hereby request approval for the following Staff Development.**

Name: \_\_\_\_\_ Emplid: \_\_\_\_\_ Year: \_\_\_\_\_

Position: \_\_\_\_\_ Building: \_\_\_\_\_

Upon completion, please attach your MLP Portfolio and submit to Human Resources prior to July 1<sup>st</sup>.

I am requesting: ☐ One (1) Credit  
☐ Stipend (See Article 7, Section I, on following page)

I am aware that backup documentation may be requested.

\_\_\_\_\_  
Signature of Employee

\_\_\_\_\_/\_\_\_\_\_/20  
Date

**FOR DEPARTMENT OF HUMAN RESOURCES USE ONLY**

☐ All documentation received and approved

\_\_\_\_\_  
Signature

\_\_\_\_\_/\_\_\_\_\_/20  
Date

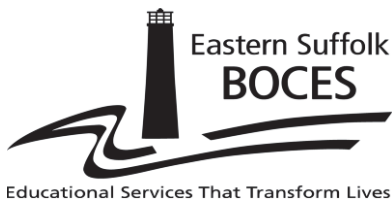
Each BEES member must participate in fifteen (15) hours of professional development during the instructional year. Teaching Assistants from the former BOCES 1 must meet this requirement. All other paraprofessionals are exempt from this agreement.

Each participating unit member shall receive one (1) in-service credit for each fifteen (15) hours of approved staff development completed pursuant to the above. Unit members who have already achieved the MA75 column on the academic schedule or the Perm+15 or VB30 column on the vocational schedule shall receive a stipend per completion of the fifteen (15) hours. Teaching Assistant\* members who have achieved HS+105 on Schedule A or HS+90 on Schedule B shall receive a stipend upon completion of the fifteen (15) hours. Unit members who will be eligible to retire during the life of this agreement may choose either the in-service credit or the stipend.

\* Refers to former BOCES 1 Teaching Assistants only.

#### NOTES:

- All Agency offerings for staff development activities are listed on MLP.
- External coursework is acceptable for Article 7 hours provided the topic is relevant to your building/program assignment. Before registering for external coursework for workshops not listed, you must obtain prior approval from your Director by completing the Request for Approval for Workshops Conducted by an Outside Organization form. This form is posted on MLP.
- Minimum staff development session is in thirty (30) minute blocks. Two thirty (30)-minute blocks on the same topic within a seven (7)-day work period will equal one (1) hour.
- Staff development activities are to be completed between July 1 and June 30 of each instructional year. Staff development activities completed after the last day of class and before July 1 may be applied to the current instructional year or the following instructional year.
- Activities must be completed outside of the workday or during duty-free time. A Personal Day Without Reason may be used.
- Conferences/workshops paid for by Eastern Suffolk BOCES may not be used toward Article 7 hour requirements.
- Building SDM approved staff development activities will continue to be logged on MLP.



**Compensatory Time  
Bi-Weekly Timesheet**

Board of Cooperative Educational Services  
First Supervisory District of Suffolk County  
201 Sunrise Highway  
Patchogue, NY 11772

Reason for OT/Compensatory Time  
Please check one:

☐ UPSEU

☐ CSEA

☐ Non-Rep Clerical

Approved in Advance By \_\_\_\_\_

Budget Code \_\_\_\_\_

Date \_\_\_\_\_ / \_\_\_\_\_ / 20\_\_\_\_

Name of Employee \_\_\_\_\_

Dept./Bldg. Location \_\_\_\_\_

Regular Working Hours \_\_\_\_\_

Employee ID No. \_\_\_\_\_

Social Security No. XXX-XX-\_\_\_\_\_

Day	Date	Time In	Lunch Time	Time Out	Total Hours Minus Lunch	Reason (Be Specific)	OT Approved in Advance By
Sat.							
Sun.							
Mon.							
Tues.							
Wed.							
Thurs.							
Fri.							

Total Hours Week One \_\_\_\_\_

Day	Date	Time In	Lunch Time	Time Out	Total Hours Minus Lunch	Reason (Be Specific)	OT Approved in Advance By
Sat.							
Sun.							
Mon.							
Tues.							
Wed.							
Thurs.							
Fri.							

Total Hours Week Two \_\_\_\_\_

Grand Total Weeks One and Two \_\_\_\_\_

\_\_\_\_\_  
Signature of Employee

\_\_\_\_\_  
Signature of Supervising Administrator

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**IMPORTANT**

Please sign and forward immediately to your administrator.

Distribution: Original: Human Resources

**PLEASE NOTE:**

1. This form must be submitted to your supervisor according to the payroll schedule work period ending date, which is available at each center.
2. The completed form must be signed by the appropriate ESBOCES administrator.
3. Meal breaks are required if you work more than six (6) hours. Please check with your administrator regarding meal times. Minimum unpaid break is thirty (30) minutes.

Copies: Center and Employee



**Coach Trip Only  
Request**

Board of Cooperative Educational Services  
First Supervisory District of Suffolk County  
201 Sunrise Highway  
Patchogue, NY 11772

**The Regional Transportation Office must receive this request at least two (2) months prior to trip.  
All coach trips beyond New York City or out of State MUST be Board approved.**

☐ Career/Technical Education    ☐ Special Career Education    ☐ Special Education    Other \_\_\_\_\_

\* Trip Type Code \_\_\_\_\_    **\* Trip Type Codes**    **C** = Student Competition    **F** = Field Trip    **V** = Skills USA

BUDGET CODE	Fund	Co-Ser	Activity	Object	Location	PPB

ESBOCES Program/Facility \_\_\_\_\_

Requested by \_\_\_\_\_ Date \_\_\_\_\_

Telephone No. \_\_\_\_\_ Fax No. \_\_\_\_\_

**TRIP INFORMATION**

Date(s) of Trip \_\_\_\_\_

Teacher(s) on Trip \_\_\_\_\_ Telephone No. \_\_\_\_\_

No. of Participants    Adults \_\_\_\_\_    Students \_\_\_\_\_    No. of Coaches Needed \_\_\_\_\_

Special Requirements \_\_\_\_\_

**Departure**

Pick-Up Point \_\_\_\_\_

Address \_\_\_\_\_

Date \_\_\_\_\_ Time \_\_\_\_\_ ☐ AM    ☐ PM

**Destination**

Transport to \_\_\_\_\_

Address \_\_\_\_\_

**Return**

Date \_\_\_\_\_ Departure Time from Destination \_\_\_\_\_ ☐ AM    ☐ PM

Arrival at ESBOCES Facility \_\_\_\_\_ ☐ AM    ☐ PM

**COMPLETE FOR OVERNIGHT TRIPS ONLY**

Are buses to remain on site? ☐ Yes    ☐ No

If "yes" must provide accommodations for driver(s)

Name of Hotel \_\_\_\_\_ Telephone No. \_\_\_\_\_

Address \_\_\_\_\_

**Trip itinerary and hotel information must be sent to the Regional Transportation Office two (2) weeks prior to trip.**

☐ Parental and/or Home School Consent Obtained    ☐ Coordination with Another Facility Required

\_\_\_\_\_  
Signature of Principal/Coordinator    \_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Director    \_\_\_\_\_  
Date

Completed by \_\_\_\_\_  
Regional Transportation Office Employee    \_\_\_\_\_  
Date

Coach Transportation Contractor \_\_\_\_\_

All coach trip requests must be submitted on ESBOCES Form 7320F.3 - Coach Trip Only Request.

1. Motor coaches should be requested/scheduled as early as possible. The Regional Transportation Office **cannot guarantee** the availability of coaches for every trip. However, we will attempt to accommodate each request.
2. A complete budget code must be on each coach request form. Please also fill in the Trip Type Code at the top of the form.
3. Trips will be booked with an approved coach contractor in the order in which they are received. A confirmation will be sent to the facility/person requesting the trip. (If you do not receive a confirmation for a trip or trip changes, please call the Regional Transportation Office to confirm that your information has been received.)
4. For **overnight coach trips**, please indicate if the drivers are expected to remain. Arrangements for **lodging for the drivers** must be made (and paid for) by the program/person requesting the trip. An **itinerary, along with the hotel information for the drivers, must be faxed to the Regional Transportation Office at least two (2) weeks prior to the departure date.** (Please include the name, address, and telephone number of the hotel, along with confirmation that rooms have been reserved for the drivers.)
5. All additions or deletions must be sent **as soon as possible. Changes in numbers of students and adults may change the number of vehicles required.**
6. Trips will be reconfirmed approximately two (2) weeks prior to the departure date to avoid a cancellation fee from the coach contractor.
7. If a rest stop is required for breakfast, lunch, or snack, prior approval is needed from the coach company. Drivers cannot make any unauthorized stops, and eating is prohibited while the vehicle is in motion.
8. Trips beyond New York City must be Board approved.

SAMPLE ONLY - DO NOT COPY

**Confidential Report of  
Alleged Child Abuse in  
an Educational Setting**

Board of Cooperative Educational Services  
First Supervisory District of Suffolk County  
201 Sunrise Highway  
Patchogue, NY 11772

SUBJECT CHILD	PARENT/GUARDIAN OF SUBJECT CHILD
Name _____	Name _____
Address _____	Address _____
Facility _____	(if different) _____
Grade _____ Sex <input type="checkbox"/> M <input type="checkbox"/> F <input type="checkbox"/> Unknown	
Age or Birthday (mo/day/yr) _____	

SOURCE OF ALLEGATION (check as appropriate)	
<input type="checkbox"/> Child <input type="checkbox"/> Parent <input type="checkbox"/> Other -	Relationship to child (if any)
Name _____	_____

ALLEGED PERPETRATOR (EMPLOYEE OR VOLUNTEER)	
Name _____	School District _____
Facility _____	School Position _____

SPECIFIC ALLEGATION
Use this space to provide information to describe or explain the circumstances surrounding the allegation. (Attach additional sheets if necessary.)

REPORTER INFORMATION	
Name _____	Facility _____
Facility Address _____	Position _____
Relationship to Child (if any)	
<input type="checkbox"/> Teacher <input type="checkbox"/> School Guidance Counselor	<input type="checkbox"/> School Nurse <input type="checkbox"/> School Psychologist
<input type="checkbox"/> Administrator <input type="checkbox"/> Board Member	<input type="checkbox"/> School Social Worker
<input type="checkbox"/> ESBOCES Personnel Required to Hold Teaching or Administrator License or Certification	
_____/_____/20 Date Submitted to Administrator	_____ Signature

FOR ADMINISTRATOR USE ONLY	
Reasonable Suspicion <input type="checkbox"/> Yes <input type="checkbox"/> No	
Date Submitted to Superintendent ____/____/20	
_____ Name	_____ Signature
Date Submitted to Law Enforcement ____/____/20	
_____ Name	_____ Signature

FOR SUPERINTENDENT USE ONLY	
Reasonable Suspicion <input type="checkbox"/> Yes <input type="checkbox"/> No	
Date Submitted to Law Enforcement ____/____/20	
_____ Name	_____ Signature
Date Submitted to Commissioner ____/____/20	
_____ Name	_____ Signature



**Paraeducator/Sign  
Language Interpreter  
Educational  
Incentive Request**

**8004F.7**  
**Page 1 of 2**

Board of Cooperative Educational Services  
First Supervisory District of Suffolk County  
201 Sunrise Highway  
Patchogue, NY 11772

**INSTRUCTIONS ON FOLLOWING PAGE**

Name \_\_\_\_\_ Building Location \_\_\_\_\_

**COURSEWORK TO BE USED**

Course Number	Title of Course	Institution	Semester Hours

Matriculation ☐ Yes ☐ No

If yes, course of study \_\_\_\_\_

\_\_\_\_\_  
Signature of Employee Date

☐ Approved ☐ Disapproved

\_\_\_\_\_  
Signature of Director

**PARAEDUCATOR/SIGN LANGUAGE INTERPRETER EDUCATIONAL INCENTIVE PAYMENT REQUEST**

Name \_\_\_\_\_ Building Location \_\_\_\_\_

Courses Completed \_\_\_\_\_

Documentation ☐ Transcript (student copy acceptable)  
☐ In-service certificate  
☐ Para Workshop(s) on file with Department of Human Resources

\_\_\_\_\_  
Signature of Employee Date

**GUIDELINES FOR EDUCATIONAL INCENTIVE CREDIT**

1. Obtain prior approval from Director. (If you take any courses before approval, you run the risk of the credit being denied.
2. If you are matriculated in a related field of study at a college or university, any course that is part of the required curriculum will be approved. Proof of matriculation is required, as well as a student copy of your transcript. Also, you must provide documentation that the courses requested are a requirement for your field of study. Approval of elective courses beyond the degree requirement will be at the discretion of the Director.
3. If you are in a non-matriculated course of study or are taking in-service credits, the course must be related to your present position (at the sole discretion of the Director). There is a minimum of fifteen (15) hours for one (1) credit.
4. Send to the Director for review, who will then forward it to the Department of Human Resources and return a copy to you for your records.

**GUIDELINES FOR OBTAINING PAYMENT**

1. Within thirty (30) days of completion of three (3) credits, send your copy of approved Form 8004F.7 (Paraeducator/ Sign Language Interpreter Educational Incentive Request), with the required documentation, to the Department of Human Resources (i.e., student copy of transcript, District copy of in-service certificate).
2. The Department of Human Resources will be notified directly of successful completion of ESBOCES-sponsored workshops.

**PLEASE NOTE:** Course credit cannot be used again for future professional advancement in any other bargaining unit.



# UPSEU/CSEA ANI Educational Incentive Request

Board of Cooperative Educational Services  
First Supervisory District of Suffolk County  
201 Sunrise Highway  
Patchogue, NY 11772

Name \_\_\_\_\_ Building Location \_\_\_\_\_

Job Title	Requested Increment
-----------	---------------------

Area of Matriculation

[illegible]

Signature of Employee

Date \_\_\_\_\_

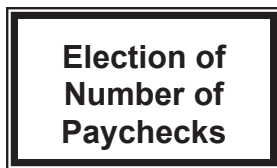
**Please have official transcripts sent to the Department of Human Resources.**

**Proof of matriculation must be on file.**

Retain one copy of this form for your records.

Incentives will be retroactive to September 1<sup>st</sup>, February 1<sup>st</sup>, or July 1<sup>st</sup>, depending upon the date the work was completed. Requests for incentive must be received by the Department of Human Resources no later than October 1<sup>st</sup>, March 1<sup>st</sup>, or August 1<sup>st</sup>.

# 10 MONTH STAFF ONLY



4411F.12  
Page 1 of 1

Board of Cooperative Educational Services  
First Supervisory District of Suffolk County  
201 Sunrise Highway  
Patchogue, NY 11772

A ten (10)-month employee may elect to receive their salary in twenty-six (26) paychecks instead of twenty-one (21) paychecks by completing and submitting this election form prior to the beginning of the school year to which it applies.

Name of Employee \_\_\_\_\_  
Please Print

☐ New Employee  
☐ Existing Employee

☐ I request that my pay be divided into 21 payments. \*

OR

☐ I request that my pay be divided into 26 payments (last check in June will include the lump-sum payment). \*

I understand that my election cannot be changed once the school year begins but may be changed after the entire school year is over. I further understand that my election will remain in place until I elect to change it by completing and submitting a new Form 4411F.12 - Election of Number of Paychecks - prior to the beginning of the school year to which the change applies.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**THIS FORM MUST BE RETURNED TO THE DEPARTMENT OF HUMAN RESOURCES PRIOR TO SEPTEMBER 1.**

\* Number of paychecks divisor may change from year to year.



## Employee Injury/ Incident Report

**5320F.1**  
**Page 1 of 3**

Board of Cooperative Educational Services  
First Supervisory District of Suffolk County  
201 Sunrise Highway  
Patchogue, NY 11772

**PAGE 1 MUST BE COMPLETED, SIGNED BY EMPLOYEE AND SUPERVISOR, AND FORWARDED TO RISK AND ASSET MANAGEMENT OFFICE WITHIN 24 HOURS OF INCIDENT. PAGE 2 MUST THEN BE FORWARDED TO EMPLOYEE'S SUPERVISOR FOR COMPLETION.**

<b>SECTION 1</b>	<div style="display: flex; justify-content: space-between;"> <div style="width: 20%;">Last Name</div> <div style="width: 20%;">First Name</div> <div style="width: 20%;">Home Telephone No.</div> <div style="width: 20%;">Cell Telephone No.</div> </div>			
<b>INJURED EMPLOYEE</b>	Home Street Address		City	Zip
	<input type="checkbox"/> Male <input type="checkbox"/> Female   /   /	Date of Birth	/   /	Date of Hire
	Job Title		Division	
<b>SECTION 2A</b>	/   /20 Date of Incident		Day of Week	<input type="checkbox"/> AM <input type="checkbox"/> PM Time of Incident
<b>DESCRIPTION OF INCIDENT</b>	Location of Incident (Name of Building, Address, Room No., Etc. - <b>BE SPECIFIC</b> )			
	Description of Incident (State what you were doing at the time of the incident and what occurred.)			
	EXAMPLE: I was walking down the hallway and slipped on the floor.			
<b>SECTION 2B</b>	Witnesses Student Related <input type="checkbox"/> Yes <input type="checkbox"/> No   Was student injured? <input type="checkbox"/> Yes <input type="checkbox"/> No   If "Yes" complete Student Accident Report.			
	Type of Surface (Carpet, Dirt, Tile, Etc.)		Safety Devices in Use (Gloves, Safety Glasses, Etc.)	
<b>SECTION 3</b>	<b>NATURE OF INJURY</b> State the nature of the incident, what part(s) of the body were affected, and indicate right or left side (such as injury to the right ear, left elbow, thumb of right hand, resulting in bruises, swelling, etc.)			
<b>NY FRAUD STATUTE</b>	Was immediate medical care provided? <input type="checkbox"/> Yes <input type="checkbox"/> No   If "Yes" when?			
	Immediate Medical Provider (Doctor, Ambulance No., Police Badge No., or Vehicle No., Etc.) (Optional)			
	Name and Address of Hospital (If Applicable)			
	Was work time lost beyond day of incident? <input type="checkbox"/> Yes <input type="checkbox"/> No The Insurance Law of the State of New York provides that any person who knowingly and with intent to defraud any insurance company or other person files a statement of claim containing any materially false information, or conceals for the purpose of misleading information concerning any fact material thereto, commits a fraudulent insurance act, which is a crime.			
<b>SECTION 4</b>	Signature of Employee		ESBOCES Telephone No.	
	Title of Employee		/   /20 Date of Report	
	Signature of Supervisor (Acknowledges Receipt of Form)		/   /20 Date Supervisor was Advised of Injury	
	Signature of Building Administrator		Building Administrator's Telephone No.	

Name of Employee \_\_\_\_\_

Date of Incident \_\_\_\_/\_\_\_\_/\_\_\_\_

**THE FOLLOWING SECTION IS TO BE COMPLETED BY SUPERVISOR WITHIN FIVE (5) BUSINESS DAYS OF RECEIPT OF EMPLOYEE INJURY/INCIDENT REPORT AND FORWARDED TO RISK AND ASSET MANAGEMENT OFFICE – HINES ADMINISTRATION CENTER. DESCRIBE IN DETAIL THE TASK THE EMPLOYEE WAS COMPLETING AT THE TIME OF INJURY (INCLUDE VEHICLE, EQUIPMENT, OR TOOLS USED).**

**SECTION 5 – EMPLOYEE INJURY/INCIDENT REPORT ACCIDENT ANALYSIS****Interview witnesses or co-workers for additional insights, if necessary.**☐ Additional sheet attached for supplementary information/commentsWas this the employee's regular work assignment? ☐ Yes ☐ No**\* \* \* Any O checked in this section requires a comment. \* \* \*****Environment**

Contributing Factors	Yes	No	N/A	Comments	Corrective Action
1.1 Did the work area design contribute to the injury?	<input type="radio"/>	<input type="checkbox"/>	<input type="checkbox"/>		
1.2 Was the area cluttered?	<input type="radio"/>	<input type="checkbox"/>	<input type="checkbox"/>		
1.3 Did the employee have to be in this area to complete the job?	<input type="checkbox"/>	<input type="radio"/>	<input type="checkbox"/>		<input type="checkbox"/>
1.4 Were other conditions (e.g., set floor, extreme temperatures, etc.) a contributing factor?	<input type="radio"/>	<input type="checkbox"/>	<input type="checkbox"/>		
1.4 Were there other environmental issues affecting safety? If so, what?	<input type="radio"/>	<input type="checkbox"/>	<input type="checkbox"/>		

**Equipment/Tools**

2.1 Was the correct equipment being used?	<input type="checkbox"/>	<input type="radio"/>	<input type="checkbox"/>		
2.2 Was the correct equipment readily available?	<input type="checkbox"/>	<input type="radio"/>	<input type="checkbox"/>		
2.3 Did any defects or change in equipment/material contribute to hazardous conditions? If so, what?	<input type="radio"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
2.4 Is regular maintenance done on affected machinery/equipment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
2.5 Was the employee using proper PPE (shoes, apron, goggles)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

**Method**

3.1 Was employee performing according to accepted work method?	<input type="checkbox"/>	<input type="radio"/>	<input type="checkbox"/>		
3.2 Was there a better method to perform the task? If so, what?	<input type="radio"/>	<input type="checkbox"/>	<input type="checkbox"/>		
3.3 Did employee comply with directives in student's IEP?	<input type="checkbox"/>	<input type="radio"/>	<input type="checkbox"/>		<input type="checkbox"/>
3.4 Were CPI methods necessary?	<input type="radio"/>	<input type="checkbox"/>	<input type="checkbox"/>		
3.5 Were proper CPI methods used?	<input type="checkbox"/>	<input type="radio"/>	<input type="checkbox"/>		

**Employee**

4.1 Was employee using all required safety equipment for task?	<input type="checkbox"/>	<input type="radio"/>	<input type="checkbox"/>		
4.2 Was employee trained on necessary equipment for the task?	<input type="checkbox"/>	<input type="radio"/>	<input type="checkbox"/>		<input type="checkbox"/>
4.3 Was employee authorized to operate the equipment?	<input type="checkbox"/>	<input type="radio"/>	<input type="checkbox"/>		
4.4 Were required safety procedures being followed? If not, why?	<input type="checkbox"/>	<input type="radio"/>	<input type="checkbox"/>		

**Management**

5.1 Were the behaviors that caused the injury/illness observed before?	<input type="radio"/>	<input type="checkbox"/>	<input type="checkbox"/>		
5.2 If so, what was done?					
5.3 Does management require specific safe work practices related to this task? If so, explain what was expected.	<input type="radio"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
5.4 Have safety related changes been made/suggested for this task?	<input type="radio"/>	<input type="checkbox"/>	<input type="checkbox"/>		

**To correct unsafe acts:**☐ Review/change procedures☐ Train/retrain injured employee☐ Instruct all employees☐ Other (Explain) \_\_\_\_\_**To correct unsafe conditions:**☐ Eliminate the hazard☐ Request repairs☐ Initiate ergonomic review☐ Conduct periodic inspections**Specific Corrective Actions****Assigned To****Date**

1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____

\_\_\_\_\_  
Signature of Supervisor\_\_\_\_\_/\_\_\_\_\_/20\_\_\_\_\_  
Date

# **SOME POSSIBLE REMEDIAL ACTIONS FOR CLASSROOM-RELATED INJURIES**

Cause of Injury	Possible Remedial Actions
Student Aggression	<ul style="list-style-type: none"> <li>• Establish administrative protocol to ensure that all employees know their individual student plans before interaction; review periodically and obtain sign-off</li> <li>• Define and train employees in, and reinforce use of, basic best practices, such as maintaining adequate distance, keeping hair short or restrained, watching for distress clues, and requesting assistance before crisis develops</li> </ul>
Slips/Falls – Wet Floors	<ul style="list-style-type: none"> <li>• Establish guidelines for janitorial staff to provide sop mats at all entrances prior to facility opening during inclement weather</li> <li>• Establish guidelines for janitorial staff to patrol and clean entranceways more often during inclement weather</li> <li>• Establish a “Spill” code for the public announcement system to easily alert janitorial staff to spills and puddles</li> <li>• Establish a protocol for all employees to post a watch and/or place cones at any spill/puddle to guide others around until it can be cleaned</li> </ul>
Slips/Trips/Falls – Housekeeping	<ul style="list-style-type: none"> <li>• Train employees in, and reinforce use of, a plan to ensure a clear path before assisting to move/guide a student</li> <li>• Train/require employees to pick up after themselves and students to keep walkways clear</li> </ul>
Strains/Sprains from Assisting Students	<ul style="list-style-type: none"> <li>• Define and train employees in, and reinforce use of, proper techniques for assisting students when standing, sitting, toileting, walking, etc.</li> <li>• Provide adequate lifts; train employees in, and reinforce, proper use of lifts and mechanical aids as may be needed for students requiring high levels of assistance</li> <li>• Train/require employees to assess needs and obtain assistance from other employees when situation exceeds reasonable physical capabilities for one person</li> </ul>
General Strains/Sprains	<ul style="list-style-type: none"> <li>• Define and train employees in, and reinforce, use of proper techniques for lifting, pushing, and pulling</li> <li>• Train employees in, and reinforce, proper use of machinery utilized by custodial staff</li> <li>• Train/require employees to assess needs and obtain assistance from other employees when situation exceeds reasonable physical capabilities for one person</li> </ul>

SAMPLE ONLY - DO NOT COPY



**Hepatitis B  
Vaccination  
Authorization**

**4532F.4  
Page 1 of 1**

Board of Cooperative Educational Services  
First Supervisory District of Suffolk County  
201 Sunrise Highway  
Patchogue, NY 11772

Party Responsible for Payment EASTERN SUFFOLK BOCES

Name of Employee \_\_\_\_\_ Date        /        /20

\_\_\_\_\_  
Signature of Supervising Administrator \_\_\_\_\_  
Date

Option A	Health Service Provided by ESBOCES Approved Physician  Peconic Bay Medical Group 496 County Road 111 Building B Manorville, NY 11949 (631) 405-3200
----------	---

Option B *	Health Service Provided by Employee Primary Care Provider  Name of Primary Care Provider _____ Address _____ Telephone (     )     -     _____
------------	--

\* Reimbursement limited to employee co-pay amount, not to exceed \$80 per dose (receipts required)

Hepatitis B Vaccination Dates      ☐ Dose 1      ☐ Dose 2      ☐ Dose 3  
          /        /20             /        /20             /        /20

**FOR USE BY DEPARTMENT OF HUMAN RESOURCES ONLY  
Final Authorization for Reimbursement**

\_\_\_\_\_  
Signature of Department of Human Resources Administrator \_\_\_\_\_  
Date



**Course Approval  
for Professional  
Advancement**

Board of Cooperative Educational Services  
First Supervisory District of Suffolk County  
201 Sunrise Highway  
Patchogue, NY 11772

_____	_____	_____
Name of Employee	Building	Employee ID No.
_____		
Teaching Assignment	Certification Area(s)	

**I. Course Categories**

Please specify your request regarding courses listed below.

- ☐ Undergraduate courses (list reason for eligibility - see following page, numbers 2 of 3) \_\_\_\_\_
- ☐ Credit for external in-service courses (other than MESTRACT or SCOPE) \_\_\_\_\_
- ☐ Graduate Courses      Description \_\_\_\_\_
- ☐ Degree Program      Description \_\_\_\_\_

**II. Course Information**

Important: Attach information regarding description of course, institution providing the course, and the qualifications of the instructor.

Course Number	Title of Course	Institution	Number of Credits	Total Hours	Date(s) of Course
1.					
2.					
3.					
4.					

I hereby acknowledge that I have not previously taken any of the above courses or, to the best of my knowledge, any courses closely related to the above courses.

\_\_\_\_\_/\_\_\_\_\_/20  
Signature of Employee      Date

<b>FOR OFFICE USE ONLY</b>	
<b>III. Courses Approved for Professional Advancement</b>	
1. _____	3. _____
2. _____	4. _____
_____/_____/20	
Signature of Director	Date

This form is for **pre-approval** of hours only. You must formally apply for professional advancement using **Form 5380F.2 (Professional Advancement Request.)**

**NOTE:** Please check the Employee Handbook under "Salary Increments" for a full explanation of "professional advancement."

The following guidelines are used to award professional advancement.

1. All graduate courses and/or degree programs must be obtained from an accredited institution and require prior approval from your Director. All graduate courses and/or degree programs are evaluated based on their individual usefulness to your role with ESBOCES.
2. **CTE Teachers Only:** CTE Teachers who are required to take undergraduate courses for the purpose of obtaining certification or to obtain a Bachelor's Degree do not require prior approval. Once you have obtained a degree, additional coursework must be on the graduate level and requires prior approval.
3. **All Educators (BEES Educators Contract):** Undergraduate coursework taken outside of your current area of certification may be approved if it will enhance your skills in your current assignment, or if it leads to certification in another area (math, science, etc.) that would be valuable to ESBOCES. Prior approval for such coursework is required.
  - In-service credits are given at the rate of one (1) credit per fifteen (15) hours of instruction, assuming the in-service course fulfills all other requirements. Any course with less than fifteen (15) hours is not considered.
  - College credits taken prior to employment with ESBOCES, but not totaling fifteen (15) credits, will be part of the cumulative credits toward the next fifteen (15) credit advancement using the rationale stated above.
  - Increments are awarded in fifteen (15)-credit blocks, except when reaching a degree.
  - Presently, ESBOCES-sponsored coursework is given through MESTRACT. There is no limit on the number of ESBOCES in-service credits applicable per increment. SCOPE courses are acceptable for advancement without approval. However, each increment must include nine (9) graduate credits.
  - Coursework taken during working hours or paid for by ESBOCES is not acceptable for professional advancement.
  - Other in-service coursework requires prior approval from your Director and is evaluated based on its individual usefulness to your role with ESBOCES. To request acceptance for credit for an external in-service course, include a copy of the course description with this form. You should also include information regarding the institution providing the course, the qualifications of the instructor, and the course relevancy to your position at ESBOCES. **In order for you to know whether or not the course will be accepted, your Director should receive your request no later than four (4) weeks prior to the start of the course. The Director will respond with a decision no later than two (2) weeks prior to the beginning of class.**

For additional information regarding professional advancement, call the Department of Human Resources at 687-3002.



# Professional Day Request

5150F.8  
Page 1 of 1

Board of Cooperative Educational Services  
First Supervisory District of Suffolk County  
201 Sunrise Highway  
Patchogue, NY 11772

## INSTRUCTIONS

Complete this form and submit it to your immediate supervisor at least two (2) weeks prior to the day requested. Final approval must be obtained prior to visit. Requests will not be honored retroactively. If your position requires a substitute, please remember to logon to AESOP and report your anticipated absence.

Date / /20  
Submitted

Name

Job Title

Division

Program/Building

I hereby request permission for a professional day(s) as follows:

Professional Visitation/Activity

Location

Date(s) Percentage of Day ☐ .25 ☐ .50 ☐ .75 ☐ 1.00

Reason (please check one)

☐ ESBOCES-Supported Committee/Task Force/SDM

☐ Other (describe)

Signature of Employee

/ /20  
Date

☐ Approved ☐ Disapproved

Signature of Immediate Supervisor

/ /20  
Date

☐ Approved ☐ Disapproved

Signature of Central Office Supervisor  
(where applicable)

/ /20  
Date

## For Administrative Office Use Only

After supervisor's approval, distribute as follows:

- > Copy to Employee
- > Copy to Immediate Supervisor



## Substitute Feedback

**5152F.2**  
**Page 1 of 1**

Board of Cooperative Educational Services  
First Supervisory District of Suffolk County  
201 Sunrise Highway  
Patchogue, NY 11772

Substitute's Full Name \_\_\_\_\_ Date \_\_\_\_\_

Position \_\_\_\_\_ Location \_\_\_\_\_

Has above-named substitute been previously assigned to this class? ☐ Yes ☐ No

PLEASE CHECK WHERE APPLICABLE	ABOVE AVERAGE	SATISFACTORY	UNSATISFACTORY*
Punctuality	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reliability/dependability (able to assist when/where needed)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Relationship with student(s) (willing to ask questions with regard to needs of student(s))	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Relationship with staff (works well with others)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Safety awareness	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Quality of work (able to follow plans/schedule, take direction from staff)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Knowledge of duties (asks necessary/appropriate questions)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

\* It is requested that an administrator discuss unsatisfactory reviews with the substitute. Did this occur? ☐ Yes ☐ No

Additional Comments

\_\_\_\_\_  
Signature of ESBOCES Employee Completing Form

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Center Administrator

\_\_\_\_\_  
Date

### Instructions

1. An ESBOCES employee may complete this form to give input on a substitute employee.
2. The substitute's full name, as well as date, position, and location, must be included.
3. The ESBOCES employee signs and gives the completed form to a building administrator for signature.
4. Negative feedback should be discussed by the administrator with the substitute, if at all possible.
5. The completed form should be forwarded to the ESBOCES Substitute Service Office, 15 Andrea Road, Holbrook.



## Transportation Request

**7320F.2**  
**Page 1 of 2**

Board of Cooperative Educational Services  
First Supervisory District of Suffolk County  
201 Sunrise Highway  
Patchogue, NY 11772

☐ Career/Technical Education    ☐ Special Career Education    ☐ Special Education    Other \_\_\_\_\_

\* Trip Type Code \_\_\_\_\_

<b>* Trip Type Codes</b>	<b>A</b> = Arts in Education <b>D</b> = Driver Education <b>G</b> = Gym Shuttle <b>N</b> = Nurse Affiliate	<b>C</b> = Student Competition <b>E</b> = Emergency Trip <b>I</b> = Student Internship <b>V</b> = Skills USA	<b>CO</b> = Community Education <b>F</b> = Field Trip <b>M</b> = Medical/Clinical <b>W</b> = Workstudy
--------------------------	---	---	---

BUDGET CODE	Fund	Co-Ser	Activity	Object	Location	PPB

ESBOCES Program/Facility \_\_\_\_\_

Requested by \_\_\_\_\_

Date \_\_\_\_\_

Telephone No. \_\_\_\_\_

Fax No. \_\_\_\_\_

### TRIP INFORMATION

Date(s) of Trip \_\_\_\_\_ Destination \_\_\_\_\_

Destination Address \_\_\_\_\_

Departure Times

From ESBOCES Facility \_\_\_\_\_ ☐ AM ☐ PM  
 From Field Trip Site \_\_\_\_\_ ☐ AM ☐ PM

Return Time

To ESBOCES Facility \_\_\_\_\_ ☐ AM ☐ PM

No. of Participants    Adults \_\_\_\_\_    Students \_\_\_\_\_

Special Requirements (specify) \_\_\_\_\_

Are vehicles to remain?    ☐ Yes    ☐ No

### NUMBER/TYPES OF VEHICLES

Bus \_\_\_\_\_    Van \_\_\_\_\_    No. of Wheelchair Hook-Ups \_\_\_\_\_  
(approx. 40 adults or 60 children)    (approx. 8 adults or 12 children)

☐ Parental and/or Home School Consent Obtained    ☐ Coordination with Another Facility Required

\_\_\_\_\_  
Signature of Principal/Coordinator

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Director

\_\_\_\_\_  
Date

Completed by \_\_\_\_\_  
Regional Transportation Office Employee

\_\_\_\_\_  
Date

Transportation Contractor \_\_\_\_\_

Regional Transportation Office  
9/8/2008  
Effective Date 9/22/2008

Please note the following information concerning the processing of special trip requests and Regional Transportation services.

1. Please **submit** trip transportation **requests as early as possible**. The more advance notice we are given, the better the chance of vehicles being available for your trip. However, **we cannot guarantee that we can accommodate all requests**.
2. Due to a critical driver shortage, vehicles are more readily available between the hours of 9:30 a.m. and 1:30 p.m.
3. A **complete budget code** must be on **each** trip request form. Please also be sure to **fill in the Trip Type Code** at the top of the form.
4. **Raindates will not be honored**. If a trip is cancelled due to inclement weather, a new request must be submitted and every effort will be made to reschedule the trip.
5. Indicate the **complete destination**, including street and town.
6. Departure time - time buses and/or vans **will depart from the ESBOCES facility**. Return time - time buses and/or vans **will arrive back at the ESBOCES facility**. (Please be sure your staff understands this portion.) **Vehicles cannot be kept longer than the time requested unless prior approval has been received from the bus contractor.**
7. The number and type of vehicles needed per trip is based on the number of students and adults attending. If wheelchair vans are needed, please state the number of wheelchair students who will be transported.
8. If a **park permit** or "destination site" permit is needed, please be sure to obtain one. A copy of your permit request should be attached to your trip request form or a notation should be made stating that you have applied for the permit.
9. **All costs incurred during the trip (i.e., tolls, parking fees, etc.) are the financial responsibility of the teacher or administrator requesting the trip.**
10. If you require the **vehicle(s) to remain at the site during the trip**, please designate this on Form 7320F.2 - Transportation Request.
11. **All transportation requests must be in writing**. No changes can be made unless authorized by the Director of the program and are not official until they are received in writing in the Regional Transportation Office. Any additional destinations/stops (e.g., lunch at McDonald's) must be requested in advance as drivers cannot make any unauthorized stops.
12. If a trip is to be rescheduled, written notice must be submitted to the Regional Transportation Office with the new date.

If vehicles booked for a trip are not needed, please notify the Regional Transportation Office **immediately, by telephone**, followed by written (fax) confirmation so that the vehicle can be cancelled. **A cancellation fee will be charged if the trip is not cancelled at least two (2) hours before the scheduled pick-up time.**





## **Eastern Suffolk BOCES Board and Administration**

### **President**

Lisa Israel

### **Vice President**

William K. Miller

### **Members**

Arlene Barresi	James F. McKenna
Linda S. Goldsmith	Brian O. Mealy
William Hsiang	Catherine M. Romano
Susan Lipman	Robert P. Sweeney
Joseph LoSchiavo	John Wyche
Anne Mackesey	

### **District Superintendent**

David Wicks

### **Chief Operating Officer**

Vacant

### **Associate Superintendent**

Claudy Damus-Makelele – Educational Services

### **Associate Superintendent**

James J. Stucchio – Management Services

### **Assistant Superintendent**

Nichelle L. Rivers, Ed.D. – Human Resources

### **Directors**

Leah Arnold – Career, Technical and Adult Education

Kate Davern – Educational Support Services

Mark Finnerty – Facilities

April Francis-Taylor – Diversity, Equity, and Inclusivity

Susan Maddi – Administrative Services

Gina Reilly – Special Education

Darlene Roces – Regional Information Center

Wendy Tromblee – Business Services

[www.esboces.org](http://www.esboces.org)

Eastern Suffolk BOCES does not discriminate against any employee, student, applicant for employment, or candidate for enrollment on the basis of sex, gender, gender identity or expression, transgender status, race, color, religion or creed, age, weight, national origin, marital status, disability, sexual orientation, military or veteran status, domestic violence victim status, genetic predisposition or carrier status, or any other classification protected by Federal, State, or local law. This policy of nondiscrimination includes: access by students to educational programs, student activities, recruitment, appointment and promotion of employees, salaries, pay, and other benefits. Eastern Suffolk BOCES also provides equal access to the Scouts BSA and other designated youth groups. Eastern Suffolk BOCES fully complies with all applicable rules and regulations pertaining to civil rights for students and employees (e.g., Title IX of the Education Amendments of 1972, §504 of the Rehabilitation Act of 1973, Titles VI and VII of the Civil Rights Act of 1964, Dignity for All Students Act, §303 of Age Discrimination Act of 1975, the Americans with Disabilities Act of 1990, and the Scouts BSA of America Equal Access Act of 2001). Inquiries regarding the implementation of the above laws should be directed to either of the Eastern Suffolk BOCES Civil Rights Compliance Officers: the Assistant Superintendent for Human Resources, 201 Sunrise Highway, Patchogue, NY 11772, 631-687-3029, [ComplianceOfficers@esboces.org](mailto:ComplianceOfficers@esboces.org); or the Associate Superintendent for Educational Services, 201 Sunrise Highway, Patchogue, NY 11772, 631-687-3056, [ComplianceOfficers@esboces.org](mailto:ComplianceOfficers@esboces.org). Inquiries may also be addressed to the Office for Civil Rights at the US Department of Education, 32 Old Slip, 26<sup>th</sup> Floor, New York, NY 10005, 646-428-3800, [OCR.NewYork@ed.gov](mailto:OCR.NewYork@ed.gov).