



## Oneida-Herkimer-Madison BOCES

4747 Middle Settlement Road • New Hartford, NY 13413  
www.oneida-boces.org

# AGENDA

Cooperative Board Regular Meeting

**February 9, 2022 4:30 p.m.**

Virtually via Zoom Video Conference and  
The Howard D. Mettelman Learning Center  
Middle Settlement Road, New Hartford, New York

### Draft Timeline

**4:30** I. Call to Order

II. Pledge of Allegiance

**4:35** III. Recognition

A. School to Careers/School and Business Alliance

Students: Eric Noga, Oriskany Central School District  
Kaitlyn Richmond, Waterville Central School District

Administrators: Michelle Hall, Director School to Careers Programs

IV. Recognition of Visitors

V. Communications

A. From the Floor

B. Correspondence

- VI. District Superintendent Reports
  - BOCES Budget Presentation
  - School Food Services Presentation
  
- VII. A. Approval of the Minutes of the Regular Meeting of January 12, 2022 (page 11)

**Approval of Consent Agenda (B., C., D.)**

- B. Financial Report (page 33)
  - 1. Acceptance of Report of the Treasurer, December
  - 2. Approval of 2021-2022 Budget Adjustment Report, December
  
- C. Personnel Report (page 55)
  - a. Retirements
    - 1. Non-Instructional/Classified Staff
  
  - b. Resignations
    - 1. Teaching/Certified Staff
    - 2. Non-Instructional/Classified Staff
  
  - c. Unpaid Leave(s) of Absence
    - 1. Teaching/Certified Staff
    - 2. Non-Instructional/Classified Staff
  
  - d. Appointments
    - 1. Teaching/Certified Staff
      - a. Recommendation for Probationary Appointment(s)
      - b. Recommendation for Long-Term Substitute Appointment(s)
      - c. Recommendation for Temporary Appointment(s)
  
    - 2. Non-Instructional/Classified Staff
      - a. Recommendation for Part-Time Appointment(s)
      - b. Recommendation for Permanent Appointment(s)

- e. Stipends
  - 1. Teaching/Certified Staff
- f. Terminations
  - 1. Non-Instructional/Classified Staff

D. Action Items (page 71)

- 1. Approval of Revised Corrective Action Plan for 2020-2021 Audit Recommendations
- 2. Approval of Student Calendar 2022-2023
- 3. Approval of Tentative Budget 2022-2023
- 4. Approval of Board Policy 1101 Public Complaints; 1103 Solicitation of Charitable Donations from Children on OHM BOCES Premises; 1200 Policy on Constitutionally Protected Prayer in the Schools; 1300 Records Management and Access; 1400 Policy for Handling and Disseminating Identifying Information Received Regarding Sex Offenders; 6202 Drug and Alcohol Testing (Transportation); 6303 Employee Assistance Program (EAP). Delete Policy: 6202 Drug and Alcohol Testing. **(Second Reading)**
- 5. Approval of Board Policy 0015 Equal Opportunity and Prohibition of Discrimination and Harassment Including Sexual Harassment; 0016 Instruction and Employment of Human Immunodeficiency Virus-HIV Infected Individuals; 0017 Defense and Indemnification of Board Members and Employees; 0020 Tobacco, Nicotine and E-Cigarette Use Prohibited; 0030 Code of Ethics for all Board of Cooperative Educational Services. **(First Reading)**
- 6. Approval of Contracts

**5:00** VIII. Board Topic(s)/Discussion Item(s)

**6:00** IX. Old Business

**6:15** X. Executive Session

Executive Session Items:

	discussing the employment history of a particular person
	discussing matters that may lead to the appointment of a particular person (or alternatively, a particular corporation)
	discussing collective negotiations pertaining to the UPSEU Union, pursuant to Article 14 of the Civil Service Law
	discussing the (purchase) (sale) (lease) of a particular parcel of land, disclosure of which could affect the value of the property
	discussing the (administration) (preparation) (grading) of the _____ exam
	discussing proposed litigation
	discussing matters which could imperil public safety if disclosed

XI. Action Item(s) for Approval (*continuation of VII*)

**7:30** Adjournment

**ONEIDA-HERKIMER-MADISON BOCES  
TREASURER'S REPORT  
FEBRUARY 2022 BOARD MEETING**

**FOR THE MONTH ENDING DECEMBER 2021**

**BANK BALANCES BY FUND:**

FUND	BANK	TYPE	BEGINNING BALANCE	PLUS RECEIPTS	MINUS DISBURSE	ENDING BALANCE
CAPITAL	JPM/CHASE	MMKT	7,891.31	0.33	-	7,891.64
GENERAL	JPM/CHASE	MMKT	7,367,816.76	12,662,433.97	14,897,803.61	5,132,447.12
GENERAL-MULTI C/D	JPM/CHASE	CHECK	3,022,256.60	9,726,480.52	9,728,622.93	3,020,114.19
GENERAL-MULTI C/R	JPM/CHASE	CHECK	1,273,949.64	9,441,565.10	10,660,000.00	55,514.74
GENERAL-LEARNING	JPM/CHASE	CHECK	330.86	1,824.38	-	2,155.24
GENERAL-MULTI C/R	NBT	MMKT	10,056.46	3,654.46	12,000.00	1,710.92
LUNCH-MULTI C/D	JPM/CHASE	CHECK	-	244,772.38	244,772.38	-
LUNCH-MULTI C/R	JPM/CHASE	CHECK	220.20	23,576.08	-	23,796.28
LUNCH C/R	JPM/CHASE	CHECK	612.25	6,107.25	6,500.00	219.50
LUNCH-MULTI C/R	NBT	MMKT	12,798.10	14,463.98	6,000.00	21,262.08
SPEC AID-MULTI C/R	NBT	MMKT	-	-	-	-
SPEC AID-MULTI C/R	JPM/CHASE	CHECK	-	-	-	-
SPEC AID-MULTI C/D	JPM/CHASE	CHECK	-	13,629.77	13,629.77	-
TRUST/CM SCHOL	NBT	MMKT	-	-	-	-
TRUST/CM SCHOL	JPM/CHASE	MMKT	74,064.53	1,153.15	-	75,217.68
EXTRA-CURR/CM	JPM/CHASE	MMKT	13,330.72	6,017.00	5,737.70	13,610.02
TOTAL CASH			11,783,327.43	32,145,678.37	35,575,066.39	8,353,939.41

**TOTAL CASH BY FUND:**

CAPITAL	7,891.64
GENERAL	8,211,942.21
SCHOOL LUNCH	45,277.86
SPECIAL AID	-
TRUST/AGENCY	75,217.68
EXTRA-CURRICULAR	13,610.02
<b>TOTAL</b>	<b>8,353,939.41</b>

**TOTAL CASH BY BANK:**

JPM/CHASE	8,242,138.71
NBT	111,800.70
<b>TOTAL</b>	<b>8,353,939.41</b>

**CHECKING RECONCILIATION:**

BANK BALANCE	OUTSTANDING CHECKS	ENDING BALANCE
10,261,299.88	7,241,185.69	3,020,114.19

**CERTIFICATION:**

THIS IS TO CERTIFY THAT THE FOREGOING TREASURER'S REPORT IS TRUE TO THE BEST OF MY KNOWLEDGE INFORMATION AND BELIEF.

*Christine Turczyn*  
CHRISTINE TURCZYN TREASURER

*Michele North*  
MICHELE NORTH DEPUTY TREASURER

VII B. 1.  
Acceptance of Report of  
the Treasurer, December  
February 9, 2022

ONEIDA-HERKIMER-MADISON BOCES  
 TREASURER'S REPORT  
 EXTRA-CURRICULAR FUND

BOARD MEETING PRESENTATION  
 31-Dec-21

CHECKING ACCOUNT - NBT BANK	CLUB ACCOUNT BALANCES
BALANCE: BEGINNING OF THE MONTH	\$ 13,330.72
PLUS: RECEIPTS	\$ 6,017.00
LESS: EXPENDITURES	\$ (5,737.70)
BALANCE: END OF MONTH	\$ 13,610.02
BANK RECONCILIATION	
BALANCE PER BANK STATEMENT	\$ 18,950.17
PLUS: DEPOSITS IN TRANSIT	
LESS: OUTSTANDING CHECKS	\$ (5,340.15)
RECONCILED BALANCES	\$ 13,610.02
CASH: END OF MONTH	\$ 13,610.02
	\$ 13,610.02

CERTIFICATION: THIS IS TO CERTIFY THAT THE FOREGOING TREASURER'S REPORT IS TRUE TO THE BEST OF MY KNOWLEDGE, INFORMATION, & BELIEF.

*Carol A. [Signature]*  
 TREASURER, EXTRA-CURRICULAR ACTIVITY FUND

RECONCILING ITEMS

DEPOSITS IN TRANSIT		OUTSTANDING CHECKS	
DATE	AMOUNT	CHECK NUMBER	AMOUNT
		1235	65.00
		1272	50.00
		1280	60.65
		1293	955.00
		1295	15.50
		1296	600.00
		1297	3,594.00
	TOTAL	TOTAL	\$ 5,340.15

**ONEIDA HERKIMER MADISON BOCES**

Revenue Status Report As Of: 12/31/2021

Fiscal Year: 2022

Fund: A GENERAL FUND

Revenue Account	Service	Description	Original Estimate	Adjustments	Current Estimate	Year-to-Date	Anticipated Balance	Excess Revenue
001 ADMINISTRATIVE COSER			3,786,150.05	46,770.31	3,832,920.36	969,588.06	2,816,561.99	0.00
002 CAPITAL/RENT EXPENDITURES			3,151,643.02	-10,973.77	3,140,669.25	1,256,267.72	1,884,401.53	0.00
101 OCCUPATIONAL EDUCATION			7,068,932.00	118,827.07	7,187,759.07	2,722,305.25	4,350,776.66	0.00
102 ADULT EDUCATION			37,130.00	0.00	37,130.00	14,852.00	22,278.00	0.00
103 SECONDARY OCC ED/MADISON BOCES			0.00	22,118.00	22,118.00	8,847.20	13,270.80	0.00
107 OCCUPATIONAL EDUCATION-HANDICAPPED			542,754.00	-63,714.60	479,039.40	193,840.72	285,198.68	0.00
109 OCC. ED./MADISON BOCES			0.00	19,108.00	19,108.00	4,777.00	14,331.00	0.00
201 8:1:2 PROGRAM			7,705,050.00	42,710.18	7,747,760.18	3,040,556.18	4,697,619.00	0.00
202 INTENSE MGMT NEEDS/MADISON BOCES			0.00	59,454.00	59,454.00	23,781.60	35,672.40	0.00
203 12:1:1 ADJUSTMENT PROGRAM			1,088,196.00	294,438.45	1,382,634.45	486,525.91	896,108.54	0.00
204 12:1:1 MILD/MODERATE PROGRAM			2,821,009.00	-316,428.31	2,504,580.69	1,024,372.85	1,479,207.84	0.00
205 SPECIAL CLASS: OPTION 2/MADISON BOCE			0.00	506,847.75	506,847.75	189,354.43	317,493.32	0.00
206 TRANSITIONAL PLNG & IMPLEMENTATION			378,329.00	178,962.13	557,291.13	187,934.41	369,356.72	0.00
209 12:1:4 DEV/MD PROGRAM			4,961,271.00	1,407,001.13	6,368,272.13	2,158,439.73	4,204,747.40	0.00
214 SPECIAL ED. OPTION III/MADISON BOCES			0.00	424,779.75	424,779.75	194,043.03	230,736.72	0.00
216 6:1:2 PROGRAM			2,193,436.00	283,530.74	2,476,966.74	931,843.75	1,532,510.82	1,009.79
221 6:1:1 HERKIMER BOCES			0.00	90,000.00	90,000.00	36,000.00	54,000.00	0.00
222 SPECIAL CLASS: OPTION 3/MADISON BOCE			0.00	229,464.90	229,464.90	106,330.18	123,134.72	0.00
225 ELEM IMN 6:1:2.5/MADISON			0.00	490,418.00	490,418.00	181,532.24	308,885.76	0.00
303 ART			167,427.40	0.00	167,427.40	66,970.96	100,456.44	0.00
305 GUIDANCE			248,027.00	38,158.00	286,185.00	113,202.07	172,982.93	0.00
306 TECHNOLOGY			75,352.20	0.00	75,352.20	30,140.88	45,211.32	0.00
308 PHYSICAL EDUCATION			40,922.00	0.00	40,922.00	16,368.80	24,553.20	0.00
310 NURSE PRACTITIONER			370,963.20	16,229.64	387,192.84	150,703.77	236,489.07	0.00
311 ADVANCED SOCIAL STUDIES			90,561.20	-90,561.20	0.00	0.00	0.00	0.00
312 SCHOOL PHYSICIAN			57,708.00	0.00	57,708.00	23,083.20	34,624.80	0.00
313 SCHOOL PSYCHOLOGIST			333,260.00	-88,363.50	244,896.50	85,172.31	159,649.19	0.00
314 SCHOOL SOCIAL WORKER			427,084.80	-86,306.72	340,778.08	113,889.28	226,888.80	0.00
315 SPEECH IMPROVEMENT			618,351.90	58,106.20	676,458.10	265,052.67	411,405.43	0.00
316 VISUALLY IMPAIRED			196,172.65	-84,260.27	111,912.38	44,626.88	67,285.50	0.00
317 COMPUTER INSTRUCTION			71,528.89	0.00	71,528.89	28,611.56	42,917.33	0.00
318 DEAF			254,786.40	-113,238.40	141,548.00	58,163.36	83,384.64	0.00
321 PHYS. THERAPY			156,304.20	-10,821.00	145,483.20	57,884.10	87,599.10	0.00
322 OCCUPATIONAL THERAPY			271,671.78	8,174.20	279,845.98	109,126.65	170,719.33	0.00
325 HOME ECONOMICS			224,796.00	-102,180.00	122,616.00	49,046.40	73,569.60	0.00
326 ENGLISH/SECOND LANG. INTSR.			607,968.00	28.57	607,996.57	243,187.20	364,780.80	0.00
332 CURRICULUM SUPERVISION COORDINATION			0.00	52,393.00	52,393.00	15,390.57	37,002.43	0.00
338 MUSIC TEACHER			249,006.80	-108,495.82	140,510.98	44,910.16	95,600.82	0.00
339 FRENCH			88,550.40	-44,275.20	44,275.20	17,710.08	26,565.12	0.00
340 TEACH. VISUALLY IMP/OTSEGO BOCES			0.00	0.00	0.00	282.64	0.00	282.64

\* Estimated revenue for Carryover Encumbrances from the prior fiscal year will not be realized.

These are estimates to balance the budget



**ONEIDA HERKIMER MADISON BOCES**  
Revenue Status Report As Of: 12/31/2021  
Fiscal Year: 2022  
Fund: A GENERAL FUND

Revenue Account	Service	Description	Original Estimate	Adjustments	Current Estimate	Year-to-Date	Anticipated Balance	Excess Revenue
345 SHARED BUSINESS OFFICIAL			0.00	7,499.00	7,499.00	2,620.20	4,525.80	0.00
346 AUDIOLOGY/OSWEGO BOCES			0.00	120,846.55	120,846.55	55,622.59	72,597.78	7,373.82
351 PHYS THERAPY/HERK. BOCES			0.00	0.00	0.00	1,707.50	0.00	1,707.50
355 General Supervision			121,678.00	-42,579.25	79,098.75	29,202.72	43,804.08	0.00
357 BILINGUAL/ESL ITINERANT MADISON BOCE			0.00	20,860.00	20,860.00	8,344.00	12,516.00	0.00
402 EXPLOR. ENRICHMENT/JEFF LEWIS BOCES			0.00	5,220.00	5,220.00	1,740.00	3,480.00	0.00
405 PERFORMING ARTS			65,125.50	54,992.17	120,117.67	43,584.90	75,405.60	0.00
408 ALTERNATIVE EDUCATION			5,805,693.00	-55,190.46	5,750,502.54	2,338,817.31	3,394,512.69	0.00
410 HOSPITAL BASED/ONONDAGA BOCES			0.00	10,584.00	10,584.00	6,521.59	7,584.69	3,522.28
411 ALTERNATIVE H.S. EQUIV			69,192.00	-69,192.00	0.00	0.00	0.00	0.00
415 PORTABLE PLANETARIUM			3,347.64	0.00	3,347.64	1,339.05	2,008.59	0.00
417 GED - EA - MADISON BOCES			140,700.00	2,740.69	143,440.69	56,665.69	86,775.00	0.00
420 REGIONAL PROGRAM EXCELLENCE			137,550.00	14,078.74	151,628.74	58,608.00	87,912.00	0.00
424 EXPLORATORY ENRICHMENT/ROCKLAND BOCE			0.00	61,897.50	61,897.50	8,842.50	53,055.00	0.00
426 Distance Learning			0.00	52,142.00	52,142.00	16,602.27	35,539.73	0.00
428 SUMMER SCHOOL			661,180.00	-162,010.10	499,169.90	210,789.37	284,865.63	0.00
438 DISTANCE LEARNING			3,347,920.58	-562,847.37	2,785,073.21	997,760.53	1,483,352.52	0.00
479 DL SYNERGY VIRTUAL HS/CITI BOCES			0.00	103,500.00	103,500.00	13,142.85	90,357.15	0.00
502 EDUCATIONAL COMMUNICATIONS			1,011,326.77	28,861.49	1,040,188.26	361,559.13	528,520.90	5,996.55
504 TECHNICAL REPAIR SERVICE			788,684.19	72,652.16	861,336.35	290,257.20	433,231.09	330.18
505 PRINTING			1,242,969.00	-454,929.89	788,039.11	314,710.10	459,122.81	13,551.76
507 PRINTING/MADISON			0.00	1,262.59	1,262.59	180.37	1,082.22	0.00
509 SCH. CURR/CAYUGA BOCES			0.00	25,239.96	25,239.96	11,584.35	15,143.96	1,488.35
510 LEARNING TECHNOLOGY			2,676,591.58	2,245,411.91	4,922,003.49	1,822,602.73	2,068,224.90	0.00
511 SCH. CURR./CAPITAL REGION			0.00	3,113.25	3,113.25	1,245.30	1,867.95	0.00
514 MODEL SCHOOLS-MADISON BOCES			310,991.00	-22,028.00	288,963.00	115,585.20	173,377.80	0.00
515 COMMON LEARNING OBJ-MADISON BOCES			1,917,970.00	3,103,769.37	5,021,739.37	1,360,809.37	3,660,930.00	0.00
518 SCIENCE KITS			1,256,744.60	145,784.06	1,402,528.66	479,209.21	755,731.69	0.00
520 SCH CURR./MADISON BOCES			0.00	795.00	795.00	146.90	648.10	0.00
521 SCHOOL CURRICULUM IMPROVEMENT SERVIC			965,848.80	495,086.68	1,460,935.48	562,534.23	873,108.63	0.00
538 MODEL SCHOOLS			292,127.35	-4,079.61	288,047.74	109,654.92	164,482.43	0.00
543 HRD/SFTWARE/OSWEGO BOCES			0.00	5,093.28	5,093.28	947.88	4,365.67	220.27
545 COMMUNITY SCHOOL RESOURCES			0.00	776,600.00	776,600.00	214,303.58	562,296.42	0.00
547 CDOS CREDENTIAL MGT SYS OSWEGO BOCES			0.00	2,817.47	2,817.47	1,274.69	1,784.97	242.19
555 SUPERINTENDENT EVAL/ERIE 2 BOCES			0.00	0.00	0.00	2,210.00	0.00	2,210.00
560 CPSE			136,320.00	187.98	136,507.98	54,528.00	81,792.00	0.00
571 INSTRCTNL TECHNOLOGY/ORANGE-ULSTER B			0.00	1,212.20	1,212.20	173.17	1,039.03	0.00
574 SABA (SCHOOL AND BUSINESS ALLIANCE)			588,067.00	-297,233.63	290,833.37	107,113.60	160,670.40	0.00
575 VOCATIONAL ASSESSMENT			11,964.00	541.79	12,505.79	4,785.60	7,178.40	0.00
576 LIBRARY MEDIA SERVICE			733,430.06	69,661.90	803,091.96	300,545.85	454,872.04	0.00

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

**ONEIDA HERKIMER MADISON BOCES**

Revenue Status Report As Of: 12/31/2021

Fiscal Year: 2022

Fund: A GENERAL FUND

Revenue Account	Service	Description	Original Estimate	Adjustments	Current Estimate	Year-to-Date	Anticipated Balance	Excess Revenue
578	LIBRARY AUTOMATION - MADISON BOCES		171,522.50	3,065.00	174,587.50	69,618.23	104,969.27	0.00
601	COMPUTER SERVICES - MADISON BOCES		5,752,354.00	4,286,446.84	10,038,800.84	3,927,617.55	6,111,183.29	0.00
602	NEGOTIATIONS - MADISON BOCES		388,172.00	-56,077.60	332,094.40	131,723.32	200,371.08	0.00
603	SCHOOL COMMUNICATIONS		463,191.62	45,543.12	508,734.74	181,008.71	302,901.49	289.89
604	CENTRAL BUSINESS OFFICE		330,657.76	-8,796.32	321,861.44	125,619.52	184,982.49	0.00
607	STAFF DEVELOPMENT - BUS DRIVERS		12,325.00	0.00	12,325.00	4,930.00	7,395.00	0.00
609	PLANNING SER: MANAGEMENT OCM BOCES		55,720.00	-483.00	55,237.00	22,095.49	33,142.20	0.69
610	TELEPHONE INTERCONNECT		2,830,279.57	-1,636,476.83	1,193,802.74	325,097.20	498,021.65	0.00
611	REGIONAL BUS MAINTENANCE-MADISON BOC		188,242.00	-1,242.00	187,000.00	74,800.00	112,200.00	0.00
612	HEALTH COORDINATION/HERKIMER BOCES		11,977.00	282.00	12,259.00	4,903.60	7,355.40	0.00
613	FACILITY SERVICES		52,932.00	1,545.65	54,477.65	21,172.80	31,759.20	0.00
615	POLICY PLANNING ERIE I		11,094.00	614.60	11,708.60	4,683.44	7,025.16	0.00
616	EMPLOYEE ASSISTANCE PROGRAM		16,536.00	0.00	16,536.00	6,614.40	9,921.60	0.00
617	TEACHER RECRUITING SERVICE		0.00	4,507.38	4,507.38	1,802.96	2,704.42	0.00
618	EMPLOYEE BENEFIT COORDINATION		119,055.00	2,769.65	121,824.65	47,622.00	71,433.00	0.00
619	COOPERATIVE BIDDING-HERKIMER BOCES		23,949.00	1,551.00	25,500.00	10,200.00	15,300.00	0.00
620	SAFETY COORDINATOR		768,241.40	29,892.77	798,134.17	305,837.83	447,328.03	1,030.50
621	COORDINATION OF INSURANCE MANAGEMENT		6,750.00	218.07	6,968.07	2,700.00	4,050.00	0.00
622	REGIONAL BUS RADIOS - MADISON BOCES		9,584.00	112.00	9,696.00	3,877.47	5,818.53	0.00
623	STATE AID PLANNING - QUESTAR III BOC		0.00	43,415.00	43,415.00	17,147.67	26,267.33	0.00
625	SUBSTITUTE TEACHER SERVICE		166,920.00	3,855.29	170,775.29	66,768.00	100,152.00	0.00
626	CENTRAL SCHOOL FOOD MANAGEMENT		625,955.00	21,558.72	647,513.72	250,382.00	375,573.00	0.00
627	RECORDS RETENTION		99,360.00	28,718.17	128,078.17	50,173.48	75,260.24	0.00
628	TELECOMMUNICATIONS		301,524.24	119,838.30	421,362.54	371,834.56	180,914.56	239,224.88
631	COOPERATIVE BID/MAD. BOCES		17,125.00	718.72	17,843.72	7,137.48	10,706.24	0.00
632	HEALTH CARE COORD./DELAWARE BOC		0.00	20,796.00	20,796.00	8,995.19	12,477.60	676.79
633	GASB 45 PLNG/QUESTAR III		24,752.00	0.00	24,752.00	9,900.80	14,851.20	0.00
634	STAFF DEV BD OF ED - HERKIMER BOCES		13,302.00	0.00	13,302.00	5,320.80	7,981.20	0.00
636	GASB 45 PLANNING/CLINTON-ESSEX		15,450.00	-11,460.00	3,990.00	1,596.00	2,394.00	0.00
637	FIXED ASSET INVENTORY/QUESTAR III		15,348.00	7,163.00	22,511.00	8,997.73	13,513.27	0.00
639	TRANS./MADISON BOCES		11,359.00	-3,941.00	7,418.00	507.00	6,911.00	0.00
640	DRUG TESTING/JEFF-LEWIS BOCES		20,704.00	147.00	20,851.00	8,083.26	12,767.74	0.00
641	ON-LINE APPL./PUTNAM BOCES		43,544.00	128.00	43,672.00	17,468.80	26,203.20	0.00
646	MEDICAID REIMBURSEMENT/MADISON BOCES		36,907.50	892.97	37,800.47	15,244.87	22,555.60	0.00
649	ACA COMPLIANCE/MADISON BOCES		0.00	15,896.00	15,896.00	6,358.40	9,537.60	0.00
650	TESTING - NYS ALT ADDMT-CAP REGION B		0.00	79,800.00	79,800.00	31,920.00	47,880.00	0.00
651	SCRIP/BROOME BOCES		49,625.00	-1,616.92	48,008.08	17,838.70	30,169.38	0.00
652	FACILITIES SVCS/MADISON BOCES		15,000.00	-15,000.00	0.00	0.00	0.00	0.00
655	SPECIAL ED AID ASSISTANCE SVC		0.00	23,640.00	23,640.00	9,456.00	14,184.00	0.00
656	EMPLOYEE RELATIONS/ONC BOCES		0.00	17,524.00	17,524.00	7,009.60	10,514.40	0.00

\* Estimated revenue for Carryover Encumbrances from the prior fiscal year will not be realized.

These are estimates to balance the budget

**ONEIDA HERKIMER MADISON BOCES**

Revenue Status Report As Of: 12/31/2021

Fiscal Year: 2022

Fund: A GENERAL FUND

Revenue Account	Service	Description	Original Estimate	Adjustments	Current Estimate	Year-to-Date	Anticipated Balance	Excess Revenue
Total GENERAL FUND			73,239,222.55	12,055,808.24	85,295,030.79	31,416,653.11	51,404,416.79	279,158.08

**Selection Criteria**

Criteria Name: Shared: REV RPT FOR BD/MONTH Modified  
 As Of Date: 12/31/2021  
 Suppress revenue accounts with no activity  
 Print Summary Only  
 Sort by: Fund/CoSer  
 Printed by MICHELE M. NORTH

\* Estimated revenue for Carryover Encumbrances from the prior fiscal year will not be realized.

These are estimates to balance the budget

**ONEIDA HERKIMER MADISON BOCES**

Budget Status Report As Of: 12/31/2021

Fiscal Year: 2022

**Fund: A GENERAL FUND**

Budget Account	Description	Initial Appropriation	Adjustments	Current Appropriation	Year-to-Date Expenditures	Encumbrance Outstanding	Unencumbered Balance
001 ADMINISTRATIVE COSER		3,568,328.20	43,851.84	3,612,180.04	841,133.13	683,127.63	2,087,919.28
002 CAPITAL/RENT EXPENDITURES		3,151,643.02	-10,973.77	3,140,669.25	2,956,198.33	184,470.92	0.00
101 OCCUPATIONAL EDUCATION		5,169,524.77	88,561.93	5,258,086.70	2,161,524.41	2,843,176.50	253,385.79
103 SECONDARY OCC ED/MADISON BOCES		0.00	22,118.00	22,118.00	4,202.42	2,239.45	15,676.13
105 SUMMER COSMETOLOGY		14,280.00	0.00	14,280.00	15,924.78	0.00	-1,644.78
107 OCCUPATIONAL EDUCATION-HANDICAPPED		722,572.00	38,461.79	761,033.79	264,381.28	394,301.05	102,351.46
109 OCC. ED./MADISON BOCES		0.00	19,108.00	19,108.00	3,726.06	334.40	15,047.54
201 8:1-2 PROGRAM		5,096,874.47	104,869.48	5,201,743.95	1,816,176.41	2,724,796.29	660,771.25
202 INTENSE MGMT NEEDS/MADISON BOCES		0.00	59,454.00	59,454.00	11,296.26	6,019.72	42,138.02
203 12:1:1 ADJUSTMENT PROGRAM		636,736.67	417,555.72	1,054,292.39	229,212.39	310,126.84	514,953.16
204 12:1:1 MILD/MODERATE PROGRAM		1,298,736.02	119,495.08	1,418,231.10	451,647.08	741,645.12	224,938.90
205 SPECIAL CLASS: OPTION 2/MADISON BOCES		353,473.00	506,847.75	860,320.75	78,852.12	58,287.60	369,708.03
206 TRANSITIONAL PLNG & IMPLEMENTATION		3,263,241.22	169,666.13	3,432,907.35	1,62,847.55	0.00	360,291.58
209 12:1:4 DEV/MD PROGRAM		0.00	527,957.09	527,957.09	1,030,208.02	1,595,581.93	1,165,408.36
214 SPECIAL ED. OPTION III/MADISON BOCES		0.00	424,779.75	424,779.75	99,000.11	37,424.38	288,355.26
216 6:1:2 PROGRAM		1,518,621.14	242,610.00	1,761,231.14	535,409.53	746,148.32	479,673.29
217 Staffing 1:8:1/HERKIMER BOCES		0.00	0.00	0.00	0.00	0.00	0.00
221 6:1:1 HERKIMER BOCES		0.00	90,000.00	90,000.00	36,000.00	0.00	54,000.00
222 SPECIAL CLASS: OPTION 3/MADISON BOCES		0.00	229,464.90	229,464.90	53,763.53	21,945.55	153,755.82
225 ELEM IMN 6:1:2:5/MADISON		0.00	490,418.00	490,418.00	84,161.37	50,782.08	355,474.55
226 Staffing 1:12:1		0.00	0.00	0.00	0.00	0.00	0.00
303 ART		255,112.20	-11,959.10	243,153.10	87,780.57	148,280.68	7,091.85
305 GUIDANCE		237,642.60	38,158.00	275,800.60	98,315.52	158,150.23	19,334.85
306 TECHNOLOGY		114,017.20	0.00	114,017.20	47,911.17	64,364.73	1,741.30
308 PHYSICAL EDUCATION		77,850.00	0.00	77,850.00	26,261.58	45,127.98	6,460.44
310 NURSE PRACTITIONER		402,955.20	16,229.64	419,184.84	161,862.95	221,080.71	36,241.18
311 ADVANCED SOCIAL STUDIES		128,078.20	-128,078.20	0.00	0.00	0.00	0.00
312 SCHOOL PHYSICIAN		63,534.00	0.00	63,534.00	25,413.60	38,120.40	0.00
313 SCHOOL PSYCHOLOGIST		502,635.40	-174,309.50	328,325.90	161,448.51	192,366.00	-25,488.61
314 SCHOOL SOCIAL WORKER		416,922.00	2,669.28	419,591.28	154,160.24	226,524.30	38,906.74
315 SPEECH IMPROVEMENT		596,384.90	58,106.20	654,491.10	244,371.94	348,398.30	61,720.86
316 VISUALLY IMPAIRED		190,581.05	-84,260.27	106,320.78	40,460.96	68,297.53	-2,437.71
317 COMPUTER INSTRUCTION		84,234.76	0.00	84,234.76	32,284.41	42,526.29	9,424.06
318 DEAF		246,798.40	-113,238.40	133,560.00	49,903.24	84,742.20	-1,085.44
321 PHYS. THERAPY		151,112.00	-10,821.00	140,291.00	54,738.64	82,447.82	3,104.54
322 OCCUPATIONAL THERAPY		260,388.73	8,174.20	268,562.93	106,722.60	156,657.12	5,183.21
325 HOME ECONOMICS		274,920.80	-79,678.50	195,242.30	74,912.46	72,775.20	47,554.64
326 ENGLISH/SECOND LANG. INTSR.		665,219.70	19,027.57	684,247.27	261,439.51	365,921.95	56,885.81
332 CURRICULUM SUPERVISION COORDINATION		0.00	52,393.00	52,393.00	37,887.50	0.00	14,505.50
337 SPANISH		0.00	0.00	0.00	6,893.04	0.00	-6,893.04

**ONEIDA HERKIMER MADISON BOCES**

Budget Status Report As Of: 12/31/2021  
Fiscal Year: 2022

**Fund: A GENERAL FUND**

Budget Account	Description	Initial Appropriation	Adjustments	Current Appropriation	Year-to-Date Expenditures	Encumbrance Outstanding	Unencumbered Balance
338	MUSIC TEACHER	382,216.50	-108,495.82	273,720.68	94,864.55	155,632.96	23,223.17
339	FRENCH	85,355.20	-44,275.20	41,080.00	0.00	0.00	41,080.00
345	SHARED BUSINESS OFFICIAL	0.00	7,499.00	7,499.00	15,243.40	0.00	-7,744.40
346	AUDIOLOGY/OSWEGO BOCES	0.00	120,846.55	120,846.55	36,192.82	0.00	84,653.73
349	SPEECH/HERKIMER BOCES	0.00	0.00	0.00	0.00	0.00	0.00
350	OCC. THERAPY/HERK. BOCES	0.00	0.00	0.00	0.00	0.00	0.00
352	TEACH. AIDE 1:1/HERK. BOCES	0.00	0.00	0.00	0.00	0.00	0.00
355	General Supervision	116,678.00	-42,579.25	74,098.75	33,894.86	36,704.92	3,498.97
357	BILINGUAL/ESL ITINERANT MADISON BOCES	0.00	20,860.00	20,860.00	3,963.40	2,112.08	14,784.52
380	SHARED FACILITIES DIRECTOR	0.00	0.00	0.00	2,499.63	0.00	-2,499.63
402	EXPLOR. ENRICHMENT/JEFF LEWIS BOCES	0.00	5,220.00	5,220.00	5,742.00	0.00	-522.00
405	PERFORMING ARTS	64,324.50	54,696.69	119,021.19	39,355.93	60,586.96	19,078.30
408	ALTERNATIVE EDUCATION	4,862,994.31	-126,125.64	4,736,868.67	1,746,149.10	2,433,479.58	557,239.99
410	HOSPITAL BASED/ONONDAGA BOCES	0.00	10,584.00	10,584.00	4,428.00	2,052.00	4,104.00
411	ALTERNATIVE H.S. EQUIV	69,084.00	-69,192.00	-108.00	20,501.26	35,750.14	-56,359.40
415	PORTABLE PLANETARIUM	3,347.64	0.00	3,347.64	0.00	0.00	3,347.64
417	GED - EA - MADISON BOCES	140,700.00	2,740.69	143,440.69	26,022.63	14,233.46	103,184.60
420	REGIONAL PROGRAM EXCELLENCE	126,709.00	13,990.60	140,699.60	59,860.66	69,044.46	11,794.48
424	EXPLORATORY ENRICHMENT/ROCKLAND BOCES	0.00	61,897.50	61,897.50	12,379.50	6,189.75	43,328.25
426	Distance Learning	0.00	52,142.00	52,142.00	7,929.61	4,302.83	39,909.56
428	SUMMER SCHOOL	627,696.00	-162,639.39	465,056.61	663,198.73	34,670.90	-232,813.02
438	DISTANCE LEARNING	3,231,630.82	-548,575.02	2,683,055.80	951,535.09	1,230,600.06	500,920.65
479	DL SYNERGY VIRTUAL HS/CITI BOCES	0.00	103,500.00	103,500.00	11,500.00	0.00	92,000.00
502	EDUCATIONAL COMMUNICATIONS	967,520.00	28,861.49	996,381.49	409,368.32	274,620.32	312,392.85
504	TECHNICAL REPAIR SERVICE	1,112,123.34	75,388.14	1,187,511.48	405,133.82	378,033.88	404,343.78
505	PRINTING	1,251,571.99	-365,602.86	885,969.13	377,336.43	410,989.59	97,643.11
507	PRINTING/MADISON	0.00	1,262.59	1,262.59	0.00	1,262.59	0.00
509	SCH. CURR/CAYUGA BOCES	0.00	25,239.96	25,239.96	4,779.23	2,322.01	18,138.72
510	LEARNING TECHNOLOGY	2,586,780.19	2,336,053.43	4,922,833.62	2,007,029.41	1,337,554.58	1,578,249.63
511	SCH. CURR/CAPITAL REGION	0.00	3,113.25	3,113.25	3,113.25	0.00	0.00
514	MODEL SCHOOLS-MADISON BOCES	310,991.00	-22,028.00	288,963.00	54,902.97	29,257.58	204,802.45
515	COMMON LEARNING OBJ-MADISON BOCES	1,917,970.00	3,103,769.37	5,021,739.37	1,364,999.26	2,154,085.73	1,502,654.38
518	SCIENCE KITS	1,169,660.07	159,424.06	1,329,084.13	571,334.19	452,080.10	305,669.84
520	SCH CURR./MADISON BOCES	0.00	795.00	795.00	76.00	40.50	678.50
521	SCHOOL CURRICULUM IMPROVEMENT SERVICE	976,258.79	564,322.71	1,540,581.50	568,506.95	454,985.13	517,089.42
538	MODEL SCHOOLS	274,602.73	131,860.11	406,462.84	182,734.35	174,785.66	48,942.83
542	SCH CURR/JEFF-LEWIS BOCES	0.00	0.00	0.00	0.00	0.00	0.00
543	HRD/SFTWARE/OSWEGO BOCES	0.00	5,093.28	5,093.28	5,093.28	0.00	0.00
545	COMMUNITY SCHOOL RESOURCES	0.00	706,000.00	706,000.00	271,700.00	434,300.00	0.00
547	CDOS CREDENTIAL MGT SYS OSWEGO BOCES	0.00	2,817.47	2,817.47	1,102.47	0.00	1,715.00

**ONEIDA HERKIMER MADISON BOCES**

Budget Status Report As Of: 12/31/2021  
Fiscal Year: 2022

**Fund: A GENERAL FUND**

Budget Account	Description	Initial Appropriation	Adjustments	Current Appropriation	Year-to-Date Expenditures	Encumbrance Outstanding	Unencumbered Balance
560 CPSE		119,023.00	187.98	119,210.98	48,281.46	61,924.06	9,005.46
571 INSTRCTNL TECHNOLOGY/ORANGE-JLSTER BOCES		0.00	1,212.20	1,212.20	1,212.20	0.00	0.00
574 SABA (SCHOOL AND BUSINESS ALLIANCE)		565,555.00	-297,725.07	267,829.93	154,209.65	166,828.40	-53,208.12
575 VOCATIONAL ASSESSMENT		29,185.00	-16,679.21	12,505.79	0.00	541.79	11,964.00
576 LIBRARY MEDIA SERVICE		703,485.38	69,181.90	772,667.28	444,482.25	127,039.17	201,145.86
578 LIBRARY AUTOMATION - MADISON BOCES		171,522.50	3,065.00	174,587.50	33,056.11	17,800.43	123,730.96
601 COMPUTER SERVICES - MADISON BOCES		5,752,354.00	4,286,446.84	10,038,800.84	3,565,170.13	765,890.45	5,707,740.26
602 NEGOTIATIONS - MADISON BOCES		388,172.00	-56,077.60	332,094.40	62,200.10	33,736.80	236,157.50
603 SCHOOL COMMUNICATIONS		662,393.24	42,244.61	704,637.85	311,410.68	336,810.16	56,417.01
604 CENTRAL BUSINESS OFFICE		315,465.76	-9,482.56	305,983.20	138,480.09	127,473.79	40,029.32
607 STAFF DEVELOPMENT - BUS DRIVERS		12,325.00	0.00	12,325.00	3,332.50	450.00	8,542.50
609 PLANNING SER: MANAGEMENT OCM BOCES		55,720.00	-483.00	55,237.00	16,571.10	5,523.70	33,142.20
610 TELEPHONE INTERCONNECT		188,242.00	-1,636,476.83	1,212,483.63	384,524.24	468,010.17	359,949.22
611 REGIONAL BUS MAINTENANCE-MADISON BOCES		11,977.00	282.00	12,259.00	4,903.60	0.00	7,355.40
612 HEALTH COORDINATION/HERKIMER BOCES		113,396.00	1,545.65	114,941.65	40,415.54	29,780.39	44,745.72
613 FACILITY SERVICES		11,094.00	614.60	11,708.60	5,795.16	0.00	5,913.44
615 POLICY PLANNING ERIE I		22,611.00	0.00	22,611.00	10,659.60	9,136.75	2,814.65
616 EMPLOYEE ASSISTANCE PROGRAM		0.00	4,507.38	4,507.38	0.00	0.00	4,507.38
617 TEACHER RECRUITING SERVICE		182,931.00	2,249.37	185,180.37	58,989.38	41,124.38	85,066.61
618 EMPLOYEE BENEFIT COORDINATION		23,949.00	1,551.00	25,500.00	10,200.00	0.00	15,300.00
619 COOPERATIVE BIDDING-HERKIMER BOCES		874,987.81	29,264.28	904,252.09	330,055.40	466,832.93	107,363.76
620 SAFETY COORDINATOR		8,048.00	195.24	8,243.24	0.00	218.07	8,025.17
621 COORDINATION OF INSURANCE MANAGEMENT		9,584.00	112.00	9,696.00	1,842.24	981.76	6,872.00
622 REGIONAL BUS RADIOS - MADISON BOCES		0.00	43,415.00	43,415.00	41,122.50	0.00	2,292.50
623 STATE AID PLANNING - QUESTAR III BOCES		152,121.33	3,855.29	155,976.62	81,487.50	50,792.66	23,696.46
625 SUBSTITUTE TEACHER SERVICE		659,809.00	20,603.78	680,412.78	276,564.98	212,057.90	191,789.90
626 CENTRAL SCHOOL FOOD MANAGEMENT		102,550.00	28,518.40	131,068.40	32,985.41	30,757.24	67,325.75
627 RECORDS RETENTION		335,491.99	119,838.30	455,330.29	103,599.80	110,646.96	241,083.53
628 TELECOMMUNICATIONS		17,125.00	718.72	17,843.72	3,390.31	1,806.68	12,646.73
631 COOPERATIVE BID/MAD. BOCES		0.00	20,796.00	20,796.00	8,318.40	0.00	12,477.60
632 HEALTH CARE COORD./DELAWARE BOC		24,752.00	0.00	24,752.00	7,425.60	0.00	17,326.40
633 GASB 45 PLNG/QUESTAR III		13,302.00	0.00	13,302.00	320.00	0.00	12,982.00
634 STAFF DEV BD OF ED - HERKIMER BOCES		15,450.00	-11,460.00	3,990.00	1,662.52	332.48	1,995.00
636 GASB 45 PLANNING/CLINTON-ESSEX		15,348.00	7,163.00	22,511.00	6,753.30	0.00	15,757.70
637 FIXED ASSET INVENTORY/QUESTAR III		11,359.00	-3,941.00	7,418.00	288.99	165.88	6,963.13
639 TRANSP./MADISON BOCES		20,704.00	147.00	20,851.00	12,464.75	0.00	8,386.25
640 DRUG TESTING/JEFF-LEWIS BOCES		43,544.00	128.00	43,672.00	13,101.60	0.00	30,570.40
641 ON-LINE APPL./PUTNAM BOCES		36,907.50	892.97	37,800.47	6,636.70	3,826.39	27,337.38
646 MEDICAID REIMBURSEMENT/MADISON BOCES		0.00	15,896.00	15,896.00	3,020.24	1,609.48	11,266.28
649 ACA COMPLIANCE/MADISON BOCES							

**ONEIDA HERKIMER MADISON BOCES**

Budget Status Report As Of: 12/31/2021

Fiscal Year: 2022

**Fund: A GENERAL FUND**

Budget Account	Description	Initial Appropriation	Adjustments	Current Appropriation	Year-to-Date Expenditures	Encumbrance Outstanding	Unencumbered Balance
650	TESTING - NYS ALT ADDMT-CAP REGION BOCES	0.00	79,800.00	79,800.00	26,600.00	13,300.00	39,900.00
651	SCRIC/BROOME BOCES	49,625.00	-1,616.92	48,008.08	48,008.08	0.00	0.00
652	FACILITIES SVCS/MADISON BOCES	15,000.00	-15,000.00	0.00	0.00	0.00	0.00
655	SPECIAL ED AID ASSISTANCE SVC	0.00	23,640.00	23,640.00	7,092.00	0.00	16,548.00
656	EMPLOYEE RELATIONS/ONC BOCES	0.00	17,524.00	17,524.00	7,009.60	1,752.40	8,762.00
701	OPERATIONS & MAINTENANCE	2,759,193.00	0.00	2,759,193.00	1,757,037.62	774,115.04	228,040.34
702	SPECIAL EDUCATION ADMINISTRATION	922,557.81	-3,708.55	918,849.26	405,710.19	385,088.92	128,050.15
703	PROGRAM TRANSPORTATION	253,390.92	0.00	253,390.92	7,810.95	107,321.01	138,258.96
704	CENTRAL SUPERVISION	341,545.82	11,897.24	353,443.06	151,726.79	149,208.06	52,508.21
706	GENERAL ITINERANT SUPERVISION	240,689.30	-6,250.02	234,439.28	92,782.11	98,453.53	43,203.64
707	TRANSITION PLANNING SERVICE	72,095.00	0.00	72,095.00	20,741.19	30,690.71	20,663.10
708	TEACHING ASSISTANT	926,996.00	189,533.71	1,116,529.71	266,147.72	437,335.26	413,046.73
709	RESEARCH AND DEVELOPMENT	152,511.00	67,808.64	220,319.64	96,289.60	65,368.54	58,661.50
713	INFO & TECH SUPERVISION	535,524.55	-226,968.78	308,555.77	121,726.03	108,586.05	78,243.69
715	Speech Therapy - Related Service	865,089.20	-117,420.60	747,668.60	319,592.39	476,731.57	-48,655.36
716	Visually Impaired - Related Service	59,133.60	9,690.99	68,824.59	6,234.43	9,797.29	52,792.87
718	Hearing Impaired - Related Service	7,285.00	0.00	7,285.00	0.00	0.00	7,285.00
720	PHYSICAL THERAPY - RELATED SERVICE	168,312.60	39,190.67	207,503.27	72,569.21	101,843.28	33,090.78
721	School Social Worker	1,290,344.00	5,015.78	1,295,359.78	396,516.90	647,012.36	251,830.52
722	Occupational Therapy	319,853.05	26,483.52	346,336.57	123,091.05	173,670.94	49,574.58
<b>Total GENERAL FUND</b>		<b>73,239,222.55</b>	<b>12,055,808.24</b>	<b>85,295,030.79</b>	<b>32,658,054.21</b>	<b>29,577,174.57</b>	<b>23,059,802.01</b>

**ONEIDA HERKIMER MADISON BOCES**

Revenue Status Report As Of: 12/31/2021

Fiscal Year: 2022

Fund: C SCHOOL LUNCH FUND

Revenue Account	Service	Description	Original Estimate	Adjustments	Current Estimate	Year-to-Date*	Anticipated Balance	Excess Revenue
791.000-1440-000	791.000	Sales of Type A Meals	1,338,784.00	0.00	1,338,784.00	85,942.33	1,252,841.67	
791.000-1445-000	791.000	Other Food Sales-Invoices	137,000.47	0.00	137,000.47	31,207.85	105,792.62	
791.000-2401-000	791.000	Interest & Profits on Dep	4,000.00	0.00	4,000.00	0.00	4,000.00	
791.000-2650-000	791.000	Sale of Scrap,Waste & Excess	0.00	0.00	0.00	0.00		
791.000-2770-000	791.000	Other Unclassified Revenue	15,000.00	0.00	15,000.00	15,133.61	1,839,635.56	133.61
791.000-3190-000	791.000	State Aid - Lunch Program	4,127,600.00	0.00	4,127,600.00	2,287,964.44		
791.000-3190-001	791.000	Surplus Food/Wrhouse/Inv	385,548.00	0.00	385,548.00	0.00	385,548.00	
<b>791.000 Service Subtotal</b>			<b>6,007,932.47</b>	<b>0.00</b>	<b>6,007,932.47</b>	<b>2,420,248.23</b>	<b>3,587,817.85</b>	<b>133.61</b>
<b>Total SCHOOL LUNCH FUND</b>			<b>6,007,932.47</b>	<b>0.00</b>	<b>6,007,932.47</b>	<b>2,420,248.23</b>	<b>3,587,817.85</b>	<b>133.61</b>

**Selection Criteria**

Criteria Name: Shared: LUNCH EOM RPT Modified  
As Of Date: 12/31/2021  
Sort by: Fund/Service  
Printed by MICHELE M. NORTH

\* Year-to-date revenue amounts include the estimated revenue associated with carryover encumbrances from the prior fiscal year, which are reported in revenue code 225x-9xx.  
Total year-to-date revenue will not agree with actual revenue shown for G/L account 980, unless these accounts are excluded



**ONEIDA HERKIMER MADISON BOCES**

Budget Status Report As Of: 12/31/2021

Fiscal Year: 2022

**Fund: C SCHOOL LUNCH FUND**

Budget Account	Description	Initial Appropriation	Adjustments	Current Appropriation	Year-to-Date Expenditures	Encumbrance Outstanding	Unencumbered Balance
791-2860-160	SCHOOL LUNCH SALARY	2,096,570.00	0.00	2,096,570.00	843,895.27	0.00	1,252,674.73
791-2860-200	EQUIPMENT	8,000.00	0.00	8,000.00	0.00	0.00	8,000.00
791-2860-301	SUPPLIES - FOOD	2,000,000.00	0.00	2,000,000.00	853,932.01	1,194,728.20	-48,660.21
791-2860-302	SUPPLIES - OTHER	95,000.00	0.00	95,000.00	55,754.82	72,939.18	-33,694.00
791-2860-303	SURPL FOOD/WRHOUSE/INV	380,000.00	0.00	380,000.00	0.00	0.00	380,000.00
791-2860-307	SUPPLIES - NO KID HUNGRY	9,500.00	0.00	9,500.00	9,022.50	0.00	477.50
791-2860-400	MISC CONTR	45,000.00	0.00	45,000.00	17,477.83	48,667.72	-21,145.55
791-2860-401	TRAVEL	3,300.00	0.00	3,300.00	0.00	0.00	3,300.00
791-2860-402	USE OF SCHOOL FACILITIES	628,902.00	0.00	628,902.00	0.00	0.00	628,902.00
791-2860-403	INSURANCE	1,100.00	0.00	1,100.00	0.00	0.00	1,100.00
791-2860-407	TRANSPORTATION - NO KID H	5,500.00	0.00	5,500.00	0.00	0.00	5,500.00
791-2860-801	ERS	162,484.00	0.00	162,484.00	73,730.12	0.00	88,753.88
791-2860-802	FICA	160,388.00	0.00	160,388.00	62,998.23	0.00	97,389.77
791-2860-803	WK COMP	78,621.00	0.00	78,621.00	31,646.13	0.00	46,974.87
791-2860-804	HEALTH INS	333,567.47	0.00	333,567.47	165,056.02	240,488.35	-71,976.90
<b>791,000 SCHOOL LUNCH FUND - Service Subtotal</b>		<b>6,007,932.47</b>	<b>0.00</b>	<b>6,007,932.47</b>	<b>2,113,512.93</b>	<b>1,556,823.45</b>	<b>2,337,596.09</b>
<b>Total SCHOOL LUNCH FUND</b>		<b>6,007,932.47</b>	<b>0.00</b>	<b>6,007,932.47</b>	<b>2,113,512.93</b>	<b>1,556,823.45</b>	<b>2,337,596.09</b>







Description	2021-2022		Adjustments		07/31/21		08/01/21		09/01/21		10/01/21		11/01/21		12/01/21		Revised Budget		
	Adopted Budget	per Contracts	Contract Totals	Changes	Changes	Changes	Changes	Changes	Changes	Changes	Changes	Changes	Changes	Changes	Changes	Changes		Net	
A460 Distance Learning/Putnam BOCES			-														-	-	
A479 DL Synergy Virtual HS/CITI BOCES			-														103,500	103,500	
<b>A400 GENERAL EDUCATION TOTAL</b>	<b>10,230,709</b>	<b>(482,330)</b>	<b>9,748,379</b>	<b>-</b>	<b>(46,378)</b>	<b>59,985</b>	<b>(128,077)</b>	<b>52,714</b>	<b>92,000</b>	<b>(128,077)</b>	<b>52,714</b>	<b>92,000</b>	<b>(128,077)</b>	<b>52,714</b>	<b>92,000</b>	<b>(128,077)</b>	<b>103,500</b>	<b>(61,755)</b>	<b>9,686,624</b>
<b>A500 INSTRUCTIONAL SUPPORT</b>																			
A502 Library Media	1,011,327	106,970	1,118,297	3,778	(81,886)												(78,109)	1,040,188	
A504 Audio Visual/Video Repair	788,684	32,046	820,730		(45,894)				86,500								40,606	861,336	
A505 Printing Services	1,242,969	(499,242)	743,727			44,312											44,312	788,039	
A507 Printing/Madison BOCES							1,263										1,263	1,263	
A509 Sch. Curr./Cayuga BOCES		23,137	23,137		2,103												2,103	25,240	
A510 Learning Technology	2,676,592	1,582,960	4,259,551	446,501	65,038	80,842			2,881								662,452	4,922,003	
A511 Sch. Curr./Capital Region BOCES		3,113	3,113														-	3,113	
A514 Model Schools/Madison BOCES	310,991	(22,028)	288,963														-	288,963	
A515 Com Objective/Madison BOCES	1,917,970	355,809	2,273,779		310,164	80,569			2,294,372								2,747,960	5,021,739	
A518 Science Kits	1,256,745	(406,036)	850,709	455,394		175,490											551,820	1,402,529	
A520 School Curriculum/Madison BOCES									95								795	795	
A521 School Curriculum Improvement	965,849	87,209	1,053,058	109,920	75,107	178,517											407,877	1,460,935	
A526 Industries Ed./Monroe 1																	-	-	
A528 School Curriculum/Onondaga BOCES																	-	-	
A529 Project Lead The Way/Monroe2																	-	-	
A531 Sch Curr/WSWHE BOCES																	-	-	
A532 SDP/Admin/ Greater So. Tier BOCES																	-	-	
A535 School Curriculum /Herkimer BOCES																	-	-	
A537 Staff Dev/Cert/Putnam BOCES																	-	-	
A538 Model Schools	292,127	(80)	292,048	(4,000)													(4,000)	288,048	
A539 Printing/Delaware BOCES																	-	-	
A541 School Curriculum/Oswego BOCES																	-	-	
A543 Hard/Software/Oswego BOCES		5,374	5,374		(5,374)				5,093								(281)	5,093	
A545 Curr Dev/Greater Southern Tier BOCES					389,400	313,500											776,600	776,600	
A546 Extracurr Act/Sullivan BOCES																	-	-	
A547 CD05 Credential Mgmt Sys/Oswego BOCES		2,450	2,450						367								367	2,817	

Description	2021-2022		Adjustments		07/31/21	08/01/21	09/01/21	10/01/21	11/01/21	12/01/21	Net	Revised
	Adopted	Budget	per	Contracts	Contract	08/31/21	09/30/21	10/31/21	11/30/21	12/31/21		
A555 Superintendent Eval/Erie 2 BOCES					-						-	-
A560 Committee Preschool Special Ed	136,320		188		136,508						-	136,508
A571 Instr. Tech./Orange-Ulster BOCES			(297,234)		-				1,212		1,212	1,212
A574 School and Business Alliance	588,067				290,833						-	290,833
A575 Vocational Assessment	11,964		542		12,506						-	12,506
A576 Library Services	733,430		39,704		773,134	2,404	4,107	20,209	3,237		29,958	803,092
A578 Library Automation/Madison BOCES	171,523		2,457		173,980				185	423	608	174,588
A583 Inter-Scholastic Coord/Leff-Lewis BOCES					-						-	-
<b>A500 INSTRUCTIONAL SUPPORT TOTAL</b>	<b>12,104,557</b>		<b>1,017,340</b>		<b>13,121,897</b>	<b>1,013,997</b>	<b>713,165</b>	<b>893,440</b>	<b>2,360,475</b>	<b>204,468</b>	<b>5,185,545</b>	<b>18,307,442</b>
<b>A600 NON-INSTRUCTIONAL PROGRAMS</b>												
A601 Computer Services/Madison BOCES	5,752,354		3,568,331		9,320,685		477,390	156,772	7,145	76,809	718,116	10,038,801
A602 Negotiations/Madison/Broome BOCES	388,172		(68,952)		319,220		9,800	3,074			12,874	332,094
A603 School Communications	463,192		(29,568)		433,624		43,288			31,823	75,111	508,735
A604 Central Business Office	330,658		11,259		341,917	625	(20,681)				(20,056)	321,861
A607 Staff Development Bus Drivers	12,325				12,325						-	12,325
A609 Energy Services/Onondaga BOCES	55,720		(483)		55,237						-	55,237
A610 Interconnect Telephone	2,830,280		(1,662,355)		1,167,925	37	14,966	(1,326)	87	12,713	25,878	1,193,803
A611 Bus Maint/Madison BOCES	188,242		(1,242)		187,000						-	187,000
A612 Health Coord /Herkimer BOCES	11,977				11,977	282				282	282	12,259
A613 Facilities Service	52,932		1,546		54,478						-	54,478
A615 Policy Planning/Erie 1	11,094		615		11,709						-	11,709
A616 Employee Assistance Program	16,536				16,536						-	16,536
A617 Teacher Recruiting Service					-		4,507				4,507	4,507
A618 Employee Benefits Coordination	119,055		2,770		121,825						-	121,825
A619 Cooperative Bid/Herkimer BOCES	23,949				23,949	1,551					1,551	25,500
A620 Safety/Asbestos/Struct/Fire Inspections	768,241		(42,939)		725,302	62,017	5,129	(1,038)	4,469	2,254	72,832	798,134
A621 Liability Insurance Consortium	6,750		218		6,968						-	6,968
A622 Regional Bus Rides/Madison BOCES	9,584		98		9,682		14				14	9,696
A623 State Aid Planning/Questar III BOCES			36,795		36,795	3,345	3,275				6,620	43,415
A625 Substitute Calling Service	166,920		3,855		170,775						-	170,775
A626 School Food Service	625,955		21,559		647,514						-	647,514
A627 Records Retention	99,360		28,718		128,078						-	128,078

Description	2021-2022		Adjustments		07/31/21		08/01/21		09/01/21		10/01/21		11/01/21		12/01/21		Revised Budget
	Adapted Budget		per Contracts		Contract Totals	Changes	Changes	Changes	Changes	Changes	Changes	Changes	Changes	Changes	Changes	Net	
A628 Telecommunications	301,524		107,838		409,363						12,000					12,000	421,363
A631 Cooperative Bid/Madison BOCES	17,125		719		17,844											-	17,844
A632 Health Care Coord./Delaware BOCES			20,796		20,796											-	20,796
A633 GASB 45/Questar III BOCES	24,752				24,752											-	24,752
A634 Staff Dev./Board/Herkimer BOCES	13,302				13,302											-	13,302
A635 Forcast5/Otsego BOCES					-											-	-
A636 GASB 45/Clinton-Essex Boces	15,450		(11,460)		3,990											-	3,990
A637 Fixed Assets/Questar III BOCES	15,348		7,063		22,411		100									100	22,511
A639 Transp./Madison BOCES	11,359		(6,947)		4,412		(2,891)									5,897 *	7,418
A640 Drug Testing/Jeff-Lewis BOCES	20,704		(853)		19,851											1,000	20,851
A641 On-Line Application/Putnam BOCES	43,544		128		43,672											-	43,672
A642 Workers Comp./Madison BOCES					-											-	-
A643 Data Warehouse/Onondaga					-											-	-
A644 Health & Safety/Questar III BOCES					-											-	-
A646 Medicaid Reimburs./Madison BOCES	36,908		1,830		38,738		(723)									(937)	37,800
A647 Planning Service/Madison BOCES					-											-	-
A649 ACA Compliance/Madison BOCES			15,896		15,896											-	15,896
A650 Testing-NYS Alt Addmt/Cap Region BOCES			79,800		79,800											-	79,800
A651 SCRUC/Broome BOCES	49,625		(10,714)		38,911						9,097					9,097	48,008
A652 Facilities Svcs/Madison BOCES	15,000		(5,000)		10,000		(10,000)									(10,000)	-
A653 School Meter/Putnam BOCES					-											-	-
A654 Farm to Table/Madison BOCES					-											-	-
A655 Special Ed Aid Assistance Svc/Questar III BOCES			23,640		23,640											-	23,640
A655 Employee Relations/DNC BOCES			17,524		17,524											-	17,524
<b>A600 NON-INSTRUCTIONAL SERVICES TOTAL</b>	<b>12,497,936</b>		<b>2,110,486</b>		<b>14,608,422</b>		<b>72,365</b>		<b>519,667</b>		<b>177,979</b>		<b>11,639</b>		<b>130,346</b>	<b>911,995</b>	<b>15,520,417</b>
<b>A700 INTERNAL</b>																	
A701 Operations and Maintenance	-				-											-	-
A713 Infor and Technology Supervision	-				-											-	-
<b>A700 INTERNAL</b>																	
<b>TOTALS</b>	<b>73,239,223</b>		<b>4,514,456</b>		<b>77,753,678</b>		<b>1,234,001</b>		<b>1,185,106</b>		<b>697,652</b>		<b>3,947,626</b>		<b>476,968</b>	<b>7,541,352</b>	<b>85,295,031</b>





**C. PERSONNEL REPORT**

**a. RETIREMENTS**

**1. Non-Instructional/Classified Staff**

			Hire Date	Retire Date
1.	DONNA L. PECKHAM	ASSISTANT COOK	07/01/1991	02/25/2022

**b. RESIGNATIONS**

**1. Teaching/Certified Staff**

			Hire Date	Resign Date
1.	MORGAN A. BUSS	TEACHER ASSISTANT	10/29/2018	02/11/2022
2.	ANNETTE LAQUAY	TEACHER ASSISTANT	09/23/2019	02/04/2022
3.	SARAH R. MEAD	TEACHER ASSISTANT	09/01/2016	02/06/2022
4.	EMILY M. MORISETTE	TEACHER OF MUSIC	11/09/2018	02/25/2022

**2. Non-Instructional / Classified Staff**

			Hire Date	Resign Date
1.	ANTHONY J. DERFUSS	FOOD SERVICE HELPER	10/25/2021	01/13/2022
2.	MELINDA J. HRYB	FOOD SERVICE HELPER	12/15/2017	12/23/2021
3.	KYRILL A. VERENICH	NETWORK ADMINISTRATOR II	04/02/2020	02/11/2022

**c. UNPAID LEAVE(S) OF ABSENCE**

**1. Teaching/Certified Staff**

			Start Date	End Date
1.	MCKENZIE L. DODGE	TEACHER ASSISTANT	01/12/2022	01/31/2022

**2. Non-Instructional/Classified Staff**

			Start Date	End Date
1.	JENNIFER M. RUBINO	PBIS COORDINATOR	02/07/2022	TBD

**d. APPOINTMENTS**

**1. Teaching/Certified Staff**

**a. RECOMMENDATION FOR PROBATIONARY APPOINTMENT(S)**

The expiration dates of the 4 year probationary appointments are tentative and conditional only. Except to the extent required by the applicable provisions of Section 3014 of the Education Law, in order to be granted tenure the teacher must receive composite or overall annual professional performance review ratings pursuant to Section 3014-c and/or 3014-d of the Education Law of either effective or highly effective in at least three (3) of the four (4) preceding years, and if the teacher receives an ineffective composite or overall rating in the final year of the probationary period the teacher shall not be eligible for tenure at that time.

The expiration dates of the 3 year probationary appointments are tentative and conditional only. In order to be granted tenure the teacher must receive composite or overall annual professional performance review ratings pursuant to Section 3014-c and/or 3014-d of the Education Law of either effective or highly effective to the extent required by the applicable provisions of the Education Law, the Rules of the Board of Regents and the Regulations of the Commissioner of Education, and if the teacher receives an ineffective composite or overall rating in the final year of the probationary period the teacher shall not be eligible for tenure at that time.

1. Recommend that **JESSICA J. HARPER** be appointed as a **TEACHER ASSISTANT** in INSTRUCTIONAL PROGRAMS & PROF LEARNING, at Waterville Elementary School for a four year probationary appointment in the Teaching Assistant tenure area, commencing January 18, 2022 and ending January 17, 2026 at an annual salary rate of \$21,120.00, prorated.

**b. RECOMMENDATION FOR A LONG-TERM SUBSTITUTE APPOINTMENT**

1. Recommend that **ELLEN A. CUCCI** be appointed as a **TEACHER OF ESL** in INSTRUCTIONAL PROGRAMS & PROF LEARNING, at Westmoreland, New York Mills and New Hartford School Districts, for a long-term substitute appointment commencing February 07, 2022 and ending June 30, 2022 at an annual salary rate of \$55,784.00, prorated.

c. **RECOMMENDATION FOR A TEMPORARY APPOINTMENT(S)**

1. Recommend that **SUSAN J. DEIS** be appointed as a **CLINICAL INSTRUCTOR** in INSTRUCTIONAL PROGRAMS & PROF LEARNING, for a temporary appointment commencing January 24, 2022 and ending June 30, 2022 at a salary rate of \$34.18/hour.

2. **Non-Instructional/Classified Staff**

a. **RECOMMENDATION FOR PART-TIME APPOINTMENT**

1. Recommend that **FELICIA M. BISHOP** be appointed to a part-time appointment as a **FOOD SERVICE HELPER** in SUPPORT SERVICES, School Lunch Program, commencing January 10, 2022 at an hourly salary rate of \$13.20.

**FELICIA M. BISHOP** has been pre-approved by civil service, as meeting the qualifications necessary in order to perform the duties of a **FOOD SERVICE HELPER**.

2. Recommend that **PATRICK P. BUSHEY** be appointed to a part-time appointment as a **FOOD SERVICE HELPER** in SUPPORT SERVICES, School Lunch Services, commencing January 01, 2022 at an hourly salary rate of \$13.20.

**PATRICK P. BUSHEY** has been pre-approved by civil service, as meeting the qualifications necessary in order to perform the duties of a **FOOD SERVICE HELPER**.

3. Recommend that **TARA L. KIMBALL** be appointed to a part-time appointment as a **FOOD SERVICE HELPER** in SUPPORT SERVICES, School Lunch Program, commencing January 27, 2022 at an hourly salary rate of \$13.20.

**TARA L. KIMBALL** has been pre-approved by civil service, as meeting the qualifications necessary in order to perform the duties of a **FOOD SERVICE HELPER**.

4. Recommend that **CAITLIN M. MCGRATH** be appointed to a part-time appointment as a **FOOD SERVICE HELPER** in SUPPORT SERVICES, School Lunch Program, commencing January 24, 2022 at an hourly salary rate of \$13.20.

**CAITLIN M. MCGRATH** has been pre-approved by civil service, as meeting the qualifications necessary in order to perform the duties of a **FOOD SERVICE HELPER**.

5. Recommend that **CHRISTINA M. O'NEIL** be appointed to a part-time appointment as a **FOOD SERVICE HELPER** in SUPPORT SERVICES, School Lunch Program, commencing January 14, 2022 at an hourly salary rate of \$13.20.

**CHRISTINA M. O'NEIL** has been pre-approved by civil service, as meeting the qualifications necessary in order to perform the duties of a **FOOD SERVICE HELPER**.

**b. RECOMMENDATION FOR PERMANENT APPOINTMENTS FROM CIVIL SERVICE LISTING**

The Human Resources Office, and the District Superintendent have reviewed the performance evaluations and record of absences for the below named individual(s). The below named individual(s) have successfully completed their individual twelve week or twenty-six week probationary period(s) and are being recommended to permanent appointment(s).

1.	EUGENIA MARTHAGE	OFFICE SPECIALIST II	Perm. Date 07/28/2021
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**e. STIPENDS**

**1. Teaching/Certified Staff**

**a. RECOMMENDATION FOR ADDITIONAL STIPENDS**

			Date	Stipend
1.	JESSICA J. HARPER	TEACHER ASSISTANT	01/18/2022 - 06/30/2022	\$3,500.00 (extra assignment - prorated)

**f. TERMINATIONS**

**1. Non-Instructional/Classified Staff**

**a. RECOMMENDATION FOR TERMINATION OF PROVISIONAL APPOINTMENT**

1. It is recommended that the employment of **GIORGIO V. VARLARO**, a provisional **PUBLIC RELATIONS ASSISTANT**, is terminated effective 01/24/2022. The District Superintendent shall notify **GIORGIO V. VARLARO** of this decision forthwith.




Oneida-Herkimer-Madison BOCES  
P.O. Box 70 • 4747 Middle Settlement Road • New Hartford, NY 13413-0070  
www.oneida-boces.org

VII D. 1.  
Approval of Revised Corrective Action  
Plan for 2020-2021 Audit Recommendations  
February 9, 2022


## MEMORANDUM

To: Cooperative Board

From: Patricia N. Kilburn, Ed.D.   
District Superintendent

Date: January 25, 2022

Subject: Revised Corrective Action Plan for 2020-2021 Audit Recommendations

Prepared By: Scott Morris 

### **Background:**

Each year the Oneida-Herkimer-Madison BOCES engages an accounting firm to conduct an independent audit of the financial records of the organization. West & Company, CPA's, P.C. performed the audit for the 2020-2021 fiscal year. In addition to an opinion on the overall financial statements of the BOCES, recommendations are sometimes made, based upon the testing done by the auditors, to improve the overall reporting and/or internal controls to ensure accurate financial reporting.

### **Discussion:**

As part of the 2020-2021 audit there were two (2) recommendations from the external auditors and a status update of one (1) comment from the previous year. The NYS Education Department Office of Audit Services requires submission of a Board approved Corrective Action Plan for the recommendations. This was approved at the October 13, 2021 Board Meeting. Upon submission to the NYS Education Department office, it was determined that a revised corrective action plan was necessary. A copy of the recommendations along with the revised response is attached to this resolution.

### **Recommendation:**

It is recommended that the cooperative Board approve the Revised Corrective Action Plan for the 2020-2021 independent audit as drafted for submission to the NYS Education Department Office of Audit Services.

### **Resolution:**

BE IT RESOLVED that the accompanying Revised Corrective Action Plan to the 2020-2021 external audit be approved for submission to the NYS Education Department Office of Audit Services.

SM:ld  
Attachment



Oneida-Herkimer-Madison BOCES  
P.O. Box 70 • 4747 Middle Settlement Road • New Hartford, NY 13413-0070  
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## **Corrective Action Plan for the 2020-2021 Independent Audit**

### **Prior-Year Conditions:**

1. **Prior Condition:** In the prior year we found five purchase orders that were dated after the invoice date. It was noted that all purchases were appropriate and reasonable expenditures for the BOCES.
  - **Status:** In the current year we noted four purchase orders dated after the invoice date.
  - **Recommendation:** We recommend that management ensure all purchases comply with the purchasing policy of the BOCES.
  - **Response:**

It has been the practice of the BOCES to utilize confirming purchase orders for some purchases to accurately reflect the costs that will be charged or to maintain a complete audit trail for such purchases. Blanket purchase orders will be used for costs that we know we will be incurring. The purchasing policy will be reviewed by the Policy Committee to determine if further changes should be made to reflect current practices. Anticipated completion date June 30, 2022.

2. **Prior Condition:** OHM BOCES establishes parameters for budgeting purposes several months in advance of the fiscal year they are implemented. At times, the budget parameters may differ from actual activity and variances in the accrued liabilities may occur. For the 2019-2020 fiscal year, this process resulted in an overstated liability in the amount due to TRS.
  - **Status:** This condition has been corrected for the year ended June 30, 2021.

**3. Prior Condition:** During our review of the internal controls in the compliance audit, we noted that some internal controls required by the Uniform Guidance are not in place.

- **Status:** This condition has improved over the prior year. In the current year we noted that the following internal controls still need to be adopted.

- **Recommendation:** We recommend that the BOCES adopt the following internal controls:

- a) Establishing procedures for verifying that an entity with which it plans to enter into a covered transaction is not debarred, suspended, or otherwise excluded.

- b) Establishing procedures to review vendor purchases regularly during the year to ensure that any vendors that cross the bidding threshold mid-year are placed out to bid appropriately.

- **Response:**

- a) Commencing on November 1, 2021, Connor Utesch from the Central Business Office will search each new vendor on the sam.gov website to ensure the vendor is not on the suspended or debarred list. Connor will maintain a spreadsheet of vendors searched.

- b) Commencing on November 1, 2021, Kate Dorr, Director of Food Service will review the vendor payment listing semi-annually for any vendors at or near the bidding threshold to ensure all are appropriately bid or on government contract.





## Oneida-Herkimer-Madison BOCES


P.O. Box 70 • 4747 Middle Settlement Road • New Hartford, NY 13413-0070  
www.oneida-boces.org

Scott Morris  
*Assistant Superintendent  
for Support Services*  
T: 315.793.8572  
F: 315.793.8652  
[smorris@oneida-boces.org](mailto:smorris@oneida-boces.org)

VII D. 2.  
Approval of Student Calendar 2022-2023  
February 9, 2022


### MEMORANDUM

To: Cooperative Board

From: Patricia N. Kilburn, Ed.D.   
District Superintendent

Date: January 25, 2022

Subject: Student School Calendar 2022-2023/Board Approval

Prepared by: Scott Morris 

#### **Background:**

Communications between representatives from the Oneida-Herkimer-Madison BOCES, Herkimer BOCES and Madison-Oneida BOCES were held to develop a common school calendar for 2022-2023. The calendar was developed by this group and presented to the Superintendents' Cabinet within each of the three BOCES.

The Oneida-Herkimer-Madison BOCES Superintendents' Cabinet recommend a 185-day calendar. The Oneida-Herkimer-Madison BOCES historically has adopted a 185-day calendar to meet the instructional needs of the component districts and to allow for the training of staff. Attached is the calendar for the Oneida-Herkimer-Madison BOCES based on 185 days.

#### **Discussion:**

The calendar contains 181 days of instruction and 185 days for instructional staff. This includes four Superintendent's Conference Days. The first day of classes will be September 6th and the last day of classes will be June 23rd. The calendar contains three major breaks: Winter Recess, December 23, 2022 – January 2, 2023; Mid-Winter Recess, February 20-24, 2023 and Spring Recess April 7-14, 2023. Juneteenth is now a recognized NYS holiday and it is included on the calendar. A common calendar for all schools maximizes the number of days of instruction for all students attending BOCES.

**Recommendation:**

It is recommended that the Board adopt the attached student calendar for the 2022-2023 school year as recommended by the superintendents of the component schools.

**Resolution:**

That the Cooperative Board adopts the Oneida-Herkimer-Madison BOCES student school calendar for 2022-2023.

SM:ld

Attachment

# Oneida-Herkimer-Madison BOCES | School District Calendar 2022-2023

DRAFT: 11/30/21

SEPTEMBER 2022			OCTOBER 2022			NOVEMBER 2022			DECEMBER 2022					
M	T	W	T	F	M	T	W	T	F	M	T	W	T	F
		(31)	(1)	2	3	4	5	6	(7)	7	8	9	10	11
5	6	7	8	9	10	11	12	13	14	14	15	16	17	18
12	13	14	15	16	17	18	19	20	21	21	22	23	24	25
19	20	21	22	23	24	25	26	27	28	28	29	30		
26	27	28	29	30	31									
JANUARY 2023			FEBRUARY 2023			MARCH 2023			APRIL 2023					
M	T	W	T	F	M	T	W	T	F	M	T	W	T	F
2	3	4	5	6	6	7	8	9	10	6	7	8	9	10
9	10	11	12	13	13	14	15	16	17	13	14	15	16	(17)
16	17	18	19	20	20	21	22	23	24	20	21	22	23	24
23	24	25	26	27	27	28				27	28	29	30	31
30	31													
MAY 2023			JUNE 2023			JULY 2023			AUGUST 2023					
M	T	W	T	F	M	T	W	T	F	M	T	W	T	F
1	2	3	4	5	5	6	7	8	9	3	4	5	6	7
8	9	10	11	12	12	13	14	15	16	8	11	12	13	14
15	16	17	18	19	19	20	21	22	23	15	18	19	20	21
22	23	24	25	26	19	20	21	22	23	24	25	26	27	28
29	30	31			26	27	28	29	30	31				

First day of school for students:  
September 6, 2022

Final day of school for students:  
June 23, 2023

**Student Days**

September	19
October	19
November	18
December	16
January	20
February	15
March	22
April	14
May	22
June	16
<b>Total Student Days:</b>	<b>181</b>

**Staff Days**

September	21
October	20
November	18
December	16
January	20
February	15
March	23
April	14
May	22
June	16
<b>Total Staff Days:</b>	<b>185</b>

**Student Vacation Days**

Month	Day	Event
AUGUST	31	Supt.'s. Conference Day
SEPTEMBER	1	Supt.'s. Conference Day
	5	Labor Day
OCTOBER	7	Supt.'s. Conference Day
	10	Columbus Day
NOVEMBER	11	Veterans Day
	23-25	Thanksgiving Recess
DECEMBER	23-30	Winter Recess
JANUARY	2	Winter Recess
	16	Martin Luther King Jr. Day
FEBRUARY	20-24	Mid-Winter Recess
MARCH	17	Supt.'s. Conference Day
APRIL	7-14	Spring Recess
MAY	29	Memorial Day
JUNE	19	Juneteenth
	23	Regents Rating Day

Superintendent's Conference Day = parentheses | Vacation Days = boxed | Regents Test Days = underlined





## Oneida-Herkimer-Madison BOCES


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Scott Morris  
*Assistant Superintendent  
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F: 315.793.8652  
[smorris@oneida-boces.org](mailto:smorris@oneida-boces.org)

VII D. 3.  
Approval of Tentative Budget 2022-2023  
February 9, 2022


### MEMORANDUM

To: Cooperative Board

From: Patricia N. Kilburn, Ed.D.   
District Superintendent

Date: January 21, 2022

Subject: Approval of Tentative Budget 2022-2023

Prepared by: Scott Morris 

#### **Background:**

Education Law §1950{4}{b}{5} states that the Cooperative Board must adopt the tentative budget for the program, capital, rent and administration budgets. These budgets will be presented at the Annual Meeting on April 6, 2022 with the administration budget to be voted upon by the component school districts on April 26, 2022.

At the October 13, 2021 Cooperative Board meeting, the budgetary guidelines, budget parameters and the budget calendar for 2022-2023 were reviewed and approved. The budget has been reviewed by a number of groups including the Board, District Superintendent, and Superintendents of the component school districts.

#### **Discussion:**

Attached is a table of the tentative budget for the 2022-2023 school year. This table contains both the unit pricing and budget amounts for each of the programs at BOCES. The administration portion of the budget that will be voted on by the component districts shows a increase of 3.98%.

The tentative budget for 2022-23 is \$80,551,736.13 an increase of 9.98%. The change in the tentative budget is due to a number of factors. All programs are affected by salary and benefit

increases. Unit price increases reflect the impact of salary and benefit changes, net changes in supplies, equipment and contractual expenses as well as changes in staffing levels. The staff has worked at mitigating the unit price increases by containing costs where possible. Other budgets are adjusted as both component and non-component districts either join or leave various programs.

Upon Board approval of the tentative budget, a notice will be published in the newspaper notifying the public of the Annual Meeting.

Districts will notify BOCES by May 1 which programs they wish to participate in for 2022-2023. Those programs that the districts commit to by May 1 become the basis for a contract between Oneida-Herkimer-Madison BOCES and each school district. After the Annual Meeting, the Board will adopt the final budget at their May Board meeting.

**Recommendation:**

The attached budget is consistent with guidelines established by the Board of Education and should be approved.

**Resolution:**

That the Cooperative Board, at their February 9, 2022 meeting, approves the attached tentative budget for program, capital, rent and administration in the amount of \$80,551,736.13 and authorizes a public notice.

SM:ld  
Attachment

TENTATIVE BUDGET 2022-2023

COSER #	COSER NAME	UNIT	UNIT PRICE			% DIFF.	BUDGET AMOUNT			% DIFF.
			2021-2022	2022-2023	2022-2023		2021-2022	2022-2023	\$ DIFF.	
001.010	Administration		N/A	N/A		\$ 3,786,150.05	\$ 3,936,938.70	150,689	3.98%	
002.010	Rent		N/A	N/A		\$ 380,392.25	\$ 354,488.88	(25,903)	-6.81%	
002.020	Capital Fund		N/A	N/A		\$ 2,771,250.77	\$ 2,787,001.36	15,751	0.57%	
101.010	Occupational Education	Budget	N/A	N/A		\$ 7,068,932.00	\$ 7,724,893.00	655,961	9.28%	
107.010	Multi Occupational Education	District Share	6,720,332.00	7,090,651.12	5.5%					
102.010	Adult Education	Per Student	7,866.00	8,474.00	7.7%	\$ 542,754.00	\$ 550,810.00	8,056	1.48%	
103.259	Secondary Occ Ed - Spec/Madison BOCES	Adult Education	N/A	N/A		\$ 37,130.00	\$ 39,244.05	2,114	5.69%	
109.259	Occ. Ed./Madison BOCES		N/A	N/A		\$ -	\$ 22,118.00	22,118	100.00%	
201.010	8:1:1	Per Student	35,645.00	37,425.00	5.0%	\$ 7,435,585.00	\$ 6,762,755.25	(672,830)	-9.05%	
201.015	8:1:2 + 1	Per Student	38,495.00	40,420.00	5.0%	\$ 269,465.00	\$ 323,360.00	53,895	20.00%	
202.259	Intense Mgmt Needs/Madison BOCES		N/A	N/A		\$ -	\$ 59,454.00	59,454	100.00%	
203.010	Adjustment	Per Student	47,305.00	48,725.00	3.0%	\$ 1,088,196.00	\$ 1,181,716.00	93,520	8.59%	
204.010	12:1:1	Per Student	26,295.00	27,518.00	4.7%	\$ 2,821,009.00	\$ 2,321,228.50	(499,781)	-17.72%	
205.259	Special Class:Option 2/Madison BOCES		N/A	N/A		\$ -	\$ 443,845.00	443,845	100.00%	
206.020	Transition Services	Per Student	4,837.00	4,930.00	1.9%	\$ 83,603.00	\$ 167,620.00	84,017	100.50%	
206.030	Stride Program	Per Student	2,152.00	2,194.00	2.0%	\$ 14,070.00	\$ 21,940.00	7,870	55.93%	
206.040	College Works Foundation	Per Student	8,344.00	8,505.00	1.9%	\$ 77,960.00	\$ 144,585.00	66,625	85.46%	
206.050	Options - Middle School	Per Student	8,344.00	8,505.00	1.9%	\$ 31,184.00	\$ 34,020.00	2,836	9.09%	
206.060	Life After High School	Per Student	8,344.00	8,505.00	1.9%	\$ 70,164.00	\$ 59,535.00	(10,629)	-15.15%	
206.070	Yes	Per Student	8,344.00	8,505.00	1.9%	\$ 54,572.00	\$ 42,525.00	(12,047)	-22.08%	
206.090	Options - High School	Per Student	8,344.00	8,505.00	1.9%	\$ 46,776.00	\$ 59,535.00	12,759	27.28%	
209.010	12:1:3	Per Student	37,298.00	39,126.00	4.9%	\$ 4,961,271.00	\$ 6,339,599.50	1,378,329	27.78%	
214.259	Secondary Intense Mgmt/Madison BOCES		N/A	N/A		\$ -	\$ 496,002.75	496,003	100.00%	
216.010	6:1:1	Per Student	73,431.00	76,355.00	4.0%	\$ 2,193,436.00	\$ 2,260,598.00	67,162	3.06%	
221.219	6:1:1/Herkimer BOCES		N/A	N/A		\$ -	\$ 90,000.00	90,000	100.00%	
222.259	Special Class:Option 3/Madison BOCES		N/A	N/A		\$ -	\$ 272,745.00	272,745	100.00%	
225.259	Elem IMN 6:1:2/Madison BOCES		N/A	N/A		\$ -	\$ 483,780.00	483,780	100.00%	
303.010	Art	FTE	119,591.00	130,739.00	9.3%	\$ 167,427.40	\$ 183,034.60	15,607	9.32%	
305.010	Guidance	FTE	95,395.00	99,267.00	4.1%	\$ 248,027.00	\$ 297,801.00	49,774	20.07%	
306.010	Technology	FTE	107,646.00	117,906.00	9.5%	\$ 75,352.20	\$ 82,534.20	7,182	9.53%	
308.010	Physical Education	FTE	81,844.00	85,187.00	4.1%	\$ 40,922.00	\$ 42,593.50	1,672	4.08%	
310.010	Nurse Practitioner	FTE	115,926.00	120,637.50	4.1%	\$ 370,963.20	\$ 386,040.00	15,077	4.06%	
311.010	Advanced Social Studies	FTE	69,185.00	N/A	-100.0%	\$ 27,674.00	\$ -	(27,674)	-100.00%	
311.020	Advanced Social Studies PLATO	FTE	104,812.00	N/A	-100.0%	\$ 62,887.20	\$ -	(62,887)	-100.00%	
312.010	School Physician/Medical Director	.1 FTE of NP+\$1,850	1,850.00	1,905.50	3.0%	\$ 57,708.00	\$ 59,439.24	1,731	3.00%	
313.010	School Psychologist	FTE	87,700.00	105,335.00	20.1%	\$ 333,260.00	\$ 263,337.50	(69,923)	-20.98%	
314.010	Social Worker	FTE	88,976.00	90,646.00	1.9%	\$ 427,084.80	\$ 353,521.74	(73,563)	-17.22%	
315.010	Speech Impaired	FTE	105,123.00	106,330.00	1.1%	\$ 618,351.90	\$ 667,281.00	48,929	7.91%	
316.010	Visually Impaired	FTE	126,563.00	146,249.00	15.6%	\$ 196,172.65	\$ 128,699.12	(67,474)	-34.39%	
317.010	Computer Instruction	FTE	89,411.11	91,869.92	2.8%	\$ 71,528.89	\$ 73,495.94	1,967	2.75%	
318.010	Hearing Impaired	FTE	128,680.00	142,099.10	10.4%	\$ 254,786.40	\$ 156,309.01	(98,477)	-38.65%	
321.010	Physical Therapy	FTE	120,234.00	127,592.00	6.1%	\$ 156,304.20	\$ 153,110.40	(3,194)	-2.04%	

TENTATIVE BUDGET 2022-2023

COSER #	COSER NAME	UNIT	UNIT PRICE		% DIFF.	BUDGET AMOUNT			% DIFF.
			2021-2022	2022-2023		2021-2022	2022-2023	\$ DIFF.	
322.010	Occupational Therapy	FTE	96,167.00	104,612.00	8.8%	\$ 271,671.78	\$ 303,374.80	31,703	11.67%
325.010	Home Economics	FTE	102,180.00	109,621.00	7.3%	\$ 224,796.00	\$ 131,545.20	(93,251)	-41.48%
326.010	English/Second Lang.	FTE	94,995.00	102,663.00	8.1%	\$ 607,968.00	\$ 657,043.20	49,075	8.07%
332.000	Curriculum Supervision Coordination	Budget	N/A	N/A		\$ -	\$ 52,393.00	52,393	100.00%
338.010	Music Teacher	FTE	88,931.00	93,301.00	4.91%	\$ 249,006.80	\$ 158,611.70	(90,395)	-36.30%
339.010	French	FTE	110,688.00	N/A	-100.0%	\$ 88,550.40	\$ -	(88,550)	-100.00%
346.469	Audiology/Oswego BOCES	N/A	N/A	N/A		\$ -	\$ 120,846.55	120,847	100.00%
349.219	Speech/Herkimer BOCES	N/A	N/A	N/A		\$ -	\$ 14,421.45	14,421	100.00%
350.219	Occ. Therapy/Herkimer BOCES	N/A	N/A	N/A		\$ -	\$ 4,059.00	4,059	100.00%
352.219	Teacher Aide 1:1/Herkimer BOCES	N/A	N/A	N/A		\$ -	\$ 30,800.00	30,800	100.00%
355.010	General Supervision	FTE	121,678.00	128,006.00	5.20%	\$ 121,678.00	\$ 76,803.60	(44,874)	-36.88%
357.259	Bilingual/ESL Itinerant/Madison BOCES	N/A	N/A	N/A		\$ -	\$ 20,860.00	20,860	100.00%
402.229	Exploratory Enrichment/Jefferson Lewis BOCES	N/A	N/A	N/A		\$ -	\$ 5,220.00		100.00%
405.010	Performing Arts	Base Fee + Usage	1,530.00	1,545.00	0.98%	\$ 46,625.50	\$ 96,745.00	50,120	107.49%
405.020	Arts In Education	Per Base	1,500.00	1,525.00	1.67%	\$ 16,500.00	\$ 16,775.00	275	1.67%
405.030	Kirkland Art Center	N/A	N/A	N/A		\$ 2,000.00	\$ 2,000.00	-	0.00%
408.010	Altern. Ed. - Level I	Per Student	24,121.00	25,532.00	5.85%	\$ 5,476,673.00	\$ 5,337,465.00	(139,208)	-2.54%
408.020	Altern. Ed. - Level II	Per Student	24,121.00	25,532.00	5.85%	\$ 96,484.00	\$ 76,596.00	(19,888)	-20.61%
408.030	Attendance Supervision	FTE	72,667.50	81,844.75	12.63%	\$ 232,536.00	\$ 261,903.20	29,367	12.63%
410.429	Hospital Based Instruction/Onondaga BOCES	Per Student	7,688.00	7,996.00	4.01%	\$ 69,192.00	\$ 59,970.00	(9,222)	-13.33%
411.010	Alt. HS Equivalency w/Occ. Ed.	Per Diem	557.94	N/A	-100.0%	\$ 3,347.64	\$ -	(3,348)	-100.00%
417.259	EA Attendance/Madison BOCES	N/A	N/A	N/A		\$ 140,700.00	\$ 141,657.80	958	0.68%
420.010	Regional Program of Excellence	Per Student	1,794.00	1,889.00	5.30%	\$ 134,550.00	\$ 170,010.00	35,460	26.35%
420.020	Colgate Seminar	Per Student	200.00	200.00	0.0%	\$ 3,000.00	\$ 1,000.00	(2,000)	-66.67%
426.259	Distance Learning/Madison BOCES	N/A	N/A	N/A		\$ -	\$ 42,352.00	42,352	100.00%
428.010	Summer School - Academic	Per Course	345.00	533.00	54.49%	\$ 526,470.00	\$ 715,819.00	189,349	35.97%
428.020	Summer School - Driver Ed.	Per Student	505.00	780.00	54.46%	\$ 48,985.00	\$ 49,920.00	935	1.91%
428.030	Summer School - Tutorial	Per Course	127.00	196.00	54.33%	\$ 85,725.00	\$ 20,972.00	(64,753)	-75.54%
438.010	Distance Learning	Per Budget				\$ 583,196.31	\$ 459,919.90	(123,276)	-21.14%
	Service		9,342.75	9,903.32	6.00%				
	Codex		7,720.62	8,183.86	6.00%				
	Equipment		1,171.21	1,241.48	6.00%				
438.020	Advanced Social Studies	Per Class	6,061.62	6,425.32	6.00%	\$ 145,478.88	\$ 154,207.68	8,729	6.00%
438.030	Chinese	Per Class	11,365.54	12,047.47	6.00%	\$ 666,551.77	\$ 609,723.95	(56,828)	-8.53%
438.040	American Sign Language	Per Class	12,696.93	13,458.74	6.00%	\$ 533,271.06	\$ 484,514.64	(48,756)	-9.14%
438.050	Zoom Licensing	Per License	22.80	22.80	0.0%	\$ 59,432.56	\$ 36,941.60	(22,491)	-37.84%
438.060	Virtual Academy	Per Student	7,500.00	8,000.00	6.67%	\$ 1,359,990.00	\$ 928,000.00	(431,990)	-31.76%
438.065	Virtual Academy 12:1:3	Per Student	35,000.00	48,624.00	38.93%		\$ 291,744.00	291,744	100.00%
479.469	DL Synergy Virtual HS/CITI BOCES	N/A	N/A	N/A		\$ -	\$ 92,000.00	92,000	100.00%
502.010	Educational Communications	Per RWADA	20.84	21.67	3.98%	\$ 710,435.60	\$ 737,923.39	27,488	3.87%
502.020	Cooperative Music	Per RWADA	1.00	1.04	4.00%	\$ 60,777.00	\$ 50,329.76	(10,447)	-17.19%
502.030	Courier	Per Budget				\$ 147,560.36	\$ 117,657.85	(29,903)	-20.26%

TENTATIVE BUDGET 2022-2023

COSER #	COSER NAME	UNIT	UNIT PRICE		% DIFF.	BUDGET AMOUNT		% DIFF.
			2021-2022	2022-2023		2021-2022	2022-2023	
		District	1,678.00	1,745.00	3.99%			
		Addl Stop	1,005.00	1,045.00	3.98%			
		RWADA	1.93	2.18	12.95%			
502.040	LOTE-Curriculum	Per Exam	5.75	5.75	0.0%	\$ 92,553.81	\$ 11,868.00	(80,686)
504.010	Audiovisual Repair	Per Hour	81.09	84.33	4.00%	\$ 178,337.20	\$ 141,041.93	(37,295)
504.020	Microcomputer Repair	Per Hour	81.09	84.33	4.00%	\$ 301,881.94	\$ 281,261.64	(20,620)
504.030	Musical Instrument Repair	Per Hour	68.45	71.19	4.00%	\$ 18,146.11	\$ 9,617.78	(8,528)
504.070	Performing Arts Specialist	Per FTE	114,734.47	122,307.00	6.60%	\$ 229,468.94	\$ 195,691.20	(33,778)
504.210	Repair Parts Non Aidable	Estimate	Varies	Varies		\$ 60,850.00	\$ 92,920.00	32,070
505.010	Printing	Estimate	Varies	Varies		\$ 1,242,969.00	\$ 715,969.00	(527,000)
509.059	School Curriculum/Cayuaga BOCES		N/A	N/A		\$ -	\$ 25,239.96	25,240
510.010	Learning Technology Level I	Per Unit	81,642.15	84,907.84	4.00%	\$ 1,926,754.74	\$ 984,930.94	(941,824)
510.020	Learning Technology Level II	Per Unit	98,412.17	102,348.66	4.00%	\$ 492,060.85	\$ 511,743.30	19,682
510.030	Learning Technology Level III	Per Unit	126,808.99	132,961.00	4.85%	\$ 190,213.49	\$ 33,240.25	(156,973)
510.060	Learning Technology Blackboard	Per Unit	1,480.63	1,437.50	-2.91%	\$ 67,562.50	\$ 70,437.50	2,875
510.209	Learning Technology Equipment/Software		Varies	Varies		\$ -	\$ 1,602,180.00	1,602,180
511.019	School Curriculum/Capital Region BOCES		N/A	N/A		\$ -	\$ 3,113.25	3,113
514.259	Model Schools/Madison BOCES		N/A	N/A		\$ 310,991.00	\$ 288,963.00	(22,028)
515.259	Common Learning Objectives/Madison BOCES		N/A	N/A		\$ 1,386,842.00	\$ 2,199,549.32	812,707
515.258	Microcomputer Technology/Madison BOCES		N/A	N/A		\$ 531,128.00	\$ 464,962.71	(66,165)
518.010	Elementary Science	Per RWADA	14.42	15.00	4.02%	\$ 1,256,744.60	\$ 1,270,458.90	13,714
520.259	School Curriculum/Madison BOCES		N/A	N/A		\$ -	\$ 400.00	400
521.010	Sch Curric Improv	Per Budget				\$ 322,399.80	\$ 263,369.00	(59,031)
		Per District	13,980.00	14,539.00	4.00%			
		Per RWADA	6.30	7.50	19.05%			
521.011	Curriculum Specialist					\$ 128,637.00	\$ 153,480.00	24,843
521.015	Substitute Reimbursements	Per FTE	128,637.00	127,900.00	-0.57%	\$ -	\$ 201,508.00	201,508
521.020	Additional Workshops		Varies	Varies		\$ -	\$ 337,315.00	337,315
521.025	Teachers College		N/A	N/A		\$ -	\$ 10,000.00	10,000
521.030	Regional Scoring	Per Test	12.00	12.00	0.0%	\$ 157,092.00	\$ 163,732.00	(3,360)
521.040	Study Council	Per District	430.00	430.00	0.0%	\$ 5,160.00	\$ 5,160.00	-
521.050	Regional Assess	Per Plan	5,000.00	5,250.00	5.00%	\$ 60,000.00	\$ 57,750.00	(2,250)
521.070	RTTT Data Analysis	Per District	2,950.00	3,040.00	3.05%	\$ 35,400.00	\$ 36,480.00	1,080
521.080	APPR Re-Certification & Training/Admin.	Per Administrator	2,510.00	2,610.00	3.98%	\$ 223,390.00	\$ 164,430.00	(58,960)
521.090	RSE TSAC Support		N/A	N/A		\$ 33,770.00	\$ 33,770.00	-
538.010	Model Schools		Varies	Varies		\$ 4,981.00	\$ -	(4,981)
538.020	Model Schools Curriculum Specialist	Per FTE	N/A	N/A		\$ -	\$ -	-
538.030	Model Schools Dir of Mgmt Info Systems	Per FTE	143,830.70	149,583.93	4.00%	\$ 143,830.70	\$ 149,583.93	5,753
538.040	Model Schools Comp Education Coord.	Per FTE	N/A	N/A		\$ -	\$ -	-
538.050	Model Schools Engineering By Design	Base Fee	1,730.00	N/A	-100.0%	\$ 17,990.00	\$ -	(17,990)
538.060	Model Schools Curr & Integration Specialist	Per FTE	125,325.65	130,338.68	4.00%	\$ 125,325.65	\$ 130,338.68	5,013
543.469	Hrd/Sftware/Oswego BOCES		N/A	N/A		\$ -	\$ 5,093.28	5,093
545.010	Community Schools		N/A	N/A		\$ -	\$ 734,000.00	734,000



TENTATIVE BUDGET 2022-2023

COSER #	COSER NAME	UNIT	UNIT PRICE			% DIFF.	BUDGET AMOUNT			% DIFF.
			2021-2022	2022-2023	2021-2022		2022-2023	\$ DIFF.		
545.015	Community Schools	Per FTE	N/A	65,000.00	100.0%	\$ -	\$ 127,900.00	127,900	100.00%	
545.020	Community Schools CFLR	Per FTE	N/A	107,250.00	100.0%	\$ -	\$ 78,000.00	78,000	100.00%	
545.021	Community Schools ICAN	Per FTE	N/A	79,500.00	100.0%	\$ -	\$ 159,000.00	159,000	100.00%	
545.025	Community Schools R4K	Per FTE	N/A	100,000.00	100.0%	\$ -	\$ -	-	100.00%	
545.060	Community Schools Safe Schools	Per FTE	65,000.00	70,000.00	7.69%	\$ 78,000.00	\$ 308,000.00	230,000	294.87%	
547.469	CDOS Credential Mgt Sys/Oswego BOCES	Per Student	N/A	N/A	0.0%	\$ -	\$ 2,817.47	2,817	100.00%	
560.010	CPSE Grant	Per Budget	1,065.00	1,065.00	0.0%	\$ 136,320.00	\$ 139,515.00	3,195	2.34%	
574.010	SABA	Per Budget	17,720.00	19,000.00	7.22%	\$ 226,216.00	\$ 323,703.00	97,487	43.09%	
		Base Fee								
		Per RWADA	2.70	3.45	27.78%					
574.080	Collegiate Tech. Prep.	Per District	3,250.00	2,545.00	-21.69%	\$ 26,000.00	\$ 17,815.00	(8,185)	-31.48%	
574.090	Career Exploration Specialist	FTE	68,100.00	N/A	-100.0%	\$ 136,200.00	\$ -	(136,200)	-100.00%	
574.120	Health Careers	FTE	99,825.50	N/A	-100.0%	\$ 199,651.00	\$ -	(199,651)	-100.00%	
575.010	Vocational Assessment	Assessment	997.00	N/A	-100.0%	\$ 11,964.00	\$ -	(11,964)	-100.00%	
576.010	Regional Catalog	Per Library	844.60	878.38	4.00%	\$ 57,432.80	\$ 59,729.84	2,297	4.00%	
576.020	On-Line Database	Per Budget	0.74	0.77	4.05%	\$ 30,917.68	\$ 32,084.09	1,166	3.77%	
		Per RWADA	368.00	383.00	4.08%					
		Per District	Varies	Varies		\$ 394,995.62	\$ 386,805.87	(8,190)	-2.07%	
576.030	On-Site Database Access	Per Unit	789.48	821.06	4.00%	\$ 116,843.04	\$ 123,159.00	6,316	5.41%	
576.040	Collection Development	Per RWADA	1.52	1.59	4.61%	\$ 51,445.92	\$ 53,632.29	2,186	4.25%	
576.050	Virtual Reference Library	FTE	98,400.00	107,861.62	9.62%	\$ 78,720.00	\$ 86,289.30	7,569	9.62%	
576.080	Leatherstocking Conference	Per Participant	75.00	75.00	0.0%	\$ 3,075.00	\$ 3,075.00	-	0.00%	
578.259	Library Automation/Madison BOCES		N/A	N/A		\$ 171,522.50	\$ 173,979.50	2,457	1.43%	
601.259	Computer Services/Madison BOCES		N/A	N/A		\$ 5,752,354.00	\$ 9,954,846.23	4,202,492	73.06%	
602.259	Negotiations/Madison BOCES		N/A	N/A		\$ 388,172.00	\$ 332,094.40	(56,078)	-14.45%	
603.010	School Communications	Per Hour	65.00	67.60	4.00%	\$ 203,450.00	\$ 228,623.20	25,173	12.37%	
603.020	PR Assistance	Per FTE	68,353.06	71,087.18	4.00%	\$ 259,741.62	\$ 284,348.72	24,607	9.47%	
604.010	Central Business Office	Per RWADA	71.00	77.50	9.15%	\$ 330,657.76	\$ 318,646.63	(12,011)	-3.63%	
607.010	Bus Drivers Advanced	Pnd Attendance	Varies	Varies		\$ 12,325.00	\$ -	(12,325)	-100.00%	
609.429	Employee Services/Onondaga BOCES	Per District	N/A	N/A		\$ 55,237.00	\$ 55,237.00	(483)	-0.87%	
610.010	Telephone Interconnect	Per District	Varies	Varies		\$ 2,830,279.57	\$ 827,629.98	(2,002,650)	-70.76%	
611.259	Reg. Bus Maintenance/Madison BOCES		N/A	N/A		\$ 188,242.00	\$ 187,000.00	(1,242)	-0.66%	
612.219	Health Care Benefit Coord./Herkimer BOCES		N/A	N/A		\$ 11,977.00	\$ 12,259.00	282	2.35%	
613.020	Facilities Service - Lawns		Usage	Usage		\$ 52,932.00	\$ 52,932.00	-	0.00%	
615.491	Policy Plan XC Erie 1		N/A	N/A		\$ 11,094.00	\$ 11,708.60	615	5.54%	
616.010	Employee Assistance Program	Per Employee	13.00	13.50	3.85%	\$ 16,536.00	\$ 19,872.00	3,336	20.17%	
618.010	Employee Benefit Coordinator	Per Budget				\$ 34,601.27	\$ 33,270.00	(1,331)	-3.85%	
		Per Employee	2.50	2.50	0.0%					
		Per Subscriber	4.50	5.00	11.11%					
		Per Subscriber	6.00	7.50	25.00%					
618.030	Health Insurance Consortium	Per District	8,000.00	8,875.00	10.94%	\$ 55,011.01	\$ 62,125.00	7,114	12.93%	
618.040	Dental Admin. Fee	Per Mo/Employee	3.08	3.15	-2.27%	\$ 29,442.72	\$ 33,824.00	4,381	14.88%	

TENTATIVE BUDGET 2022-2023


COSER #	COSER NAME	UNIT	UNIT PRICE			BUDGET AMOUNT			% DIFF.
			2021-2022	2022-2023	% DIFF.	2021-2022	2022-2023	\$ DIFF.	
619.219	Cooperative Bid/Herkimer BOCES	Per Budget	N/A	N/A		\$ 23,949.00	\$ 25,500.00	1,551	6.48%
620.010	Safety Service	Per RWADA	3.00	3.15	5.00%	\$ 344,568.00	\$ 318,622.85	(25,945)	-7.53%
		Per District	11,000.00	11,500.00	4.55%				
620.011	Child Life		Varies	Varies		\$ 12,675.00	\$ 12,675.00	-	0.00%
620.020	Asbestos Maintenance	Per Building	675.00	702.00	4.00%	\$ 91,125.00	\$ 94,770.00	3,645	4.00%
620.030	Visual Inspections	Per Building	675.00	702.00	4.00%	\$ 31,725.00	\$ 14,040.00	(17,685)	-55.74%
620.040	Fire Inspections	Per Building	675.00	702.00	4.00%	\$ 64,968.75	\$ 57,037.50	(7,931)	-12.21%
620.041	Fire Safety Service	Per Ext & Service	7.00	7.60	8.57%	\$ 8,736.00	\$ 4,164.80	(4,571)	-52.33%
620.060	Dignity Act	Per Day/Per Week	20,943.00	21,781.00	4.00%	\$ 136,443.65	\$ 125,567.47	(10,876)	-7.97%
621.010	Liability Insurance	Per District	1,350.00	1,375.00	1.85%	\$ 6,750.00	\$ 6,875.00	125	1.85%
622.259	Regional Bus Radios/Madison BOCES		N/A	N/A		\$ 9,584.00	\$ 9,696.00	112	1.17%
623.499	State Aid Planning/Questar III		N/A	N/A		\$ -	\$ 43,415.00	43,415	100.00%
625.010	Substitute Teacher Calling	Per Budget	65.00	67.60	4.00%	\$ 166,920.00	\$ 173,637.36	6,717	4.02%
		Per Teacher	458.00	476.32	4.00%				
626.010	School Lunch Services	Per District	Varies	Varies		\$ 625,955.00	\$ 640,483.03	14,528	2.32%
627.010	Records Retention	Per Diem	345.00	360.00	4.35%	\$ 99,360.00	\$ 103,680.00	4,320	4.35%
628.010	Telecommunications	Per Budget	6,214.18	6,462.75	4.00%	\$ 301,524.24	\$ 304,507.08	2,983	0.99%
		Service	Varies	Varies					
		Line Charges	Varies	Varies					
631.259	Cooperative Bid/Madison BOCES		N/A	N/A		\$ 17,125.00	\$ 17,843.72	719	4.20%
632.129	Healthcare Coordination/Delaware BOCES		N/A	N/A		\$ -	\$ 20,796.00	20,796	100.00%
633.499	GASB 45/QUESTAR III BOCES		N/A	N/A		\$ 24,752.00	\$ 24,752.00	-	0.00%
634.219	Staff Development/Boards/Herkimer BOCES		N/A	N/A		\$ 13,302.00	\$ 13,302.00	-	0.00%
636.099	GASB 45/Clinton-Essex BOCES		N/A	N/A		\$ 15,450.00	\$ 3,990.00	(11,460)	-74.17%
637.499	Fixed Assets/Questar III BOCES		N/A	N/A		\$ 15,348.00	\$ 22,511.00	7,163	46.67%
639.259	Transportation/Madison BOCES		N/A	N/A		\$ 11,359.00	\$ 1,521.00	(9,838)	-86.61%
640.229	Drug Testing/Jeff-Lewis BOCES		N/A	N/A		\$ 20,704.00	\$ 19,851.00	(853)	-4.12%
641.489	On-Line Appl./Putnam BOCES		N/A	N/A		\$ 43,544.00	\$ 43,672.00	128	0.29%
646.259	Medicaid Reimbursement/Madison BOCES		N/A	N/A		\$ 36,907.50	\$ 38,014.04	1,107	3.00%
649.259	ACA Compliance/Madison BOCES		N/A	N/A		\$ -	\$ 15,896.00	15,896	100.00%
650.019	Testing-NYS Alt Admt/Capital Region BOCES		N/A	N/A		\$ -	\$ 79,800.00	79,800	100.00%
651.039	Scrib/Broome Boces		N/A	N/A		\$ 49,625.00	\$ 48,008.08	(1,617)	-3.26%
652.259	Facilities Service - Mad BOCES		N/A	N/A		\$ 15,000.00	\$ -	(15,000)	-100.00%
655.499	Special Ed Aid Assistance Svc/Questar III		N/A	N/A		\$ -	\$ 23,640.00	23,640	100.00%
656.199	Employee Relations/Otsego BOCES		N/A	N/A		\$ -	\$ 17,524.00	17,524	100.00%
	<b>TOTALS</b>					\$ 73,239,222.55	\$ 80,551,736.13	7,312,514	9.98%

Total Cross Contracts w/ other BOCES \$ 9,245,392.00 \$ 16,563,919.11 7,318,527 79.16%

Total OHM Services \$ 63,993,830.55 \$ 63,987,817.02 (6,014) -0.01%

VII D. 4.  
Approval of Policy 1101, 1103, 1200, 1300,  
1400, 6202, 6303 ~~DELETE 6202~~  
(second reading)  
February 9, 2022

**MEMORANDUM**

**TO:** Cooperative Board  
**FROM:** Patricia N. Kilburn, Ed.D.  
**DATE:** January 2022  
**SUBJECT:** Board Policies  
**PREPARED BY:** Joanna Keeler 

VII D. 4.  
Approval of Policy 1101, 1103, 1200, 1300,  
1400, 6202, 6303 ~~DELETE 6202~~  
(first reading)  
January 12, 2022

**Background**

The Oneida-Herkimer-Madison Cooperative Board is responsible for establishing policies for the operation of OHM BOCES which include curricular, financial, and other policies.

The purpose of the OHM Board Policy Manual is to provide a comprehensive written listing of the Cooperative Board's current policies, rules and regulations.

**Discussion**

The OHM Policy Committee, with legal assistance from the Madison-Oneida-BOCES Labor Relations Department, have audited the following policies listed below and are seeking approval by the BOCES Board of Education.

**Recommendation**

It is recommended that the Cooperative Board adopt the following policies:

**1000 Community Relations**

- 1101 Public Complaints
- 1103 Solicitation of Charitable Donations from Children on OHM BOCES Premises
- 1200 Policy on Constitutionally Protected Prayer in the Schools
- 1300 Records Management and Access
- 1400 Policy for Handling and Disseminating Identifying Information Received Regarding Sex Offenders

**6000 Personnel**

- 6202 Drug and Alcohol Testing (Transportation)
- 6303 Employee Assistance program (EAP)

It is recommended that the Cooperative Board delete the following policy:

- 6202 Drug and Alcohol Testing (DELETE)

## **Resolution**

The Cooperative Board approves the following Policies in order to provide a comprehensive written listing of the Cooperative Board's current policies, rules and regulations for the Oneida-Herkimer-Madison BOCES effective.

### **1000 Community Relations**

- 1101 Public Complaints
- 1103 Solicitation of Charitable Donations from Children on OHM BOCES Premises
- 1200 Policy on Constitutionally Protected Prayer in the Schools
- 1300 Records Management and Access
- 1400 Policy for Handling and Disseminating Identifying Information Received Regarding Sex Offenders

### **6000 Personnel**

- 6202 Drug and Alcohol Testing (Transportation)
- 6303 Employee Assistance program (EAP)

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COMMUNITY RELATIONS

PUBLIC COMPLAINTS

I. Statement of Policy

The Board of Cooperative Educational Services recognizes that from time to time concerns regarding the operation of the OHM BOCES will arise and that constructive criticism can assist in improving the quality of the program and in meeting individual student needs more effectively. No member of the community will be denied the right to bring their complaints to the OHM BOCES.

II. Complaint Process

Level 1

File the complaint with the employee, teacher or administrator in charge of the unit closest to the source of the complaint. If the complaint and related concerns are not resolved to the satisfaction of the complainant, see Level 2;

Level 2

File the complaint with the District Superintendent or designee. Unresolved complaints at Level 1 must be reported to the District Superintendent by the appropriate administrator. The District Superintendent may require the statement of the complainant in writing. If the complaint and related concerns are not resolved at this level to the satisfaction of the complainant, see Level 3;

Level 3

File the complaint with the Board of Cooperative Educational Services. Unresolved complaints at Level 2 must be reported to the Board of Cooperative Educational Services by the District Superintendent. The Board of Cooperative Educational Services reserves the right to require written reports from appropriate parties.

- ~~I. Complaints by citizens and staff regarding any facet of the OHM BOCES operation often can be handled more satisfactorily by the teacher, coach or administrator in charge of the unit closest to the source of the complaint.~~
- ~~II. If the complaint and related concerns are not resolved at this level to the satisfaction of the complainant, the complaint must be carried to the District Superintendent and/or one of his/her assistants. Unresolved complaints at the building level must be reported to the District Superintendent by the appropriate administrator. The District Superintendent may require the statement of the complainant in writing.~~

POLICY

Draft 11/12/2021

COMMUNITY RELATIONS

1101

PUBLIC COMPLAINTS

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

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Oneida-Herkimer-Madison Board of Cooperative Educational Services

Adopted: 07/10/02

Revised: 04/11/18, \_\_\_\_\_

# Policy

Draft 11/12/2021  
1103

## COMMUNITY RELATIONS

### SOLICITATION OF CHARITABLE DONATIONS FROM SCHOOL CHILDREN ON OHM BOCES PREMISES

#### I. Statement of Policy

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

#### II. Permissible Activities

~~However,~~ This policy does not prevent the following types of ~~fund-raising~~ activities:

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

#### III. Charitable Donations

The District Superintendent shall ultimately decide which organizations, groups, etc. can solicit charitable donations and for what purposes, as long as the activities comply with the terms of this policy and the Rules of the Board of Regents.

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Oneida-Herkimer-Madison Board of Cooperative Educational Services

Legal Ref: 8 NYCRR 19.6, ~~New York State Constitution Article VIII, Section 1, Education Law Section 414~~

Adopted: 07/10/02

Revised: 04/11/18, \_\_\_\_\_

# Policy

Draft 10/12/2020  
1200

COMMUNITY RELATIONS

## POLICY ON CONSTITUTIONALLY PROTECTED PRAYER IN THE SCHOOLS

The Board of Cooperative Educational Services shall not adopt policies, which prevent or otherwise deny participation in constitutionally protected prayer in its elementary or secondary schools. If the Board of Cooperative Educational Services discovers any policy language to be in conflict with such guidance and no other law mandates such provision, that provision shall be treated as severed and the remainder of the policy shall survive.

~~The Board of Cooperative Educational Services shall have no policy, which prevents or otherwise denies participation in constitutionally protected prayer in its elementary or secondary schools, as defined by the guidance issued by the U.S. Department of Education. If the Board of Cooperative Educational Services discovers any provision of its policies to be in conflict with such guidance and no other law mandates such provision, that provision shall be treated as severed from the policy and the policy shall be enforced without giving effect to such provision.~~

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Oneida-Herkimer-Madison Board of Cooperative Educational Services

Legal Ref: 20 USCA 7904, Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools, January, 2020

Adopted: 03/12/03

Revised: 04/11/18, \_\_\_\_\_



# Policy

Draft 11/12/2021

1300

## COMMUNITY RELATIONS

### RECORDS MANAGEMENT AND ACCESS

#### I. Records Retention

- A. The Board of Cooperative Educational retains records in accordance with *Article 57-A of the Arts & Cultural Affairs Law*. To ensure that these records are properly preserved, the Board of Cooperative Educational Services adopts the Retention and Disposition Schedule for the New York Local Government (LGS-1). ~~Records-Retention and Disposition Schedule (ED-1) promulgated by the Commissioner of Education.~~
- B. The OHM BOCES Records Management Officer is:  
Kimberly Hibbard, CBO/Records Management Supervisor  
Oneida-Herkimer-Madison BOCES  
4747 Middle Settlement Rd.  
New Hartford, NY 13413  
Phone: (315) 793-8511      Email: [khibbard@oneida-boces.org](mailto:khibbard@oneida-boces.org)
- C. The Board of Cooperative Educational Services authorizes the District Superintendent to establish procedures for the retention and disposition of records that are not governed by LGS-1, ED-1.

#### II. Public Access To Records

- A. The OHM BOCES makes records available to the public in accordance with the *New York State Freedom of Information Law*.
- B. The OHM BOCES' Records Access Officer is:  
Supervisor of Human Resources  
Oneida-Herkimer-Madison BOCES  
4747 Middle Settlement Rd.  
New Hartford, NY 13413  
Phone: (315) 793-8575
- C. The District Superintendent shall promulgate a regulation that defines the duties of the Records Access Officer and establish procedures to ensure that the OHM BOCES complies with the requirements of the *Freedom of Information Law*.

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Oneida-Herkimer-Madison Board of Cooperative Educational Services

Legal Ref: Arts & Cultural Affairs Law Article 57-A; Public Officers' Law Article 6; NYS Education Law §§2116 & 2116-a; 8 NYCRR ~~185.12, Appendix I, 185.15 Appendix L~~

Adopted: 07/10/02

Revised: 04/11/18, \_\_\_\_\_

# Policy

Draft 11/12/2021  
1400

## COMMUNITY RELATIONS

### POLICY FOR HANDLING AND DISSEMINATING IDENTIFYING INFORMATION RECEIVED REGARDING SEX OFFENDERS

#### I. Statement of Policy

In accordance with the Sex Offender Registration Act ("Megan's Law"), the OHM BOCES supports the New York State Department of Criminal Justice Services (DCJS) in its effort to inform the community in certain circumstances of the presence of individuals with a history of sex offenses, particularly against children, in the school locality. This policy is enacted in order to minimize the possibility that the sex offender will come in contact with school-age children, and to assist law enforcement agencies in preventing further criminal activity from occurring. The OHM BOCES shall cooperate with law enforcement agencies and the local community in promoting and protecting the safety and well-being of its students.

#### II. Implementation

A. Information that the OHM BOCES receives from law enforcement agencies or a school district in conjunction with Megan's Law will be maintained and distributed to the following designated staff members:

1. Assistant Superintendents;
2. Directors and Department Heads; and
3. Other personnel designated by the District Superintendent.

B. Staff members shall be instructed to check with their immediate supervisor if they observe any suspicious person(s) on or near OHM BOCES property or at or near bus routes and shall be directed to report to their supervisor if an individual whose description matches the information provided is so observed. Supervisor(s) are directed to contact the District Superintendent, who shall be responsible for contacting law enforcement agencies if a sex offender is observed.

#### III. Dissemination of Information to Public

The OHM BOCES may disclose or further disseminate information that is received pursuant to the Sex Offender Registration Act.

~~I. A. This policy is enacted in order to: (1) minimize the possibility that an adjudicated sex offender will come in contact with school-age children; (2) to assist law enforcement agencies in preventing further criminal activity from occurring. Furthermore, the OHM BOCES will cooperate with local police authorities and the local community in promoting and protecting the safety and well-being of its students.~~

POLICY FOR HANDLING AND DISSEMINATING IDENTIFYING INFORMATION  
RECEIVED REGARDING SEX OFFENDERS

- ~~B. In accordance with the Sex Offender Registration Act ("Megan's Law"), the Board of Cooperative Educational Services supports the New York State Department of Criminal Justice Services (DCJS) in its effort to inform the community in certain circumstances of the presence of individuals with a history of sex offenses, particularly against children, in the school locality.~~
- ~~II. The Board of Cooperative Educational Services may disseminate information which the OHM BOCES receives from local police authorities in conjunction with Megan's Law to designated staff members, who might have possible contact with the offender during the course of their school duties including, but not limited to, building principals, supervisors, teachers, office personnel, coaches, custodians, bus drivers, and security personnel. The District Superintendent or his/her designee reserves the right to automatically disseminate such information to additional members of the staff, designated supervisors of non school groups that regularly use OHM BOCES facilities and have children in attendance, parents/guardians of OHM BOCES students, and other community residents who, in the opinion of the District Superintendent, have an immediate need to be notified of such data in order to protect the safety of students.~~
- ~~III. Staff members shall inform their immediate supervisor if they observe within the school building, on school grounds, at school activities, or at or near bus routes any individual whose description matches the information which was provided to OHM BOCES by local law enforcement authorities. Law enforcement officials will be notified of this information by OHM BOCES as appropriate.~~
- ~~IV. The OHM BOCES may disclose or further disseminate information that is received pursuant to the Sex Offender Registration Act.~~

~~Any information which OHM BOCES receives regarding a sex offender pursuant to other than the Sex Offender Registration Act, and which is maintained independent of the requirements of Megan's Law will be available from OHM BOCES, upon written request, in accordance with the requirements of the Freedom of Information Law/Records Access Officer and processed in accordance with Article 6 and 6-A of the Public Officers Law.~~

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Oneida-Herkimer-Madison Board of Cooperative Educational Services

Legal Ref: NYS Public Officers Law Article 6 & 6-A, NYS Correction Law Article 6-C

Adopted: 07/10/02

Revised: 04/11/18, \_\_\_\_\_

# Policy

New Draft 11/12/2021 – Replaces Existing Policy 6202  
6202

PERSONNEL

POLICY IS REQUIRED  
DRUG AND ALCOHOL TESTING (TRANSPORTATION)

I. Statement of Policy

It is the policy of the OHM BOCES that no OHM BOCES employee shall operate a OHM BOCES school bus or a OHM BOCES vehicle when the operation of the vehicle requires a Commercial Driver's License (CDL) if that employee is under the influence of drugs or alcohol. To further this policy, the OHM BOCES follows a program of drug and alcohol testing designed to meet the requirements of the New York State Vehicle and Traffic Law (referred to in this Policy as "state law") and the federal Omnibus Transportation Employee Testing Act of 1991, including the implementing regulations adopted by the U.S. Department of Transportation (together referred to in this Policy as "federal law"). No person shall be hired into or assigned to perform the duties of a safety sensitive position (as described below) unless each test administered to that person returns a verified negative result.

II. Scope of Policy

A. Positions to Which This Policy Applies

This Policy applies to employment in any position for which the assigned duties include either the operation of a school bus, as that term is defined in state law, or the operation of a vehicle that requires a CDL, as determined by federal law. These positions are considered "safety sensitive positions", and OHM BOCES employees holding these positions are considered "safety sensitive employees".

B. Persons to Whom This Policy Applies

1. Applicants for employment in safety-sensitive positions who receive a conditional offer of employment are subject to pre-employment testing under this Policy. A person who is employed by the OHM BOCES in a non-safety sensitive position and who seeks to be hired or transferred into a safety sensitive position is considered an applicant relative to that safety sensitive position. When used in this Policy, the term "applicant" refers to these persons.
2. Persons employed by the OHM BOCES in safety sensitive positions are subject to drug and alcohol testing under the circumstances set forth in this Policy and as otherwise required by state or federal law. When used in this Policy, the terms "employee" and "driver" refer to these persons.

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III. Communication of Policy

A. Drug and Alcohol Coordinator

The District Superintendent shall designate a Drug and Alcohol Coordinator to answer questions relative to the procedures and materials relative to this Policy. The Coordinator shall ensure that all affected employees are informed of the Policy and related forms and regulations, including the identity of and contact information for the Coordinator, and are provided with either a paper copy of the Policy or a link to an online copy of the Policy.

B. Distribution of Information

The Coordinator shall provide a copy of this Policy and any accompanying documents outlining additional information, procedures and/or regulations developed by the OHM BOCES to effectuate this Policy, to each person employed in a safety sensitive position, and shall ensure that each applicant for employment in a safety sensitive position receives a copy of this material.

C. Documentation

Each person receiving the Policy material shall be required to sign a statement certifying that they have received this information. The OHM BOCES shall maintain the original signed acknowledgement for the duration of the employee's employment or two (2) years, whichever is longer. The OHM BOCES will provide a copy of the certification to the driver upon request. Representatives of applicable collective bargaining units shall be notified of the availability of this information.

IV. Program Standards and Testing Protocols

A. Contracted Services

The District Superintendent is authorized to contract with an appropriately credentialed vendor, board of cooperative educational services, or other municipality for the services necessary to implement the OHM BOCES' drug and alcohol testing program, including sample collection and testing, documenting chain of custody, and ensuring that the correct employee is tested and matched with the correct test results. Such contractor must be in compliance with all state and federal regulations including but not limited to calibration of all devices, laboratory certification by the U.S. Department of Health and Human Services, and proper training of the Breath Alcohol Technician (BAT) and other staff.

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B. Notice to the Test Subject

Prior to the administration of the following tests the OHM BOCES or its testing agent will notify the driver that the test is required under state law or federal law.

C. Test Standards

1. Collection of specimens to be tested will be taken on-site or at the laboratory, in a secure location that affords visual and aural privacy and with the proper safeguards to ensure the integrity of the specimens collected.
2. The prohibited drugs for which specimens will be tested are: Marijuana (THC), Cocaine, Phencyclidine (PCP), Opioids (including heroin, and the synthetic opioids hydrocodone, oxycodone, hydromorphone and oxymorphone), and amphetamines. The cutoff levels for these drugs will be those set forth in federal law.
3. If an initial breath test reveals an alcohol concentration of .02 or greater, a confirmatory test shall be performed. The confirmatory test result is the final test result for the purposes of this Policy.
4. If a screening or confirmation test cannot be completed, or if an event occurs that would invalidate the test, the technician, shall, if practicable begin a new screening or confirmation test, as applicable, e.g., using a new breath alcohol testing form with a new sequential test number.
5. If a test result is reported as canceled, meaning neither positive nor negative for drugs or alcohol, the test subject shall not be allowed to perform safety sensitive functions if a negative result is required by state or federal law. The OHM BOCES shall order collection of another specimen for the purpose of re-testing in the case of a canceled test result related to pre-employment, return to duty, or follow up testing.

D. Specimens Reported as Dilute

1. If a test result is reported as positive dilute, that shall be considered a positive verified test result and no confirmatory test or retest shall be conducted.
2. If a test result is reported as negative dilute for pre-employment testing, return to duty testing, or follow up testing, then the test subject shall be

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required to take another test. The result of the second test becomes the test of record.

- a. Persons to be re-tested must be given the minimum possible advance notice of the time to report to the collection site.
- b. If a person is directed to take another test and declines to do so, that will be categorized as a test refusal for the purpose of this Policy and the federal drug and alcohol testing regulations.

V. Pre-Employment Testing

A. General Rule

Pre-employment testing for drugs and alcohol will be administered by the OHM BOCES to all applicants after a conditional offer of employment has been extended and prior to any applicant's performance of a safety-sensitive function.

B. Information Regarding Prior Test Outcomes

1. Each applicant will be asked whether the applicant has tested positive after, or refused to take, any pre-employment drug or alcohol test administered by a potential employer pursuant to federal law during the past two years.
2. Each applicant will be asked to identify all prior employers or potential employers that required the applicant to submit to drug or alcohol testing in fulfillment of state or federal law within the prior two years, and to sign a written document authorizing those entities to release to the OHM BOCES the following information: alcohol tests with a result of 0.04 or higher alcohol concentration, verified positive drug test, the applicant's refusal to be tested, any other violations of federal law drug and alcohol regulations, and, with respect to any employee who violated a federal law drug and alcohol regulation, documentation of the employee's successful completion of federal law return to duty requirements.
3. The above listed information should be obtained and reviewed before the applicant is assigned to perform any safety sensitive functions. However, the OHM BOCES may employ and assign the applicant to perform safety sensitive functions for a period of up to 30 days if the OHM BOCES has made and documented a good faith effort to obtain this information. The OHM BOCES will not allow any employee to continue performing safety

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sensitive functions after 30 days if the OHM BOCES has not obtained or made and documented a good faith effort to obtain this information.

C. Withdrawal of Conditional Offer of Employment

Where an applicant for a position subject to this Policy has received a conditional offer of employment, that conditional offer will be withdrawn if any of the following circumstances occurs:

1. The applicant's pre-employment drug test returns a positive result;
2. The applicant reports as part of the OHM BOCES' pre-employment process that within the prior two years the applicant applied for employment in a position governed by either the New York law applicable to school bus drivers or the federal law applicable to CDL holders, and the applicant either refused to submit to the test or tested positive for drugs or alcohol;
3. The applicant reports that they failed to successfully complete a rehabilitation program (return to duty process) established by a substance abuse professional after violation of a prior employer's policy or applicable law; or
4. The applicant fails to provide a release for the OHM BOCES to request information from a former employer of the applicant or a potential employer to which the applicant applied for employment in a safety sensitive position subject to the state or federal drug and alcohol testing requirements.

VI. Drug and Alcohol Tests Administered To Employees

A. Reasonable Suspicion Testing

1. An employee in a safety sensitive position is required to submit to a drug or alcohol test whenever a responsible supervisor or administrator has reasonable suspicion to believe that the employee has engaged in conduct prohibited by this policy. Employees are subject to reasonable suspicion alcohol testing at any time the employee is on duty for the OHM BOCES.
2. Reasonable suspicion must be based upon specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of an employee by a responsible supervisor or administrator who has been trained to recognize alcohol misuse or drug use.



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- a. The observations may include indications of the chronic and withdrawal effects of controlled substances.
  - b. A written record shall be made of the observations leading to reasonable suspicion, signed by the supervisor or administrator who made the observations, within twenty-four (24) hours of the observed behavior or before the results of the drug and/or alcohol test are released, whichever is earlier.
3. The OHM BOCES shall not administer a reasonable suspicion alcohol test more than eight (8) hours following a determination that reasonable suspicion exists to believe that the alcohol prohibitions of this policy have been violated.
  4. The District Superintendent or designee shall arrange for the training of all supervisors or other individuals who may be utilized to determine whether “reasonable suspicion” exists to test an employee for prohibited conduct involving alcohol or controlled substance use/abuse.
- B. Random Testing
1. The OHM BOCES randomly tests employees subject to this Policy for evidence of drug or alcohol consumption. Random tests are not announced and employees are selected for testing in a statistically random manner throughout the year as required by state and federal law. Each covered employee has an equal probability of selection each time a random test is administered.
  2. Random drug and/or alcohol testing may be conducted at any time the covered driver is on duty for the OHM BOCES.
  3. All employees assigned to drive a school bus as part of their duties are subject to random testing.
- C. Post-Accident testing
1. Following an accident involving a commercial motor vehicle, a post-accident test for alcohol and drugs is administered to each surviving covered driver who:
    - a. was performing safety sensitive functions with respect to the vehicle, and the accident involved the loss of human life; or

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- b. receives a citation under state or local law for a moving violation arising from the accident, and the accident either resulted in one or more motor vehicles incurring substantial structural damages as a result of the accident or resulted in bodily injury to a person who, as a result of the injury, immediately received medical treatment away from the scene of the accident.
2. The OHM BOCES will not administer a post-accident alcohol test more than eight hours following the accident and will not administer a post-accident drug test more than 32 hours following the accident.
3. A driver who is subject to post-accident testing shall remain readily available for such testing or may be deemed by the OHM BOCES to have refused to submit to testing. This shall not be construed to require the delay of necessary medical attention for injured individuals following an accident or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.
4. The results of a breath or blood test for the use of alcohol or a urine test for the use of drugs, conducted by federal, state, or local officials having independent authority for the test, shall be considered to meet the requirements of this Policy concerning post-accident testing, provided such tests conform to applicable federal, state, or local requirements and that the results of the test are obtained by the OHM BOCES. If such a test results in an alcohol concentration below 0.02, a 24 hour out-of-service order may be issued by the law enforcement official.

D. Return to Duty Testing

Return to duty testing for alcohol and/or drugs is conducted when a covered driver has engaged in prohibited conduct under this Policy, been removed from performing safety sensitive duties, and is scheduled or seeks to return to the performance of safety sensitive functions. The alcohol test result must indicate alcohol concentration of less than .02 and/or a drug test must indicate a verified negative result for illegal drugs.

E. Follow-up Testing

1. Follow-up tests are given following a determination by a substance abuse professional that a driver is in need of assistance in resolving problems associated with misuses of alcohol and/or drugs.

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2. Follow-up tests are unannounced.
3. Follow-up tests are conducted at least six (6) times within twelve (12) months. The actual frequency and number of tests will be determined by the substance abuse professional, but follow-up testing will not continue beyond 60 months from the covered driver's return to duty. The substance abuse professional may terminate the requirement of follow-up testing at any time after the first six (6) tests have been administered if he or she determines that follow-up testing is no longer necessary.
4. Follow-up drug testing may be conducted at any time the covered driver is on duty for the OHM BOCES.

VII. Conduct Standards For Employees Subject To This Policy

- A. No driver shall report for duty or remain on duty in a position requiring the performance of safety sensitive functions while having an alcohol concentration of 0.02 or greater.
- B. A driver shall not be on duty or operate a commercial motor vehicle while the driver possesses alcohol.
- C. A driver shall not use alcohol while performing safety sensitive functions.
- D. No driver shall operate a school bus within eight (8) hours, or operate a vehicle requiring possession of a CDL within six (6) hours, after having consumed a drug, controlled substance, and/or alcohol.
- E. A driver required to take a post-accident alcohol test shall not use alcohol for eight (8) hours following the accident, or until they undergo a post-accident alcohol test, whichever is first.
- F. A driver shall not report for duty or remain on duty requiring the performance of safety sensitive functions when the driver is using drugs, except when the use is pursuant to the instructions of a physician who has advised the driver that the drug does not affect the driver's ability to safely operate a commercial motor vehicle. The driver must provide written notice from the physician to the Drug and Alcohol Coordinator that the driver is using controlled substances pursuant to the instructions of the physician and that the physician advised the driver that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle.

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- G. No driver shall report for duty, remain on duty or perform a safety-sensitive function, if the driver tests positive for controlled substances.
- H. A driver shall not refuse to submit to an alcohol or drug test required under this Policy.

VIII. Consequences of Non-Compliance By Employees Subject To This Policy

- A. A driver who has an alcohol concentration of at least 0.02 shall be removed immediately from his/her performing safety sensitive position for at least 24 hours and shall not return until they have been evaluated by a substance abuse professional, have completed any other actions required by the SAP and have completed the return to duty testing procedures as required.
- B. A driver who has a verified positive result on a drug test shall be prohibited from performing safety sensitive functions until the employee is evaluated by a substance abuse professional, completes any other steps required by the SAP, and completes a return to duty test that returns a verified negative result.
- C. A driver who refuses to submit to a test shall be prohibited from performing safety sensitive functions until the employee is evaluated by a substance abuse professional, completes any other steps required by the SAP, and successfully completes the return to duty testing procedures as required.
- D. A driver may not perform safety-sensitive functions if there exists a reasonable suspicion that the driver is under the influence of, or impaired by, alcohol as shown by the behavioral, speech, and performance indicators of alcohol misuse, until an alcohol test is administered and the driver's alcohol concentration measures less than .02 or 24 hours have elapsed following a determination that reasonable suspicion exists to believe that the alcohol prohibitions of this policy have been violated.
- E. A driver may not perform safety-sensitive functions even if his or her alcohol concentration is less than 0.02, or the alcohol concentration is unknown, if the OHM BOCES detects the presence of alcohol in the driver by other means.
- F. Independent of the requirements of federal law, a driver may not perform safety-sensitive functions, if there exists a reasonable suspicion that the driver is under the influence of, or impaired by, drugs as shown by the behavioral, speech, and performance indicators of drug abuse, until a drug test is administered and there is a verified negative result.

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- G. Independent of the requirements of federal law, drivers who have been found to have engaged in conduct prohibited by this Policy will be immediately suspended from their safety-sensitive function without pay pending a complete review of the test results and what led to the test results, if appropriate. After review, if the driver was found to have an alcohol concentration of 0.04 or greater, a positive drug test, or refused to submit to a test, the employee shall be terminated. If the driver was found to have an alcohol concentration between 0.02 and 0.04, he or she shall be required to be evaluated by a substance abuse professional, complete any other steps required by the SAP and take a return to duty test before returning to work.
  - H. The above consequences shall be applied consistent with the provisions of any applicable collective bargaining agreement and statute, such as §75 of the Civil Service Law and §3020-a of Education Law.
- IX. Referral And Evaluation
- A. Each employee who engages in conduct prohibited by this policy is required to be evaluated by a substance abuse professional who shall determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and drug use.
    - 1. The costs associated with this evaluation shall be the responsibility of the employee, unless a collective bargaining agreement provides otherwise.
    - 2. If the substance abuse professional determines that a rehabilitation program is appropriate before the employee returns to performing safety sensitive functions, the employee is required to complete that program, including any follow-up testing directed by the substance abuse professional. The substance abuse professional shall determine if the driver has properly followed any rehabilitation program prescribed following the evaluation.
    - 3. Before an employee returns to duty requiring the performance of a safety sensitive function after engaging in conduct prohibited by this policy, the employee shall complete a return to duty test that returns a verified negative result.
  - B. The OHM BOCES shall make available to an employee who has violated this Policy information regarding the resources available for evaluating and resolving problems associated with the misuse of alcohol and use of drugs, including the names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs. The OHM BOCES shall ensure that the

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listed substance abuse professionals do not refer the employee to the substance abuse professional's private practice, or to a person or organization from which the substance abuse professional receives remuneration, or in which the substance abuse professional has a financial interest.

- C. The referral and evaluation procedures described in this section do not apply to applicants who refuse to submit to a pre-employment drug and alcohol test or who have a pre-employment drug and alcohol test with a verified positive test result.

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Oneida-Herkimer-Madison Board of Cooperative Educational Services

Legal Ref: Omnibus Transportation Employee Testing Act of 1991, 49 USC §§31136 and 31306; Americans with Disabilities Act, 42 USC §§1211112117; 49 CFR Parts 40, 382 and 395.20; NYS Vehicle and Traffic Law, §§142, 509i; 509-g, 1192 and 1193; NYS Labor Law, §201d

Adopted: 07/10/02

Revised: 07/12/18, \_\_\_\_\_

# Policy

Draft 11/12/2021  
6303

PERSONNEL

## EMPLOYEE ASSISTANCE PROGRAM (EAP)

### I. Statement of Policy

The OHM BOCES recognizes that personal problems such as physical illness, excessive use of alcohol, drug abuse, family concerns or other behavioral/medical disorders may result in poor employee job performance, excessive absenteeism and other detractions from an employee's ability to perform. Facilitating the means whereby employees are motivated to seek solutions to their personal problems is not only in the mutual interest of the OHM BOCES and its employees, but is also a direct benefit to the employees' families, the community and ultimately the students that they serve.

### II. Program

- A. In order to assist OHM BOCES employees with such needs in a confidential manner, the OHM BOCES and its employee groups have agreed to participate in an externally provided employee assistance program.
- B. An Employee Assistance Program has been initiated to:
1. Identify those aforementioned employee difficulties at the earliest possible stage.
  2. Motivate employees to seek help.
  3. Direct employees toward assistance.
- C. Employees of the OHM BOCES are encouraged to seek counseling and information voluntarily on a confidential basis by contacting the Employee Assistance Program representative. The OHM BOCES, while making available this program, does not get involved in the counseling process. The OHM BOCES shall maintain no records on an individual's use of the program.

### III. Implementation

It shall be the responsibility of all supervisors to implement this policy. Supervisors shall not make diagnosis relative to an employee's personal behavioral or medical problem. Supervisory responsibility will be limited to assessing job performance and taking appropriate corrective action. This policy is subject to the OHM BOCES' Drug-Free Workplace Policy.

EMPLOYEE ASSISTANCE PROGRAM (EAP)~~I. Statement of Policy~~

~~OHM BOCES recognizes that employees facing problems related to family, financial, legal, emotional, and societal or health concerns may find it difficult to demonstrate the desired effectiveness and productivity on their job. The OHM BOCES also recognizes that these problems can be treated, particularly in the early stages, in a fashion which will assist the employee in maintaining an efficient and effective job performance.~~

~~II. Implementation of Policy~~

~~The OHM BOCES provides an Employee Assistance Program for all OHM BOCES employees and their immediate families. It is the intent of this Program to assure that an employee or a family member who has a problem which impacts or has the potential to impact negatively on the employee's job performance will receive careful attention and an opportunity to obtain confidential professional assistance.~~

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Oneida-Herkimer-Madison Board of Cooperative Educational Services

Cross Ref: 6201, Drug Free Workplace Policy

Adopted: 07/10/02

Revised: 02/12/14, 09/08/21, \_\_\_\_\_



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## DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND OTHER SAFETY-SENSITIVE EMPLOYEES

- I. In accordance with federal regulations, employees in safety-sensitive positions as defined in regulations, including school bus drivers, who are required to have and use a commercial driver's license (CDL), are subject to random testing for alcohol, Marijuana (THC), Cocaine, Phencyclidine (PCP), Opioids (including the synthetic opioids hydrocodone, oxycodone, hydromorphone and oxymorphone), and Amphetamines. The OHM BOCES shall adhere to federal law and regulations requiring the implementation of a drug and alcohol testing program for such employees in safety-sensitive positions.
- II. The OHM BOCES shall retain an approved company to perform sample collection and testing, to ensure chain of custody requirements, and to ensure the correct employee is tested and matched with the correct test results. Said company will be required to be in compliance with federal regulations including, calibration of the Evidential Breath Test (EBT), laboratory certification, and proper training of the Breath Alcohol Technician (BAT). Testing for alcohol and/or controlled substances will be taken on-site or at the laboratory, in a secure location that affords visual and aural privacy and with the proper safeguards to ensure the integrity of the specimens collected. The Drug and Alcohol Coordinator (see appendix) can be contacted to request the name of the company hired to perform the drug and alcohol testing services.
  - A. If the test comes back positive dilute, that shall be considered a positive verified test and the covered driver shall not be allowed to take another test.
  - B. If the test comes back negative dilute for pre-employment testing, return to duty testing and follow up testing, then the covered driver shall be required to take another test. If re-tested, there will be a fee for the second test. Employees to be re-tested must be given the minimum possible advance notice that he or she must go to the collection site. The result of the second test becomes the test of record. If an employee is directed to take another test, and the employee declines to do so, the employee has refused the test for the purpose of this policy and the federal drug and alcohol testing regulations.

If the test comes back canceled, neither positive nor negative for drugs or alcohol, the employee shall not be allowed to perform safety sensitive functions if a negative result is required by the regulations. The OHM BOCES shall order a recollection in case of a canceled test for the purpose of re-testing in the case of pre-employment, return to duty or follow up testing.
- III. Federal regulations require that the OHM BOCES test school bus drivers and other Safety Sensitive Employees (SSE's) for alcohol and drugs at the following times:

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- A. Drug testing will be conducted after an offer to hire, but before actually performing safety-sensitive functions for the first time. Such pre-employment testing will also be required when employees transfer to a safety-sensitive position.
  - B. Safety-sensitive employees are subject to a random drug and/or alcohol test on an unannounced basis just before, during or just after performance of safety-sensitive functions.
  - C. Testing will be ordered if a trained supervisor has a "reasonable suspicion" that an employee has engaged in prohibited use of drugs and/or alcohol.
  - D. There will be post-accident testing conducted after accidents on employees whose performance could have contributed to the accidents.
  - E. Return-to-duty and follow-up testing will be conducted when an individual who has violated the prohibited alcohol and/or drug conduct standards returns to performing safety-sensitive duties. Follow-up tests are unannounced and at least six (6) tests must be conducted in the first twelve (12) months after an employee returns to duty. Follow-up testing may be extended for up to sixty (60) months following return-to-duty.
- IV. All employee drug and alcohol testing will be kept confidential and shall only be revealed without the driver's consent to: the employer, a substance abuse professional, or a drug testing laboratory, medical review officer and/or any other individual designated by law.
- V. The following alcohol and controlled substance-related activities are prohibited by the Federal Highway Administration's drug use and alcohol misuse rules for drivers of commercial motor vehicles and other SSE's:
- A. Reporting for duty or remaining on duty to perform safety-sensitive functions while having an alcohol concentration of .04 or greater as allowed by law.
  - B. Being on duty or operating a commercial motor vehicle (CMV) while the driver possesses alcohol, unless the alcohol is manifested and transported as part of a shipment. This includes the possession of medicines containing alcohol (prescription or over-the-counter), unless the package seal is unbroken.
  - C. Using alcohol while performing safety-sensitive functions.
  - D. Using alcohol four (4) hours or less before duty.

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- E. When required to take a post-accident alcohol test, using alcohol within eight (8) hours following the accident or prior to undergoing a post-accident test, whichever comes first.
  - F. Refusing to submit to an alcohol or controlled substance test required by post-accident, random, reasonable suspicion or follow-up testing requirements.
  - G. Reporting for duty or remaining on duty, requiring the performance of safety-sensitive functions, when the SSE uses any controlled substance. This prohibition does not apply when instructed by a physician who has advised the SSE that the substance does not adversely affect the SSE's ability to safely operate a CMV.
  - H. Reporting for duty, remaining on duty or performing a safety-sensitive function, if the SSE tests positive for controlled substances.
- VI. Drivers and other SSE's who are known to have engaged in prohibited behavior with regard to alcohol misuse or use of controlled substances are subject to disciplinary action and penalties pursuant to OHM BOCES policy and collective bargaining agreements, as well as the sanctions provided for in federal law. SSE's who have engaged in such prohibited behavior shall not be allowed to perform safety-sensitive functions until they are:
- A. Evaluated by Substance Abuse Professional (SAP).
  - B. Complete any requirements for rehabilitation as set by the OHM BOCES and the SAP.
  - C. Pass a return-to-duty test with the result below 0.02 if the conduct involved alcohol, if the conduct involved controlled substance use, or a controlled substance test with a verified negative result.
  - D. The SSE shall also subject to unannounced follow-up alcohol and controlled substance testing. The number and frequency of such follow-up testing shall be as directed by the SAP, and consist of at least six (6) tests in the first twelve (12) months.
- VII. The District Superintendent shall ensure that each SSE receives a copy of OHM BOCES policy, educational materials that explain the requirements of the alcohol and drug testing regulations, and any regulations and/or procedures developed by the OHM BOCES with respect to meeting those requirements. The District Superintendent or his/her designee shall ensure that a copy of these materials is distributed to each SSE, who shall sign for receipt of all of the above documents, as well as other appropriate personnel, prior to the

POLICY

Delete 11/12/2021 Replaced by New Policy 6202 (MOBOCES Template)

PERSONNEL

6202

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

start of alcohol and controlled substance testing as well as at the beginning of each school year or at the time of hire for any safety-sensitive employees. Representatives of applicable collective bargaining units shall be notified of the availability of this information.

- VIII. The District Superintendent or his/her designee shall arrange for training of all supervisors who may be required to determine whether "reasonable suspicion" exists to test a driver for prohibited conduct involving alcohol or controlled substance use/abuse.
- IX. Any violation of this policy, administration regulations and procedures, and/or applicable federal and state laws by a covered employee shall be grounds for disciplinary action including, but not limited to, fines, suspension, and/or discharge in a manner consistent with OHM BOCES policy, collective bargaining agreements and applicable law.
- X. Regulations shall be established as necessary to implement this policy.

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Oneida-Herkimer-Madison Board of Cooperative Educational Services

Legal Ref: U.S. Constitution, 4th Amendment, Omnibus Transportation Employee Testing Act of 1991, 49 USC §§31136, 31306; Americans with Disabilities Act, 42 USC §§1211112117; 49 CFR Parts 40, 521(b), 382, 391, 392 and 395; Vehicle and Traffic Law, §§509l; 1192; 1193; Labor Law, §201d

Adopted: 07/10/02

Revised: 07/12/18\*



# Oneida-Herkimer-Madison BOCES

4747 Middle Settlement Road • New Hartford, NY 13413  
www.oneida-boces.org

## MEMORANDUM

VII D. 5.  
Approval of Policy 0015, 0016, 0017,  
0020, 0030  
*(first reading)*  
February 9, 2022

To: Cooperative Board  
From: Patricia N. Kilburn, Ed.D  
Date: February 2022  
Subject: Board Policies  
Prepared by: Joanna Keeler

### **Background**

The Oneida-Herkimer-Madison Cooperative Board is responsible for establishing policies for the operation of OHM BOCES which include curricular, financial, and other policies.

The purpose of the OHM Board Policy Manual is to provide a comprehensive written listing of the Cooperative Board's current policies, rules and regulations.

### **Discussion**

The OHM Policy Committee, with legal assistance from the Madison-Oneida-BOCES Labor Relations Department, have audited the following policies listed below and are seeking approval by the BOCES Cooperative Board of Education.

### **Recommendation**

**It is recommended that the Cooperative Board adopt the following policies:**

#### **0000 GENERAL COMMITMENTS**

- 0015 Equal Opportunity and Prohibition of Discrimination and Harassment Including Sexual Harassment
- 0016 Instruction and Employment of Human Immunodeficiency Virus-HIV Infected Individuals
- 0017 Defense and Indemnification of Board Members and Employees
- 0020 Tobacco, Nicotine and E-Cigarette Use Prohibited
- 0030 Code of Ethics for all Board of Cooperative Educational Services

**Resolution**

The Cooperative Board approves the following Policies in order to provide a comprehensive written listing of the Cooperative Board's current policies, rules and regulations for the Oneida-Herkimer-Madison BOCES.

**0000 GENERAL COMMITMENTS**

- 0015 Equal Opportunity and Prohibition of Discrimination and Harassment Including Sexual Harassment
- 0016 Instruction and Employment of Human Immunodeficiency Virus-HIV Infected Individuals
- 0017 Defense and Indemnification of Board Members and Employees
- 0020 Tobacco, Nicotine and E-Cigarette Use Prohibited
- 0030 Code of Ethics for all Board of Cooperative Educational Services

## GENERAL COMMITMENTS

Policy is Required

### EQUAL OPPORTUNITY AND PROHIBITION OF DISCRIMINATION AND HARASSMENT INCLUDING SEXUAL HARASSMENT

#### I. Statement of Policy

- A. The Board of Cooperative Educational Services provides education programs and services, does business with vendors and the public, and makes decisions regarding employment without consideration of an individual's race, (including but not limited to hair texture and protective hair styles), color, creed, religion, national origin (regardless of English language skills), age, sex, sexual orientation, marital status, military or veteran status, disability, predisposing genetic characteristics, arrest record, or prior criminal convictions, except when sex or age are a bona fide occupational qualification, when a criminal conviction is related to job duties, and when an individual's religion or disability warrants reasonable accommodation.
- B. Provides equal access to the Boy Scouts and other designated youth groups.
- C. Our commitment to provide education programs and services without harassment, including sexual harassment discrimination applies to all programs and services provided by the OHM BOCES.
- D. Our commitment to provide employment without harassment or discrimination includes recruiting, employment decisions, promotion opportunities, compensation, fringe benefits, workplace conditions, workplace discipline, and termination decisions.
- E. No student shall be subjected to harassment or bullying (as defined below) by employees or students on OHM BOCES property or at an OHM BOCES function. No student shall be subjected to discrimination based on a person's actual or perceived race, (including but not limited to hair texture and protective hair styles), color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, (including gender identity or expression), or sex by another student or an OHM BOCES employee on OHM\_BOCES property or at an OHM BOCES function. This Policy does not prohibit a denial of admission into, or an exclusion from, a course of instruction that is permissible under the New York State Education Law and Federal Title IX of the Education Amendments of 1972; nor does it prohibit actions that are permissible under Section 504 of the Rehabilitation Act of 1973.
- F. A plain language notice of this Policy shall be linked to the home page of the OHM BOCES website. The grievance procedure set forth below shall also be linked to the home page of the OHM BOCES website.

## GENERAL COMMITMENTS

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- G. This goal of this Policy is to create an OHM BOCES environment that is free from discrimination, including harassment and bullying. This Policy shall be interpreted and implemented so that the OHM BOCES complies with its obligations under Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1975, the Americans with Disabilities Act, the Age Discrimination in Employment Act, Section 201-g of the New York Labor Law, Section 504 of the Rehabilitation Act of 1973, the New York State Human Rights Law, and the New York State Education Law, as interpreted and enforced by applicable regulations.
- II. Opportunities for Individuals with Disabilities
- A. Education Programs, Services, and Activities: A student with a disabling condition who qualifies for services under the Individuals with Disabilities Education Act (IDEA) and Part 200 of the Regulations of the Commissioner of Education shall receive services in accordance with the Special Education Policy. A student with a condition that is considered a disability for purposes of Section 504 of the Rehabilitation Act of 1973, but does not qualify for services under the Programs for Students with Disabilities policy, shall be provided educational programs, services, and activities in accordance with Section 504.
- B. Employment: An employee with a condition that is defined as a disability, or with a history of such a condition, and who is otherwise qualified to perform the essential functions of the position, shall not be denied any employment opportunity or benefit. When a reasonable accommodation will permit an applicant or employee to perform the essential functions of the position, the OHM BOCES will provide a reasonable accommodation that does not impose an undue burden upon the OHM BOCES.
- C. Public Accommodation: OHM BOCES facilities shall be designed, constructed, and maintained so that, when each part of the OHM BOCES' program is viewed in its entirety, that part of the program is readily accessible to handicapped persons. In addition to physical facilities, the OHM BOCES' website and other public-facing communication channels shall be designed and implemented to be accessible to all members of the public; provided that proposed accessibility measures do not fundamentally alter the features of the website or other communication channel, and do not result in an undue financial or administrative burden to the OHM BOCES; and provided further that the OHM BOCES shall not assume responsibility for the operation, content, or accessibility of third-party sites that may be accessed from a link on the OHM BOCES' website or other communication channels. Persons encountering difficulty accessing any OHM BOCES program or service, including physical facilities or digital communication channels, are encouraged to use the complaint process in this Policy to seek resolution of the problem.



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## III. Harassment Bullying, and Discrimination Prohibited

A. General Standard of Conduct

No one who is receiving an education from the OHM BOCES, or who is employed by the OHM BOCES, or who is present on OHM BOCES property or at an OHM BOCES event, should experience harassment, bullying, or discrimination. Harassment and bullying are recognized to be forms of discrimination. The OHM BOCES' Code of Conduct prohibits harassment, bullying, or discrimination, and it applies to conduct by OHM BOCES employees, students, and anyone else on OHM BOCES property or at an OHM BOCES event.

When determining whether particular conduct or statements are to be classified as prohibited harassment, the OHM BOCES will consider the intent of the person engaging in the conduct or making the statement; however, the determining factor will be whether the person at whom the conduct or statement was directed reasonably experienced the conduct or statement as unwelcome harassment.

B. Conduct Directed at a Student

1. Conduct (including verbal conduct) directed at a student will be classified as harassment or bullying if it creates a hostile environment that either:
  - a. Creates an environment that has or would have the effect of unreasonably and substantially interfering with the student's educational performance, opportunities, or benefits; or
  - b. Causes, or would be expected to cause, the student to reasonably fear for their physical safety; or
  - c. Causes, or would reasonably be expected to cause, harm to the student's emotional well being through the creation of a hostile OHM BOCES environment that is so severe, or so pervasive, that it substantially and unreasonably interferes with the student's education.
2. Conduct that occurs off OHM BOCES property will be classified as a violation of this Policy if it creates, or foreseeably would create, a risk of substantial disruption within the OHM BOCES environment.

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3. Conduct that occurs through electronic communication will be classified as a violation of this Policy if it otherwise fits the definition set forth in this section.

C. Conduct Directed at Someone Other than a Student

Conduct (including verbal conduct) directed at someone other than a student who is present on OHM BOCES property or at an OHM BOCES event will be classified as discrimination or harassment (a form of discrimination) if it is motivated by that person's race, (including but not limited to hair texture and protective hair styles), color, creed, religion, national origin, age, sex, sexual orientation, marital status, veteran status, disability, or predisposing genetic characteristics, and

1. It has the purpose or the effect of substantially interfering with the person's work performance; or
2. The person is explicitly or implicitly told that they must submit to that treatment in order to receive or continue to receive employment opportunities; or
3. A decision by the OHM BOCES about that person's or employment is influenced by whether that person has submitted to the treatment or objected to it.

## D. Also prohibited as sexual harassment, is the making of unwanted sexual advances, the making of any requests for sexual favors, subjecting another person to any touching, teasing or other verbal communication of a sexual nature and sexual violence. The following describes some of the types of acts that may be unlawful sexual harassment:

1. Physical assaults of a sexual nature, such as:
  - a. Rape, sexual battery, molestation, or attempts to commit these assaults.
  - b. Intentional or unintentional physical conduct which is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another employee's body, or poking another employee's body.
2. Unwanted sexual advances, propositions or other sexual comments, such as:

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- a. Requests for sexual favors accompanied by implied or overt threats concerning the victim's job performance evaluation, a promotion, or other job benefits or detriments;
  - b. Subtle or obvious pressure for unwelcome sexual activities;
  - c. Sexually oriented gestures, noises, remarks, jokes, or comments about a person's sexuality or sexual experience which are sufficiently severe or pervasive to create a hostile work environment.
3. Sexual or discriminatory displays or publications anywhere in the workplace, such as displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials, or other materials that are sexually demeaning or pornographic.
- E. Anyone who feels that they have experienced prohibited discrimination or harassment should bring this to the OHM BOCES attention by using the Complaint Procedure described below. Administrators and other supervisors who observe conduct that might constitute harassment, including sexual harassment, are required to report that conduct to the Compliance Coordinator.
- F. An employee, including supervisors and managers, who subject another employee to harassment, including sexual harassment, will be subject to disciplinary consequences, consistent with applicable laws and collective bargaining agreements.
- G. Conduct that occurs away from school property, such as on social media or at after-hours events, may violate this policy if it has a prohibited workplace impact.
- IV. Strategy to Prevent Harassment, Bullying, and Discrimination

With the objective of preventing acts of harassment, bullying, or discrimination from interfering with any student's educational opportunities or sense of safety in OHM BOCES, the OHM BOCES will implement the procedures described in this Policy to:

- A. Expand student and employee awareness of the problem;
- B. Train staff and instruct students about appropriate, non-discriminatory behavior;
- C. Respond to reports of conduct, conditions, or circumstances that may violate this Policy; and

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- D. Implement corrective and restorative measures as appropriate, when unacceptable conduct occurs.

## V. Compliance Coordinator

- A. The Compliance Coordinator for purposes of implementing this Policy shall be the Supervisor of Human Resources.

The Compliance Coordinator is responsible for receiving complaints of conduct that may violate this Policy and Title IX (sex discrimination), Title VI (race and national origin discrimination), or Section 504 or the Americans with Disabilities Act (disability discrimination); directing a thorough fact finding regarding those complaints; making a determination whether a violation of the Policy and federal law has occurred; overseeing the implementation of corrective action when necessary, including the making of reasonable accommodations for student or employee disabilities; making sure that this Policy has been publicized as required by law; keeping records of all reports of possible discrimination based on sex, race, (including but not limited to hair texture and protective hair styles), national origin, or disability; and making recommendations for the updating of this Policy as necessary.

The Compliance Coordinator is responsible for fulfilling these responsibilities in the event of incidents involving adult conduct directed at other adults, adult conduct directed at students, and student conduct directed at other students.

- B. The principal of each OHM BOCES building is designated as the OHM BOCES' Dignity for All Students Act (DASA) Coordinator for that building, and their names and contact information shall be included in the Code of Conduct and prominently displayed in each building. The DASA Coordinators are responsible for receiving complaints of conduct directed at students by adults or other students that may be harassment, bullying, or discrimination as described in Part I-D and Part III of this Policy; conducting a thorough fact-finding regarding those complaints; determining whether a violation of this Policy has occurred; overseeing the implementation of corrective action when required; and keeping accurate records of complaints received and action taken, as required by the State Education Department. The DASA Coordinators serve as the Superintendent's designee for purposes of Article 2-A of the Education Law (DASA).
- C. The Compliance Coordinator shall inform the DASA Coordinators of matters that involve conduct directed at students, and the DASA Coordinators shall evaluate those incidents for possible violations of DASA. The DASA Coordinators shall inform the Compliance Coordinator of matters that involve complaints of possible discrimination on the basis of sex, race (including but not limited to hair texture and protective hair styles), national origin, or disability and the Compliance

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Coordinator shall evaluate those incidents for possible violations of Title IX, Title VI, Section 504, and the Americans with Disabilities Act.

- D. This Policy shall be interpreted and implemented so that the OHM BOCES complies with its obligations under Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1975, Title II of the Americans With Disabilities Act, the Age Discrimination in Employment Act, the Age Discrimination Act of 1975, Section 504 of the Rehabilitation Act of 1973, the New York State Human Rights Law, and the New York State Education Law, as interpreted and enforced by applicable regulations.
- E. When a report complains of possible discrimination by the Compliance Coordinator, or DASA Coordinator, the District Superintendent shall designate another OHM BOCES official to conduct the necessary fact-finding and make recommendations.

## VI. Grievance and Fact-finding Procedure:

- A. Report of Possible Harassment, Bullying or Discrimination: Attached to this Policy are Regulation 0015.1 Report of Possible Discrimination and Regulation 0015.2 DASA Incident Reporting Form. The Compliance Coordinator and DASA Coordinators shall ensure that these forms are available in each OHM BOCES building, and their availability is known to those who may need to use it. A link to the forms shall also appear on the home page of the OHM BOCES website. The use of this form is encouraged, but not required; the Compliance Coordinator or DASA Coordinators shall conduct a fact-finding inquiry anytime a written or oral report is received that contains enough information to reasonably investigate.
1. An employee or other adult may report possible discrimination or harassment directed at them or another employee or other adult to the employee's supervisor or directly to the Compliance Coordinator. If the report is about conduct by the Compliance Coordinator, the report may be made to the employee's supervisor. If an employee makes a verbal report, they shall be asked to make a written report and told of the availability of the Report form. The person to whom the report is made is also responsible for reporting in writing their conversation and other available information to the Compliance Coordinator.
  2. A student may report possible harassment, bullying or discrimination directed at them or another student to any teacher, counselor, or OHM BOCES administrator. If a student makes a verbal report, they shall be asked to make a written report and told of the availability of the Report form. The person to whom the report is made is also responsible for reporting in writing their conversation and other available information to

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the Compliance Coordinator or DASA Coordinator. OHM BOCES staff shall be trained on how to receive and refer student complaints.

3. A parent/guardian, OHM BOCES volunteer, or other member of the public who wishes to report possible harassment, bullying, or discrimination against a student shall make the report to the Compliance Coordinator, a DASA Coordinator, or any administrator or teacher. If a verbal report is made, a written report shall be requested. The person to whom the report is made is also responsible for reporting in writing their conversation and other information to the Compliance Coordinator.
4. OHM BOCES employees who either witness conduct directed at a student that may be harassment, bullying, or discrimination, or receive an oral or written report of such conduct, must report that to a DASA Coordinator. The employee must make an oral report to the DASA Coordinator within one school day, followed by a written report to the DASA Coordinator no more than two school days after their oral report.

B. Fact-finding Inquiry: Upon receiving a written report of possible harassment, bullying, or discrimination, the Compliance Coordinator or DASA Coordinator shall log the report, acknowledge in writing its receipt, and conduct a fact-finding inquiry designed to determine with a reasonable degree of probability what actually transpired.

1. The fact-finding inquiry should commence promptly after receiving the complaint, and be pursued with sufficient diligence to reach a conclusion within thirty (30) days after receipt of a written report. The goal shall be to complete the fact-finding process and notify the principal parties of a determination no later than forty-five (45) days after the report of possible discrimination, harassment, or bullying was received. If the Compliance Coordinator determines that an extension of this target date is necessary under the circumstances of a particular matter the Compliance Coordinator will notify the District Superintendent and principal parties and provide a new anticipated date for submitting a report and recommendation.
2. The inquiry should determine with as much detail as possible the sequence in which events occurred, the identity of each person involved and their respective roles, and the exact words spoken by each participant. To the extent practicable, all interviews should be conducted by one person.
3. The inquiry shall provide the person reporting objectionable conduct or circumstances, and the subject(s) of the report with an equitable opportunity to be heard. The inquiry shall include an opportunity for any

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person who has been identified as possibly violating this Policy, to respond to each assertion made against them.

4. Interviews shall be scheduled and conducted in compliance with applicable provisions of New York law and collective bargaining agreements.
  5. Each person interviewed shall be reminded that they are protected by the non-retaliation provision of this Policy, and that they are bound by that provision.
- C. Resolution: The Compliance Coordinator or DASA Coordinator shall prepare a written fact-finding report describing what investigation was done; what conclusions have been drawn about what happened; a conclusion based on a preponderance of the evidence as to whether the conduct, condition, or circumstances violated the OHM BOCES Policy, and, if it did, a recommendation regarding what corrective action should be taken. This report shall be submitted to the District Superintendent for further action. The District Superintendent shall make a determination and notify the principal parties in writing within fifteen (15) days. If the District Superintendent determines that an extension of this target date is necessary under the circumstances of a particular matter, the District Superintendent shall notify the principal parties in writing and provide a new anticipated date for the determination.
1. If the determination is that this Policy has not been violated, the person who made the report, and each person whose conduct was challenged, shall be told of that determination verbally and in writing. The person who made the report shall be told of the option to have the determination reviewed.
  2. If the determination is that this Policy has been violated, the person who made the report of possible discrimination shall be told of that determination verbally and in writing and, consistent with the confidentiality accorded to student and personnel records, told that appropriate corrective action has been taken to deter any repetition of the offending conduct. The person whose conduct violated the Policy shall have that explained to them in writing, shall be told of the corrective action being taken by the OHM BOCES, and shall be told of the option to have the determination reviewed.
  3. When the Compliance Coordinator or DASA Coordinator verifies the occurrence of harassment, bullying, or discrimination directed at a student, the OHM BOCES shall take prompt action that is consistent with the OHM BOCES' Code of Conduct and is reasonably calculated to end the

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harassment, bullying, or discrimination to eliminate any hostile environment; to create a more positive OHM BOCES culture and climate; to prevent a recurrence of the behavior; and to ensure the safety of the student(s) at whom the conduct was directed.

- a. Responsive actions shall be measured, balanced, and age-appropriate.
  - b. Responsive actions shall follow a progressive model and make appropriate use of intervention, education, and discipline.
  - c. Responsive actions shall vary according to the nature of the offending behavior, the developmental age of the person engaging in the behavior, and the prior history of problem behaviors by the person engaging in the conduct.
- D. Report to Law Enforcement Agency: When a DASA Coordinator believes that conduct has occurred that constitutes criminal conduct, the Coordinator shall promptly notify the District Superintendent, and the District Superintendent shall promptly notify the appropriate law enforcement agency.
- E. Confidentiality: It shall be explained to anyone making a report or providing information about a report that the OHM BOCES does not reveal information about reports or the fact-finding process except to the extent necessary to fulfill its legal obligations to make as complete an inquiry as possible and to take appropriate corrective action when discrimination has occurred. Every witness interviewed during the fact-finding inquiry shall be instructed not to discuss the complaint or the investigation with anyone else, except as may be privileged by law.
- F. Special Fact-finder: The District Superintendent is authorized to appoint a special fact-finder to carry out the responsibilities of the Compliance Coordinator or DASA Coordinator when the District Superintendent concludes that the circumstances of a particular report warrant that action, and the special fact-finder shall fulfill the responsibilities of the Compliance Coordinator described in this policy.
- G. Immediate Corrective Action: The District Superintendent has the discretion to implement immediate corrective action, pending the completion of a fact-finding inquiry, to protect an individual when the District Superintendent concludes that the circumstances of a particular report warrant that action.
- H. Review of Coordinator's Determination: If a person who initiated a report of possible discrimination, or a person whose conduct was challenged by a report of



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possible discrimination, is not satisfied with the determination of the Compliance Coordinator (or other designated investigator), they may request that the determination be reviewed by the Board of Cooperative Educational Services

1. A request for the Board of Cooperative Educational Services review must be made in writing, filed with the Board Clerk within ten (10) business days of receiving the written notice of the determination.
  2. The person requesting review shall provide a written explanation of their objection(s) to the determination, including the corrective action taken, if any. That statement shall be filed with the Board Clerk at least five (5) business days before the Board of Cooperative Educational Services meeting at which the review will be conducted.
  3. The Board of Cooperative Educational Services discussion of the determination and the objection(s) made shall take place in executive session. The Board of Cooperative Educational Services action to adopt or change the determination shall be take place in public session.
  4. The Board of Cooperative Educational Services shall render its determination within ninety (90) days of the District Clerk's receipt of the written request for review, unless extraordinary circumstances require an extension of this period.
- I. No Retaliation: No employee or student shall take a retaliatory action, or request or cause anyone else to take a retaliatory action, against any person who, in good faith, reports information about a possible violation of this Policy to a OHM BOCES employee or to the Commissioner of Education or to a law enforcement agency, or who initiates a report, or encourages another person to initiate a report, or encourages another person to initiate a report, or testifies or assists or participates in the investigation of a report, or complaint by the OHM BOCES District or a governmental agency.

## VII. Remedial Measures When This Policy is Violated

- A. An employee found to have engaged in prohibited harassment or discrimination against another person (whether an employee, student, or member of the public) in the course of their employment will be subject to discipline, up to and including termination. Such decisions will be made and implemented in accordance with other OHM BOCES policies (e.g. the Code of Conduct) and applicable statutes and collective bargaining agreements.
- B. A student found to have engaged in prohibited harassment, bullying or discrimination against another person (whether an employee, student, or member

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of the public) while participating in a OHM BOCES activity or on OHM BOCES\_ property will be subject to discipline. Such decisions will be made and implemented in accordance with other OHM BOCES policies (e.g. the Code of Conduct), the New York State Education Law, and any other applicable statutes.

- C. Any other person found to have engaged in prohibited harassment or discrimination against another person (whether a employee, student, or member of the public) while participating in a OHM BOCES activity or on OHM BOCES\_ property may have their future access to OHM BOCES activities limited, as deemed appropriate under the circumstances.

VIII. Dignity Act Coordinators

- A. The Board of Cooperative Educational Services appoints at least one staff member at each OHM BOCES building to serve as the Dignity Act Coordinator for that OHM BOCES building, upon the recommendation of the District Superintendent. Each person designated for this role shall be instructed in the provisions of Article 2-A of the Education Law and thoroughly trained in methods to respond to human relations in the areas of race (including but not limited to hair texture and protective hair styles), color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, and sex.
- B. The name and contact information for each Dignity Act Coordinator shall be publicized as follows:

Principal of Alternative Education	315-223-6029
Principal of Career and Technical Education	315-793-8647
Principal of Special Education	315-793-8603

- listing such information in the Code of Conduct posted on the OHM BOCES' website;
- including such information in the plain language summary of the Code of Conduct provided to all persons in parental relation to students before the beginning of each school year;
- including such information in at least one mailing per school year to parents and persons in parental relation, and in additional mailings if the information changes;
- posting such information in a highly visible location in each OHM\_ BOCES building; and

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- making such information available at the OHM BOCES District office and each OHM BOCES building office.

The publication of this information shall also inform students and persons in parental relation to students that the Dignity Act Coordinator is available to speak with them if they have witnessed possible discrimination or harassment, or if they have experienced treatment that may be prohibited discrimination or harassment.

- C. In the event a designated Dignity Act Coordinator vacates that position, the District Superintendent shall immediately designate an interim Coordinator pending appointment by the Board of Cooperative Educational Services. In the event that a Coordinator is unable to perform the duties of the position for an extended period of time, another staff member shall be immediately designated by the District Superintendent as an interim Coordinator pending return of the previous Coordinator to the position. Contact information for the new Coordinator shall be distributed as provided above.

## IX. Training and Publication of Policy

- A. All OHM BOCES employees will be provided with a copy of this policy. Online access to a printable copy of this Policy will satisfy this requirement.
- B. All students and their families will be notified at the beginning of the school year, or at the time of enrollment, of this Policy, the conduct expectations established by it, and how they may request accommodation of a disability or initiate a complaint, or report of possible discrimination, harassment or bullying.
- C. A summary of this Policy shall be posted as part of the OHM BOCES website, and shall be distributed periodically with OHM BOCES publications.
- D. The District Superintendent shall insure that each year all OHM BOCES employees receive training designed to meet the following objectives each year in an interactive format:
1. Discourage the development of harassment, bullying, and discrimination;
  2. Make employees aware of the effects on students of harassment, bullying, cyberbullying, and discrimination;
  3. Raise the awareness and sensitivity of employees to potential harassment, bullying, and discrimination;
  4. Enable employees to prevent harassment, bullying, and discrimination;

## GENERAL COMMITMENTS

EQUAL OPPORTUNITY AND PROHIBITION OF DISCRIMINATION AND HARASSMENT INCLUDING SEXUAL HARASSMENT

5. Enable employees to respond to harassment, bullying, and discrimination;
  6. Inform employees about social patterns of harassment, bullying, and discrimination, including that based on a person's actual or perceived race (including but not limited to hair texture and protective hair styles), color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, (including gender identity or expression); or sex; and
  7. Strategies for effectively addressing the problems of exclusion, bias, and aggression in an educational setting.
- E. The District Superintendent shall develop and implement guidelines:
1. For the development of nondiscriminatory instructional and counseling methods to be used by OHM BOCES staff.
  2. For the development of measured, balanced and age-appropriate responses to instances of harassment, bullying and discrimination by students, with remedies and procedures following a progressive mode that make appropriate use of intervention, discipline and education, vary in method according to the nature of the behavior, the developmental age of the student and the student's history or problem behaviors, and are consistent with the Code of Conduct; and
  3. Include safe and supportive OHM BOCES climate concepts in curriculum and classroom management.
- F. The OHM BOCES shall develop and implement a program of instruction in grades Kindergarten through Grade 12 to include a component on civility, citizenship and character education in accordance with Education Law.
1. Such component shall instruct students on the principles of honesty, tolerance, personal responsibility, respect for others, observance of laws and rules, courtesy, dignity and other traits which will enhance the quality of their experiences in, and contributions to, the community.
  2. Instruction on the principle of respect for others shall discourage acts of harassment, bullying, and discrimination.
  3. Instruction on the principle of tolerance, respect for others, and dignity shall seek to instill an awareness and sensitivity to harassment, bullying, discrimination, and civility in the relations of people of different races, weights, national origins, ethnic groups, religious, religious practices,

## GENERAL COMMITMENTS

EQUAL OPPORTUNITY AND PROHIBITION OF DISCRIMINATION AND HARASSMENT INCLUDING SEXUAL HARASSMENT

mental or physical disabilities, sexual orientation, gender, (including gender identity or expression) and sexes.

4. This shall include instruction about safe and responsible use of the internet and electronic communications.

X. Other Available Remedies for Unlawful Discrimination and Harassment, including Sexual Harassment:

- A. In addition to this Policy, OHM BOCES employees and other persons visiting or doing business with the OHM BOCES are protected from discrimination and harassment, including sexual harassment, by New York State and federal law. There also may be applicable local laws.
- B. The New York State Human Rights Law prohibits discrimination in employment and public accommodations, including sexual harassment. Your rights can be enforced by a complaint filed with the New York State Division of Human Rights or by filing a complaint in New York State Supreme Court.
  1. You may learn more about your rights under the Human Rights Law by calling the Division's toll-free telephone number (888-392-3644) or visiting the Division's website ([www.dhr.ny.gov](http://www.dhr.ny.gov)).
  2. You may file a complaint with the Division within one year of the event you feel was harassment. You do not need a lawyer to file a complaint with the Division. The Division will investigate your complaint and make a determination whether unlawful harassment occurred. If a public hearing is required, the Division will provide an attorney. The Division may seek monetary damages on your behalf.
  3. You may start a lawsuit in Supreme Court within three years of the event you feel was harassment. You can start a lawsuit yourself (pro se), but you should retain a lawyer who is familiar with court procedures.
- C. Federal laws, including Title VII of the Civil Rights Act of 1964, also prohibit discrimination in employment and public accommodation, including sexual harassment. Your rights can be enforced by filing a charge of discrimination with the United State Equal Employment Opportunity Commission (EEOC).
  1. You may learn more about your rights under federal law by calling the EEOC's toll-free number (800-669-4000) or visiting the EEOC's website ([www.eeoc.gov](http://www.eeoc.gov)).

GENERAL COMMITMENTS

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- 2. You may file a charge with the EEOC within three-hundred (300) days of the event you feel was harassment. You do not need a lawyer to file a charge with the EEOC.
  - 3. The EEOC will investigate your charge. If it determines that unlawful discrimination occurred, the EEOC will attempt to obtain a remedy on your behalf through a conciliation process. If that is not successful, you will be given a right to sue in court.
- D. If you are subjected to unwanted physical touching, coerced physical confinement, or unwanted sex acts, the conduct may constitute a crime and you should consider contacting the local police department.

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Oneida-Herkimer-Madison Board of Cooperative Educational Services

Legal Ref: Title IX, Education Amendments of 1972 (20 U.S.C. Section 1681, 45 C.F.R. Part 86); Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794, 28 CFR 35.107(b), 34 CFR 104.7(b), 106.8(b), 45 C.F.R. Part 84); 28 CFR 35.107(b), 34 CFR 104.7(b), 106.8(b), NYS Human Rights Law, (Article 15, NYS Executive Law); 8 N.Y.C.R.R. 100.4, 135.4, 141.1 and 200; Civil Rights Act of 1964, Title VI and VII (42 U.S.C. Sections 2000d and 2000e); New York State Education Law, Sections 3201 and 3201-a; Americans with Disabilities Act of 1990 (42 U.S.C. Sections 12101-12213, 29 C.F.R. Part 1630); Age Discrimination in Employment Act (29 U.S.C. Sections 621-634); EEOC guidelines (29 CFR Part 1609.1 and 1609.2); and NYS Labor Law §201-g.

Adopted: 07/01/03

Revised: 10/10/12, 06/12/13, 03/09/16, 07/12/18, 01/09/19, \_\_\_\_\_

## GENERAL COMMITMENTS

### INSTRUCTION AND EMPLOYMENT OF HUMAN IMMUNODEFICIENCY VIRUS (HIV)- INFECTED INDIVIDUALS

#### I. Statement of Policy

The Board of Cooperative Educational Services is committed to providing a safe and healthy environment at the OHM BOCES and to protecting the rights of Human Immunodeficiency Virus (HIV)-infected individuals to confidentiality and to continued education or employment where possible. The Board of Cooperative Educational Services also recognizes that current law and regulations strictly limit the disclosure of confidential HIV-related information without an authorized consent form or a Court Order.

It is the policy of the OHM BOCES that no individual shall be denied access to any program or activity sponsored by, or conducted on the grounds of the OHM BOCES solely on the basis of the HIV-infection status of that individual or anyone with whom that individual is associated.

No student, employee, or volunteer shall be required or requested to undergo an HIV-antibody test or other AIDS-related diagnostic test. The exception is if other reasons exist OHM BOCES retains and will exercise its authority to require medical examinations.

~~Each OHM BOCES employee shall be given a copy of this Policy at the beginning of each school year, and new employees shall be provided a copy at the time they begin employment.~~

#### II. Voluntary Disclosure

- A. To Obtain Public Health Assistance: Employees or students who suspect that they are infected with, or at risk of contracting, the HIV virus are encouraged to:
1. contact the New York State Health Department AIDS Hotline for general information: 1-800-541-AIDS, or 1-800-541-2437,
  2. contact the New York State Health Department toll-free number for AIDS Testing and Counseling: 1-800-562-9423 (Syracuse),
  3. report to the County Health Department, or
  4. report to their personal physician.
- B. To Inform the OHM BOCES: Any infected employee or infected student, or the parent/guardian of an infected student, is encouraged to report this diagnosis to the OHM BOCES' medical staff and other relevant staff members, with the assurance that such information will be kept confidential, as described below.

#### III. Confidentiality of HIV-Related Information

- A. Public Health Law Article 27-F strictly regulates the disclosure of HIV-related information, setting requirements even more stringent than those protecting other

## GENERAL COMMITMENTS

INSTRUCTION AND EMPLOYMENT OF HUMAN IMMUNODEFICIENCY VIRUS (HIV)-  
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health-related information. One purpose of this Policy is to insure that all OHM BOCES personnel conduct OHM BOCES business in conformance with the Public Health Law.

- B. As used in this Policy, the term “HIV-related information” includes all Authorizations for Release of Confidential HIV-Related Information (“Release Authorization”) forms held by the OHM BOCES, all medical records received by the OHM BOCES containing HIV-related information, and all notes or memoranda that refer to an individual’s HIV status or whether an individual has been tested for HIV infection. It includes records maintained on paper or digitally.
1. All HIV-related information held by the OHM BOCES must be kept ~~in the District Superintendent’s office~~, in a locked file. Access to this information is allowed only to those persons named in a proper Release Authorization, or to whom voluntary disclosure was made. Electronic copies must be kept in password-protected digital files, with a separate file for each individual whose HIV status is recorded. The password for each separate file shall be known only to the OHM BOCES personnel who are authorized to have access to that information by the applicable Release Authorization, or to whom a voluntary disclosure was made.
  2. No HIV-related information shall be transmitted within the OHM BOCES by electronic mail.
  3. No HIV-related information shall be transmitted from the OHM BOCES to any other party by electronic mail, unless that party is a governmental entity or health care provider that requires it to be sent in that format.
- C. No request for HIV-related information shall be made by anyone on behalf of the OHM BOCES unless that request has been previously approved by the District Superintendent. The District Superintendent shall determine the specific OHM BOCES personnel to whom the release of information is requested.
1. The Health Insurance Portability and Accountability Act (HIPAA) Compliant Authorization for Release of Medical Information and Confidential HIV Related Information form is available at <http://www.health.ny.gov/forms> and is referred to in this Policy as the Release Authorization.
  2. Any request by the OHM BOCES for HIV-related information shall be made (after approval of the District Superintendent) by providing the individual, or the person authorized by law to consent for the individual, with a copy of the Release Authorization, filled in to identify the OHM BOCES personnel to whom disclosure is requested, and the reason(s) disclosure is requested. The District Superintendent shall always be identified as a person authorized to access the information, to fulfill the District Superintendent’s responsibility to maintain



## GENERAL COMMITMENTS

INSTRUCTION AND EMPLOYMENT OF HUMAN IMMUNODEFICIENCY VIRUS (HIV)-  
INFECTED INDIVIDUALS

student safety and the confidentiality of all HIV-related information held by the OHM BOCES.

3. HIV-related information received by the OHM BOCES pursuant to a Release Authorization shall be made available only to those persons listed in the Release Authorization, only for the time period identified there, and only for the reasons identified there.

- D. If a student, student's parent, or person in a parental relation voluntarily discloses to a OHM BOCES staff member HIV-related information about the student, the staff member to whom the information is disclosed shall advise the person making the disclosure of this Policy. ~~and request that the person making the disclosure speak to the District Superintendent or give permission for the staff member to share the information with the District Superintendent.~~

If an OHM BOCES employee voluntarily discloses to a supervisor or management employee information about their own HIV status, the supervisor or manager shall advise the employee of this Policy. ~~and request that the person making the disclosure speak to the District Superintendent or give permission for the staff member to share the information with the District Superintendent.~~

Anyone who has made a voluntary disclosure of their own HIV status or the HIV status of a student for whom they are legally responsible, shall be requested to complete a Release Authorization in order to identify the persons who may have access to this information and the reasons for that access.

- E. No HIV-related information in the possession of the OHM BOCES shall be disclosed to any other party except in response to a properly executed Release Authorization (or a written authorization that the school attorney advises the District Superintendent satisfies the Public Health Law and HIPAA), or a Court Order.
  1. Disclosure may be made to a health care provider for purposes of providing the HIV-positive individual with health care, as allowed by Public Health Law Section 2782.
  2. If any other person asserts that they are authorized by Public Health Law Section 2782(1) to access HIV-related information in the possession of the OHM BOCES, without being named in a Release Authorization, the District Superintendent shall confer with the school attorney before releasing any HIV-related information.

## IV. Committee on Special Education (CSE) Referrals and Procedures

## GENERAL COMMITMENTS

INSTRUCTION AND EMPLOYMENT OF HUMAN IMMUNODEFICIENCY VIRUS (HIV)-  
INFECTED INDIVIDUALS

- A. No student shall be referred to the Committee on Special Education solely on the basis of the student's HIV status. A referral shall only be made when a student's condition interferes with the student's ability to benefit from instruction, and shall be processed in accordance with the requirements of Section 200.1 of the Regulations of the Commissioner.
- B. If a student who is HIV-positive requires special accommodations to continue to attend school, the student shall be referred to the multi-disciplinary team for consideration in accordance with Section 504 of the Rehabilitation Act.
- C. The consideration and discussion of HIV-related information by the CSE or multidisciplinary team must conform to the confidentiality requirements of the Public Health Law and this Policy. In particular, both OHM BOCES personnel and non-OHM BOCES professionals can only take part in CSE discussions that reveal the HIV status of an individual if they have been authorized to do so by a properly executed Release Authorization, or another document that satisfies the Public Health Law and HIPAA.

## V. Court Orders

The OHM BOCES shall comply with all Orders issued by a court in conformance with Public Health Law Article 27-F regarding disclosure of HIV-related information, regardless of whether there is a Release Authorization in effect.

## VI. Infection Control Procedures

The OHM BOCES Infection Control Program is designed to comply with the standards for handling blood and other body fluids that are published at 29 CFR Section 1910.1030.

## VII. Classroom Instruction

The education of students in grades kindergarten through high school with respect to the HIV and AIDS shall be provided in an age appropriate manner, unless exempted, in conformance with Education Law Section 3208, and Sections 101 and 135.3 of the Commissioner's Regulations.

- A. In compliance with the regulations of the Commissioner of Education, the OHM BOCES will provide classroom instruction concerning Human Immunodeficiency Virus and AIDS as part of a sequential and comprehensive health program for all students, K-12. Instruction will be offered during regularly scheduled classes. Such instruction will be age-appropriate, and include the following information:
  - 1. the nature of the disease;
  - 2. methods of transmissions of the disease; and

## GENERAL COMMITMENTS

INSTRUCTION AND EMPLOYMENT OF HUMAN IMMUNODEFICIENCY VIRUS (HIV)-  
INFECTED INDIVIDUALS

3. methods of prevention of the disease (stressing abstinence as the most effective and appropriate protection against AIDS).
- B. A student may be excused from the segment of AIDS instruction regarding methods of prevention of the disease if student's parent/guardian files a request with the District Superintendent. The request shall give assurance that such instruction will be given at home.
- C. The District Superintendent will designate an HIV Advisory Committee consisting of one or more members of the Board of Cooperative Educational Services, one or more OHM BOCES employees, one or more parents and community members, including one or more representative(s) from religious organization(s). Every two years, the HIV Advisory Committee will review the HIV Curriculum and will issue to the District Superintendent, its recommendations. The District Superintendent will review the HIV Advisory Committee's report with the Board of Cooperative Educational Services.

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Oneida-Herkimer-Madison Board of Cooperative Educational Services

Cross Ref: OHM BOCES District-Wide Safety Plan and a Building Level Emergency Response Plan

Legal Ref: 29 U.S.C. Section 794 et seq. (Federal Rehabilitation Act of 1973); Education for all Handicapped Children's Act of 1975; Public Health Law, Article 27-F; 8 N.Y.C.R.R. Sections 135.3 and 200; Exec. Law Section 290 et seq. (Human Rights Law); Americans with Disabilities Act of 1990.

Adopted: 07/10/02

Revised: 07/12/18, \_\_\_\_\_

# Policy

Draft 01/12/2022 – No Revisions  
0017

## GENERAL COMMITMENTS

### DEFENSE AND INDEMNIFICATION OF BOARD MEMBERS AND EMPLOYEES

#### I. Liability Protection Pursuant to Education Law

- A. The Board of Cooperative Educational Services recognizes its statutory obligation to indemnify OHM BOCES employees (and in certain circumstances, Board of Cooperative Educational Services members and volunteers) pursuant to the provisions of Sections 3023, 3028 and 3811 of the Education Law. For the purposes of this policy, the term "employee" shall be as defined in the applicable statute(s).
- B. OHM BOCES shall not be subject to the duty to defend unless the employee, within the time prescribed by statute, delivers appropriate notice of the claim to the Board of Cooperative Educational Services.
  - 1. For purposes of Education Law Section 3811, the employee must give written notice within five (5) days after service of process upon him/her. The statute mandates only written notice of the claim to the Board of Cooperative Educational Services; however, submission of relevant legal documents by the employee to the Board of Cooperative Educational Services is also encouraged.
  - 2. For purposes of Education Law Sections 3023 and 3028, the employee must deliver the original or a copy of the relevant legal documents to the Board of Cooperative Educational Services within ten (10) days after service of process upon him/her.
- C. OHM BOCES will provide legal defense and/or indemnification for all damages, costs, and reasonable expenses incurred in the defense of an action or proceeding if authorized pursuant to statute and provided that the alleged action or omission which occurred or allegedly occurred is covered by the appropriate statute(s). Furthermore, OHM BOCES will not be required to provide indemnification protection and/or legal defense unless the employee was, at the time of the alleged incident, acting in the discharge of his/her duties within the scope of his/her employment or authorized volunteer duties and/or under the direction of the Board of Cooperative Educational Services.

#### II. Public Officers Law Section 18

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

POLICY

Draft 01/12/2022 – No Revisions  
0017

GENERAL COMMITMENTS

DEFENSE AND INDEMNIFICATION OF BOARD MEMBERS AND EMPLOYEES

- III. The term "employees" shall include members of the Board of Cooperative Educational Services; the District Superintendent; OHM BOCES officers; OHM BOCES employees; volunteers expressly authorized to participate in a OHM BOCES sponsored volunteer program; or any other person holding a position by election, appointment or employment in the service of OHM BOCES, whether or not compensated. The term "employee" shall also include a former employee, his/her estate or judicially appointed representative.
- IV. Pursuant to the provisions of Section 18 of the Public Officers Law, and upon compliance by the employee with the requirements of this statute, OHM BOCES shall provide for the defense of the employee in any civil action or proceeding, state or federal, arising out of any alleged act or omission which occurred or allegedly occurred while the employee was acting within the scope of his/her public employment or duties. Furthermore, OHM BOCES shall indemnify and save harmless its employees in the amount of any judgment obtained against such employees in a state or federal court, or in the amount of any settlement of a claim, provided that the act or omission from which such judgment or claim arose occurred while the employee was acting within the scope of his/her public employment or duties. However, in the case of a settlement, the duty to indemnify and save harmless shall be conditioned upon the approval of the amount of the settlement by the Board of Cooperative Educational Services.
- V. The duty to defend and/or indemnify and save harmless, in accordance with Section 18 of the Public Officers Law, shall be conditioned upon the delivery by the employee to the OHM BOCES attorney or to the District Superintendent a written request to provide for his/her defense, together with the original or a copy of any summons, complaint, process, notice, demand or pleading within ten (10) days after he/she is served with such document. Pursuant to Section 18, the full cooperation of the employee in the defense of such action or proceeding and in the defense of any action or proceeding against OHM BOCES based upon the same act or omission, and in the prosecution of any appeal, shall also be required as a condition for OHM BOCES' duty to defend and/or indemnify and save harmless to exist.
- VI. Exceptions to Liability Coverage

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

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Oneida-Herkimer-Madison Board of Cooperative Educational Services

Legal Ref: Public Officers Law §18; Education Law §1709, 2560, 3023, 3028, 3811; and General Municipal Law Sections 6-n and 52

Adopted: 07/10/02

Revised: 09/11/19

Reviewed: \_\_\_\_\_

## GENERAL COMMITMENTS

### TOBACCO, NICOTINE AND E-CIGARETTE USE PROHIBITED

#### I. Statement of Policy

The purposes of this Policy ~~is to prohibit the use~~ ~~are to avoid the use on OHM BOCES property and at OHM BOCES events~~ of tobacco, nicotine, and e-cigarettes on OHM BOCES property and at OHM BOCES functions, which the Board of Cooperative Educational Services deems unhealthy; encourage students and staff to avoid the consumption or use of tobacco products, nicotine, and e-cigarettes; and to prevent persons present on OHM BOCES property or at OHM BOCES events from being exposed to second-hand tobacco smoke, nicotine, or electronically ignited vapors. This Policy is one component of the OHM BOCES' wellness program, drug prevention program, and commitment to provide a healthy learning and working environment.

#### II. Prohibited Conduct

- A. The possession, use, sale, or consumption of any form of tobacco, any substance containing nicotine (except prescribed medications), any e-cigarette or oil or vaping product intended for use in an e-cigarette, and any associated paraphernalia is prohibited.
- B. This prohibition applies to everybody – students, staff, parents, vendors and contractors, and all visitors to our OHM BOCES.
- C. This prohibition applies to anyone who is on OHM BOCES property, including buses and other vehicles being used to transport students for OHM BOCES purposes and to anyone attending a OHM BOCES sponsored event, including events located off OHM BOCES property.
- D. Public Health Law Section 1399-o prohibits all smoking within 100 feet of the entrances, exits or outdoor areas of the OHM BOCES school buildings, except in a residence or within the real property boundary line of a residence.
- E. This prohibition applies at all times, whether OHM BOCES is in session or not.

#### III. Proactive OHM BOCES Practices

- A. Smoking, tobacco and nicotine use prevention will be appropriately integrated into curriculum, and appropriate instructional staff will receive training in smoking, tobacco and nicotine use prevention education.
- B. Smoking, tobacco and nicotine cessation information will be available to staff, students, parents/guardians and visitors.

## GENERAL COMMITMENTS

TOBACCO, NICOTINE AND E-CIGARETTE USE PROHIBITED

- C. There shall be no advertising of tobacco on OHM BOCES property or at OHM BOCES functions. The OHM BOCES will request, where possible, tobacco-free versions of all publications in OHM BOCES libraries.
  - D. The OHM BOCES will not accept gifts or funds from the tobacco, nicotine, or e-cigarette industries.
- IV. Public Notice of Policy
- A. “No Smoking/Tobacco Use” signs shall be prominently and conspicuously posted in strategic locations on OHM BOCES Property and in OHM BOCES vehicles in accordance with NYS Law.
  - B. Notices shall be posted at building entrances or driveways leading to OHM BOCES property notifying the public that OHM BOCES grounds are “tobacco free.”
  - C. Staff, students and visitors will be notified of this policy through presentations, student handbooks, newsletters, Code of Conduct summaries, and announcements at meetings, events and functions.
  - D. Outside groups who use OHM BOCES facilities will be notified of this Policy on the Building Use Request Policy and Form.
- V. Definitions for Purposes of this Policy ~~and the Code of Conduct~~
- A. “Tobacco” means any lit or unlit cigarette, cigar, cigarillo, pipe, bidi, clove, and/or any other smoking product, including tobacco in any form (loose, smokeless, dip, chew or snuff).
  - B. “OHM BOCES property” means any building, vehicle, or structure owned or leased by the OHM BOCES, and the surrounding outdoor grounds contained within the legally defined property boundaries of the OHM BOCES’ properties as registered in the county clerk’s office. This includes the entrances and exits of OHM BOCES buildings and structures.
  - C. “Advertising” means brand names or logos and publications on any clothing, shoes, accessories, gear, supplies or publications provided by tobacco or e-cigarette companies (including prevention/educational materials).
  - D. “Associated paraphernalia” is defined as lighters, matches, rolling papers, vaporizers, oils and other solutions intended for vaporizing, etc.

## GENERAL COMMITMENTS

TOBACCO, NICOTINE AND E-CIGARETTE USE PROHIBITED

- E. "Smoking" is defined as the burning or vaporizing of tobacco or compounds or solutions containing nicotine.
- F. "Electronic cigarette" or "e-cigarette" means an electronic device that delivers vapor which is inhaled by an individual user, and shall include any refill, cartridge and any other component of such a device.

V. Consequences for Violation of Policy

## A. Violations by Students

Students who engage in conduct prohibited by this Policy will be referred for disciplinary consequences in accordance with the OHM BOCES' Code of Conduct.

## B. Violations by Employees

Employees who engage in conduct prohibited by this Policy will be considered for corrective or disciplinary action in accordance with the Code of Conduct, applicable collective bargaining agreements, and OHM BOCES policy and practice.

## C. Violations by Other Persons

Members of the public, including parents, employees of vendors and contractors, and other visitors, who engage in conduct that violates this Policy will first be asked to discontinue the offending conduct and advised of this Policy. Continued or repeat violation of the Policy may result in an individual being prohibited from further entry onto OHM BOCES property, at the discretion of the District Superintendent.

~~D. Notification of Public Health Authorities~~

~~The District Superintendent may designate one or more OHM BOCES' staff members to report to the county's enforcement officer observed or reported violations of Public Health Law Section 1399-o, i.e. smoking occurring within 100 feet of the entrances, exits, or outdoor areas of any school building (other than within a residence or within the property boundary of a residence).~~

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Oneida-Herkimer-Madison Board of Cooperative Educational Services

Legal Ref: NYS Education Law §409; NYS Public Health Law Article 13-E and Article 13-F; 20 USC §§7181-7184 and 7971-7974

Adopted: 10/10/12

Revised: 09/12/18, \_\_\_\_\_



GENERAL COMMITMENTS

Policy is Required

CODE OF ETHICS FOR ALL

BOARD OF COOPERATIVE EDUCATIONAL SERVICES PERSONNEL

I. Statement of Policy

The OHM BOCES must act as a careful steward of the resources given to us by the community for the education of our children. Observing ethical standards of conduct promotes public confidence in the OHM BOCES and its officers and employees.

The standard of conduct expected of every OHM BOCES officer and employee is that they will not engage in any conduct that calls into question the integrity of the management or operation of the OHM BOCES. The specific examples of conduct that violates this Code of Ethics which are set forth below are illustrative, and not exhaustive.

II. Scope of Policy

A. Positions to Which the Policy Applies

This Code of Ethics governs the conduct of members of the Board of Cooperative Educational Services, all OHM BOCES officers, whether paid or unpaid, and all OHM BOCES employees to include individuals working on a volunteer basis for the District.

B. Statutory Obligations

The Board of Cooperative Educational Services has adopted this Policy to meet its obligation under General Municipal Law Section 806. All OHM BOCES officers and employees are reminded that they may be subject to civil or criminal penalties for conduct that violates Article 18 of the General Municipal Law.

The Board of Cooperative Educational Services may conclude that a person's conduct violates the general standard of conduct required in Part I of this Policy, even if that conduct is not considered a violation of the General Municipal Law; however, nothing in this Policy shall be interpreted to permit any conduct that is prohibited by the General Municipal Law.

C. Reservation of Rights

It shall not be a violation of this Policy for a present or former officer or employee of the OHM BOCES to file on their own behalf, or on behalf of a family member, a claim, account, demand or suit against the OHM BOCES arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

CODE OF ETHICS FOR ALL  
BOARD OF COOPERATIVE EDUCATIONAL SERVICES PERSONNEL

III. Consequences of Unacceptable Conduct

If the conduct of a Board of Cooperative Educational Services member or other officer fails to adhere to this Code of Ethics, the Board of Cooperative Educational Services member or officer may be subject to removal from the Board of Cooperative Educational Services.

If the conduct of an employee fails to adhere to this Code of Ethics, the employee will be subject to adverse employment action, including possible termination of employment, following procedures consistent with any applicable employment contract, collective bargaining agreement, or statute.

IV. Standards of Conduct

A. Gifts Worth \$75 or More

No officer or employee shall solicit or accept or receive a gift, directly or indirectly, under circumstances where it can reasonably be inferred that the gift was intended: (1) to influence them in the performance of their official duties, or (2) as a reward for any official action on their part. Among the prohibited gifts are money, services, loans, travel, entertainment, hospitality, and promises. This prohibition does not apply to gifts having a value less than \$75.

B. Confidential Information

No officer or employee shall disclose confidential information acquired by them in the course of their official duties or use such information to further their personal interest.

C. Services to Parties Coming Before the Board of Cooperative Educational Services

No officer or employee may receive compensation for rendering any services to an outside party with a matter before the Board of Cooperative Educational Services; nor may they enter into an express or implied agreement to receive such compensation. These prohibitions apply to agreements whether or not the compensation is to be contingent upon the Board of Cooperative Educational Services or the OHM BOCES administration taking, or not taking, a particular action.

D. Conflicts of Interest

1. *Definition of "Interest"*: An officer or employee has an interest in a transaction or contract if that person may experience a monetary or material gain or loss, based on the outcome of the contract award or

CODE OF ETHICS FOR ALL  
BOARD OF COOPERATIVE EDUCATIONAL SERVICES PERSONNEL

transaction, whether the gain or loss is direct or indirect. An officer or employee is considered to have an interest in a transaction or contract if the contract or transaction is with: (a) that person's spouse, minor child, or dependent, except a contract of employment with the OHM BOCES which such officer or employee serves (b) a firm, partnership, or association of which that person is a member or employee, or (c) a corporation of which that person is a director, officer, or employee, or of which that person owns or controls any stock.

2. *General Rule:* No officer or employee shall have an interest in any contract to which the OHM BOCES is a party, or in any other matter coming before the Board of Cooperative Educational Services for action, if that individual's duties include: (a) negotiation, preparation, or approval of the contract or payment under the contract, (b) auditing bills or claims made under the contract, or (c) appointing someone who does any of those things. No chief fiscal officer or treasurer, or their deputy or employee, shall have an interest in a bank or trust company designated as a depository, paying agent, registration agent, or investor of funds of the OHM BOCES.
3. *Exceptions:* The situations described in Section 802 of the General Municipal Law shall not be considered violations of this Code of Ethics.
4. *Disclosure of Interests:* Any officer or employee of the OHM BOCES who has an actual or potential interest, or whose spouse has an actual or potential interest, in any proposed or existing contract to which the OHM BOCES is a party, or other matter coming before the Board of Cooperative Educational Services for action, must disclose the nature and extent of their interest to the Board of Cooperative Educational Services, in writing, as soon as that person has knowledge of the circumstances. This disclosure shall be made a part of the Board of Cooperative Educational Service's minutes.

E. Investment Conflicts

No officer or employee shall invest or hold any investment directly in any financial, business, commercial, or other private transaction that creates a conflict with their official duties.

F. Employment Conflicts

No officer or employee shall hold, seek, or promise to take employment that creates a conflict with, or impairs the proper discharge of, their duties and responsibilities at the OHM BOCES.

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G. Post-Service Conflicts

After an officers or employees service with the OHM BOCES has ended, that person may not appear before the Board of Cooperative Educational Services, or any panel or committee of the Board of Cooperative Educational Services, in relation to any matter in which they had participated as an officer or employee of the OHM BOCES. Where a conflict of interest exists see Section IV. D. of this policy. This provision should only apply to one year post service with the OHM BOCES.

V. Procedure for Seeking an Opinion Involving the Code of Ethics

In those instances where an officer or employee has questions as to whether their actions or involvement in a particular matter may constitute or cause a question as to a potential conflict of interest, that officer or employee may contact the District Superintendent or his/her designee for guidance on the issue.

VI. Distribution of Code of Ethics

As part of the District Superintendent's general responsibility for implementation of Board of Cooperative Educational Services Policy, the District Superintendent shall ensure that: (1) each officer (including Board of Cooperative Educational Services members) and employee of the OHM BOCES receives a copy of this Code of Ethics before entering into their duties, and (2) a copy of Article 18 of the General Municipal Law is posted in each building under the control of the OHM BOCES in a place conspicuous to OHM BOCES' officers and employees.

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Oneida-Herkimer-Madison Board of Cooperative Educational Services

Legal Ref: General Municipal Law Sections 800-808

Adopted: 07/10/02

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Reviewed: \_\_\_\_\_