

2011-12 Employee Handbook



Sole Supervisory District of
Hamilton-Fulton-Montgomery County BOCES

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Preface

On behalf of the Hamilton-Fulton and Montgomery Counties Board of Cooperative Educational Services, we wish to extend our sincere welcome to you as a member of our team.

We hope this handbook will prove beneficial and will help to promote a pleasant working relationship for you, your cooperating schools, and the BOCES by enabling you to become acquainted with the BOCES policies and procedures.

As an HFM BOCES employee, please remember that every day you represent the entire HFM BOCES faculty and staff who are committed to providing quality service to our component districts and most of all our students.

This BOCES has a responsibility to provide instructional, supervisory, and auxiliary services to the schools in its service area so that pupils in our supervisory area may receive educational opportunities equal to those afforded pupils in larger school districts.

If at any time you have questions during your employment with HFM BOCES, please feel free to contact us.

Robert Townsend
President, BOCES Board of Education

Key Phone Numbers

District Superintendent	Phone: 736-4300	Fax: 736-4301
Assistant Superintendent/Instruction	Phone: 736-4305	Fax: 736-4301
Chief Financial Officer	Phone: 736-4310	Fax: 736-4301
Adult Services	Phone: 736-4340	Fax: 736-4341
Alternative High School	Phone: 736-4320	Fax: 736-4322
Business Office	Phone: 736-4310	Fax: 736-4311
Career & Technical Center	Phone: 736-4330	Fax: 736-4331
Instructional Services/Conference Center	Phone: 736-4360	Fax: 736-4361
Health/Safety/Risk Management	Phone: 736-4381	Fax: 736-4382
Incarcerated Youth Program	Phone: 736-4340	Fax: 736-4341
	Fulton Academy: 762-2345	Fax: 736-1332
	Montgomery Academy: 853-5553	Fax: 853-4744 (call first)
Network Team Office (Race to the Top)	Phone: 736-4681, ext. 4339	Fax: 736-4311
Instructional Resource Center/School Library System	Phone: 736-4375	Fax: 736-4371
Special Education Office	Phone: 736-4350	Fax: 736-4357
Special Education School Improvement Specialist (SESIC)	Phone: 736-4354	Fax: 736-4359

These and additional phone numbers are available online at www.hfmboces.org

Information

STAFF ASSIGNMENTS

All employees are subject to assignment by the District Superintendent of Schools and, if applicable, under the direct supervision of the Superintendent of Schools or designee in which he/she serves. He/she is to abide by the rules, regulations, and policies of the schools in which he/she serves. BOCES assumes the willingness of the employee to cooperate in activities which will contribute to the improvement of the instructional programs in the schools. To this end, all employees are expected to:

1. Familiarize themselves with and abide by the rules and regulations of the schools in which they serve.
2. If applicable, attend all local school faculty meetings in the school which they are serving on the day of the meeting unless expressly excused by the Superintendent or his/her authorized representative.
3. Be prompt in completing all reports to the proper school authorities; i.e., the school principal, guidance director and/or the District Superintendent of Schools.
4. If applicable, attend local school functions as members of the regular school staff and accept a fair share of extra-duty assignments.
5. If applicable, attend local teacher conferences and supervisory district conferences. Attendance at all other state and regional conferences must be approved by the BOCES through the Office of the District Superintendent.

School closings and vacation periods are subject to approval by the immediate BOCES supervisor and administrative officers and in general will follow the adopted BOCES calendar in so far as feasible. The final authority for determining classes, schedules and/or assignments rests with the BOCES.

BOCES teachers in Alternative Education, Career & Technical Education, GED, Incarcerated Youth and Special Education programs should consult with their immediate supervisors regarding specific procedures to be followed in these programs.

EMPLOYEE ABSENCE

When employees are absent from work, they must follow the procedures established by their supervisors. In addition, **all** absences (both chargeable and non-chargeable) must be reported using the web-based system: *Log in to hfmboces.eschoolsolutions.com or call 1-866-580-0385*. Employees are required to keep their own attendance on forms that are provided by BOCES. These forms will be filed with the BOCES office on the last school day of each month. Where applicable, a substitute teacher will be obtained. Each division/department will use its own method of securing a substitute.

SICK/PERSONAL LEAVE

Leave policies vary, depending upon Bargaining Unit negotiations. Please refer to your collective bargaining agreement for details that pertain to you.

OTHER LEAVES

Other types of leave may be available to employees, including those under the Family Medical Leave Act. Please refer to your collective bargaining agreement or your unit leadership.

UNAVAILABLE FOR WORK

Anyone who declares that he/she is unavailable for work for any reason, must charge such time on his/her attendance report. Any questions should be directed to Carol Ashley, attendance officer, in the Business Office.

PROBATIONARY AND TENURE APPOINTMENTS – TEACHERS

Each staff member working full time is appointed on a probationary appointment status. During this probationary period a staff member may be discharged upon 30 days written notice with explanation. A teacher may terminate his/her employment upon 30 days written notice without explanation to the District Superintendent of Schools and the Superintendent of the Schools in which he/she serves, if any, or the immediate BOCES Supervisor.

All staff members will be evaluated during the school year. Upon satisfactory completion of probationary service, the local superintendent or the immediate BOCES supervisor and the District Superintendent of Schools will present to the BOCES Board those who are recommended for tenure.

EMPLOYEE ASSISTANCE PROGRAM

HFM BOCES is committed to helping all its employees succeed – both on the job and after hours. We provide a free and confidential Employee Assistance Program. We have a trained employee who can provide information concerning confidential counseling and referral services for all HFM BOCES employees who request assistance.

Make just one phone call to our EAP coordinator and you'll be on your way to finding solutions that can help you function better – at work and at home.

- Kathy Daly, 736-4330, ext. 4626

TITLE IX

Procedures and information on any Title IX issues are available in each division office. Assistant Superintendent Dr. Lorraine Hohenforst and Career & Technical Education Director Jay Detraglia are the Title IX Compliance Officers for the BOCES.

PROFESSIONAL DEVELOPMENT

HFM BOCES recognizes the importance of supporting continuing learning opportunities for employees. Each year, a plan to guide professional development (PDP) is designed to address specific organizational, division and instructional goals. The BOCES Annual Professional Performance Review (APPR) system also encourages individual professional growth opportunities. HFM BOCES program supervisors, in consultation with individual faculty members, may approve applications to attend conferences that support the PDP goals and/or APPR individual growth plans. As a general guideline, \$350 will be the maximum annual allowance per teacher for conference expenses. Exceptions to this guideline may be made by the appropriate supervisor and will be contingent upon sufficient budgeted resources.

A conference approval request should be submitted to each Superintendent of Schools in which the staff member serves, provided the district is affected. The application should then be forwarded to the appropriate BOCES supervisor for approval. Once approved, it will be forwarded to the HFM Business Office for processing. The business office will return a copy to the staff member and will send a copy to the Assistant Superintendent's office for PDP hour tracking. The original will be retained in the business office files. (See policies regarding conference requests.)

When submitting a claim for reimbursement for expenses at these pre-approved conferences, a conference expense form furnished by the BOCES must be accompanied by **itemized** receipts for expenses, and a report of the conference activities submitted in duplicate. **ALL CLAIMS LACKING NECESSARY RECEIPTS WILL BE REFUSED.**

The following are allowable items of expense:

- Registration fees,
- Hotel bills,
- NYS Thruway toll receipts,
- Meals (per board policy), and
- Car mileage at the approved IRS rate and the BOCES approved mileage chart can be found online at www.hfmboces.org. Click on the "Employees" link at the top right of the home page.

Submit the completed conference expense form, receipts, and conference reports to the business office.

REQUISITIONS FOR PURCHASING EXPENSES

All requests for purchases **must** be submitted on requisition forms to your supervisor, and all actual purchases **must** be made by purchase order generated by the HFM BOCES Business Office. Purchases made without a purchase order will not be allowed, and you will be held personally responsible for payment. All purchases, including emergency purchases, require prior approval from the purchasing officer. The following procedures should be followed.

Timeline:**October-November**

Staff members will receive a packet of purchase/expense estimate forms to summarize their needs for equipment, supplies/materials (including miscellaneous school supplies) and other miscellaneous expenditures for the next school year. All forms must be approved by your immediate supervisor, who will then submit them for approval to the Chief Financial Officer for final approval. This information will be used to calculate next year's BOCES budget. These estimates should reflect your best-calculated estimate using current catalogs plus 15 percent for shipping and handling.

March-April

Information on the process for ordering miscellaneous school supplies is forthcoming. Please visit the employee page of our Web site (www.hfmboces.org/Employees/employees.htm) for the latest version of this handbook.

April

Cut off for purchases for the current school year.

May-June

Please complete requisition forms and submit them to your supervisor for items that you **MUST HAVE** for school opening in the new school year. Cash flow will not permit all purchases at this time; however, you may submit the rest of your purchase requests to your supervisor during the remainder of the year.

COMPUTER PURCHASES

Group purchases of computers take place twice a year (December and May). The following timelines apply:

December _____ **May**

7/1 - 10/31 _____ 11/1 - 3/15

Divisions submit requests to purchase computers.

11/1-11/30 _____ 3/15 - 4/15

Computer Services reviews information and does followups as necessary to determine requirements (hardware, software, electrical, etc.); researches appropriate hardware and software; obtains quotes; enters orders into WinCap.

12/1 - 12/15 _____ 4/15 - 4/30

Business Office processes order:

- Checks for adequate funding
- Enters budget codes on order
- Gets approval of appropriate division heads
- Gets approval of Chief Financial Officer to issue purchase order
- Sends purchase order to vendor

USE OF SCHOOL MATERIALS AND/OR BOCES FACILITIES

It is a serious violation of law for a school employee to use school owned supplies, equipment and/or facilities for personal use/benefit or for the benefit of any individual or group.

All materials, supplies and equipment purchased by the BOCES are to be used for legitimate BOCES purposes only. Any other use of these items is expressly prohibited. Any approved use of BOCES equipment off site must be requested on an equipment loan form.

The use of facilities for other than regular instructional purposes must be approved by your immediate supervising administrator.

Violations of this policy may result in a written reprimand and possible legal action.

DUPLICATING AND COPYING EQUIPMENT

Basic duplicating and copying equipment is provided to assist the staff in normal BOCES functions. Materials copied or duplicated for personal purposes must be paid for at a rate which reflects the cost of material and maintenance fees.

Photo copies will cost at least 25 cents per face sheet.

GRADUATE STUDY/IN-SERVICE APPROVAL FOR PAYROLL PURPOSES

Forms are available from the Business Office.

All courses taken for salary purposes must have approval before the course is taken.

Salary credits will not be awarded unless prior approval has been granted and a copy of either the student grade report or transcript is filed verifying satisfactory completion of the course.

PAYROLL CHECKS

Payroll checks will be issued by mail to all staff members on a bi-weekly basis, **unless other arrangements have been made with the payroll department.**

Any questions concerning payrolls should be directed to the business office at 736-4310.

PROFESSIONAL DUES

If applicable, all local and state association dues should be paid directly to the association or be made by means of payroll deductions.

TAX SHELTERED ANNUITIES

There are up to six (6) tax sheltered annuities available through payroll deductions. For more information contact the business office 736-4310.

SCHOOL CLOSING POLICY

HFM employees assigned to component schools are to follow the emergency closing directives of that particular district. Itinerant staff are expected to report to any district which remains open. HFM campus schools are closed at the directive of the District Superintendent, generally in agreement with three of the four districts immediately contiguous to the HFM BOCES campus (Johnstown, Gloversville, Broadalbin-Perth and Fonda-Fultonville).

Announcements are made on local radio stations (WENT, WBUG) and generally on the Capital District television stations. Offices remain open when the Career and Technical Center is closed to students unless the District Superintendent elects to close all facilities, usually only in extreme weather. In the event of closure, teachers are not required to report; office staff are to report as close to starting time as possible, but not later than 10 a.m. Delayed openings (one or two hours) shall be similarly announced.

PROFESSIONAL STANDARDS

It is important for all staff to project a professional image of the Hamilton-Fulton-Montgomery BOCES. All staff members are expected to dress appropriately for their specific job responsibilities.

BOCES LESSON PLANS FOR SUBSTITUTE TEACHERS

1. General lesson plans for the following week of instruction should be completed and left at your teaching location on Friday or the last day of the work week if other than Friday.
2. The plans should contain the following items (some items may not apply in all situations depending upon your assignment):
 - A. Time schedule for the day, the activity involved in each time period, routines to be handled and room locations. **EXAMPLE:**

8:15 - 8:20 Attendance

9:15 - 9:45 Mathematics

10:45 - 11:05 Clean up
 - B. Definite assignments that students were to have completed should contain an explanation of how the assignment is to be handled. **EXAMPLE:**

Collect to be graded, students to place assignment on the board, etc.
 - C. An outline of the day's lesson with specific reference to materials to be used, including page numbers, location of materials and the specific name of the text, teacher's key, audio-visual materials, etc.
 - D. A definite assignment for the students to complete for the next day's class
 - E. If a quiz is to be administered, the questions should be prepared by the regular teacher.
 - F. Class roster or class lists
 - G. Become aware of special problems

Planning for the substitute should probably include more material than you would normally expect to be completed. A substitute teacher generally goes through more material than does the regular teacher. However, unless specifically instructed to do so, they will not emphasize points that you would.

TEACHER CERTIFICATION

Anne Zimmerman is the regional certification officer for the New York State Education Department Office of Teaching Initiatives. She provides assistance to anyone who has questions regarding their certification. It is the teacher's responsibility to maintain proper certification status and to meet all requirements.

TEACHER DATA FILES

Each staff member must keep on file in the District Superintendent's office a permanent teacher data card and other pertinent documents, as requested.

HEALTH AND DENTAL INSURANCE

Medical and dental insurance coverage is provided for all HFM employees working at least half time. Questions regarding these programs should be directed to HFM BOCES Board Clerk Christine Eaton at (518) 736-4310.

PROJECT SAVE

Project Save is a “suite” of requirements and was enacted in 2001 through a wide range of laws and regulations at the state level, mainly through the New York State Education Department (NYSED) and the New York State Department of Criminal Justice System (DCJS). Highlights of Project SAVE for HFM BOCES staff include:

District-Wide School Safety Plan

Effective July 2001, and revised annually, a District-Wide School Safety Plan has been adopted in compliance with New York State Law and Commissioner’s Regulation 155.17. The plan covers the following:

- Responding to general emergencies
- Responding to threats
- Responding to acts of violence
- Appropriate prevention/intervention strategies
- Contacting law enforcement
- Contacting parents and/or guardians
- School building security
- Dissemination of informative materials regarding early detection of potentially violent behaviors
- Plans for annual safety training for staff and students
- Protocol for responding to bomb threats, hostage taking, intruders and kidnappers
- Strategies to improve communication among students and between students and staff
- Description of duties of hall monitors and other school safety personnel

The district-wide plan is a public document and a copy is available upon request from the Health-Safety Risk Management office.

Building Level Emergency Response Plans

Effective July 2001, and revised annually, a Building-Level Emergency Response Plan has been prepared by the Career & Technical Center and the Alternative High School in compliance with New York State Law and Commissioner’s Regulation 155.17. In-district special education and itinerant classrooms are covered by the host district and building plans.

The building-level plan is not a public document and is only accessible to members of the Building-Level Planning and Response Teams for security reasons. A copy of a plan

summary is available upon request from the Career & Technical Center and the Alternative High School.

Teacher Authority/Principal Authority

Under SAVE, teacher and principal authority for student removal from the classroom is expanded. Principals have discretion in how this expanded authority is implemented in their buildings, and instructional staff should consult with their principals or division directors to determine proper and acceptable guidelines and procedures.

Uniform Violent Incident Reporting

Violent incidents are now required to be tracked and summarized annually. Each division must use the VADIR (Violent and Disruptive Incident Report) form to document these incidents. VADIR reports are summarized and reported to the State Education Department each year. Instructional staff should consult with their principals or division directors to determine proper reporting procedures.

School Violence Prevention Training

Each year, HFM BOCES will include a topic related to school violence prevention on the agenda of a Superintendent’s Conference Day and address violence prevention training for current staff in the yearly professional development plan, as required by state education law.

Whistle Blower Protection

Under state education law, employees who report violent incidents in good faith are protected from discipline and/or civil liability. To report such an incident, contact your principal, division director or the office of the district superintendent.

Fingerprinting

All staff hired after July 1, 2001 are subject to fingerprinting and background clearance checks through the FBI and the NYS Department of Criminal Justice Services. Also, existing professional staff who receive certification in a new discipline are subject to the same requirements. Volunteers are not covered by this requirement. For more information on fingerprinting and background checks, please contact the HFM BOCES Health-Safety Risk Management Service.

School Conduct and Discipline Policy (Personnel 720)

HFM BOCES provides students with a multitude of opportunities to learn in a variety of unique learning environments. Student conduct and discipline must be appropriate in each of these learning environments. HFM BOCES understands that specific rules for conduct and discipline must differ based upon unique program opportunities, however, it supports the following basic tenants for all enrolled students.

I. STUDENT RIGHTS AND RESPONSIBILITIES

- A. Student Rights
- B. Students have the right to expect a school to offer the opportunity for them to use the available educational resources to study and learn to the best of their ability. Students' rights are protected by the Constitution of the United States, the New York State Education Law, and the New York State Education Commissioner Regulations.
- C. Students enrolled in HFM BOCES programs have a right to an education, but not an absolute right. HFM BOCES must be concerned with not only individual welfare, but also the welfare of all enrolled students.

In all disciplinary matters, students have the right to present their version of the facts and circumstances leading to the imposition of disciplinary sanctions to all those staff members imposing such sanctions, and to the board of education.

II. STUDENT RESPONSIBILITIES

1. Student rights bear with them certain student responsibilities. Above all students are expected to use reason, good judgment, respect for others, proper manners, respect for property, and follow school rules and policies.
2. Students are expected to make every effort to attend school regularly and arrive at class promptly; they should be prepared to devote their energies to learning.
3. Students should be willing to contribute toward establishing and maintaining a school climate which emphasizes mutual respect for students, teachers, and all school personnel.
4. Each student has the right to an appropriate education and he/she also has the responsibility not to interfere with or threaten the health, safety, welfare, or education of others.

III. STUDENT DISCIPLINE CODE

It is understood that each division of the HFM BOCES (Career Education, Alternative Education, and Special Education) is a unique program, and that within each program there is a diversity of student needs and abilities. The discipline code outlined in this section is therefore provided as a guide to each director/principal and shall be implemented in a manner consistent with the intent of each program and the needs of the students participating in those programs.

A. Initiation of a student Disciplinary Procedure

For various reasons, students do not always behave as responsibly as they should. When students do not respect their teachers' authority, or upset a class by their actions, they prevent others from learning. Conduct of this nature cannot be tolerated. For such instances, the following general procedures are suggested.

1. A student-teacher-parent conference is advisable. Frequently, a phone conversation will solve the difficulty by keeping all parties clearly informed. The conference can be initiated by either the student, the teacher or the parent.
2. A counselor and/or psychologist should be consulted, if such a position is available at the location, when the student-teacher-parent contact does not bring satisfactory results. Again, any of the three involved persons may initiate the counselor's involvement.
3. In more serious instances, the appropriate administrator shall be consulted. Teachers shall fill out a written report. At this stage, the process is generally more disciplinary in nature. Detention, suspension and even legal proceedings are sometimes recommended at this level to insure appropriate behavior.

B. Permissible Penalties

The range of penalties which may be imposed for violations of the student disciplinary code include the following: (Some penalties may need the cooperation of the student's home school)

1. verbal warning
2. written warning

3. written notification to parents/guardians
4. counseling
5. probation
6. reprimand
7. detention
8. suspension from transportation
9. suspension from athletic participation
10. suspension from social or extracurricular activities
11. suspension of other privileges
12. exclusion from a particular class
13. in-house suspension*
14. involuntary transfer
15. out of school suspension*

(* each division of the HFM BOCES has on record an appropriate procedure for out of school suspension in accordance with Section 3214 of the Education Law)

C. Suspension of students with disabilities

1. Short Term Suspension (1-5 days)

In the event the conduct of a student in a BOCES Program warrants suspension (Note reasons: BOCES short term suspension procedure) and upon a written report of the District Superintendent, the following procedures are to be followed.

- a. Upon receipt of a recommendation from the principal or director, the District Superintendent may suspend a student with disabilities for a period not to exceed five (5) school days. (Note BOCES Short Term Suspension Procedure)
- b. Prior to a recommendation for the suspension of a student with disabilities, the principal or director will contact the student's teacher(s) responsible for the Phrase II IEP to try to resolve the problem. The principal or director, teacher(s) and other appropriate school officials will determine whether or nor the incident arises as a result of the student's handicapping condition.
- c. If the incident is due to the nature of the student's disability, the principal or director will notify the home school district's Committee on Special Education to assess the continued appropriateness or necessary modification of the student's current IEP. The principal

or director and the home school district Committee on Special Education will jointly determine what action is necessary to restrain the student pending committee action. If the incident endangers the health and/or safety of other students or school personnel, the principal or director may recommend immediate short term (1-5 days) suspension to the District Superintendent.

d. If the incident is unrelated to the student's disability, the principal or director may recommend to the District Superintendent that the student be suspended for up to five school days.

e. In the case of a suspension not exceeding five school days by the District Superintendent, a student with disabilities and person in parental relationship to him, shall, on request, be given an opportunity for an informal conference with the principal or director at which the person in charge of parental relationship shall be authorized to ask questions of complaining witnesses. Any such suspension by the District Superintendent must be accompanied by a mailed letter addressed to the pupil's parents, the principal or director and the student's assigned CSE Chairperson from the local school district.

f. The District Superintendent may arrange a meeting with the parent/guardian, teacher and student to review the incident. The principal or director will be invited to attend.

2. Long-Term Student Suspension (Beyond 5 days)

- a. Only the BOCES District Superintendent or the BOCES Board of Education may suspend a student beyond 5 days
- b. Students without disabilities may not be suspended for a period in excess of five (5) school days unless such pupils and persons in parental relation to them shall have had an opportunity for a fair hearing upon a reasonable notice, by which such pupil shall have the right to representation by council with the right to question witnesses against such pupil and to present witnesses and other evidence on his/her behalf. Such hearings shall be held before the BOCES Superintendent of Schools or the BOCES Board of

School Conduct and Discipline Policy, continued

Education according to who ordered the suspension.

c. In all cases where the suspension of a student with disabilities is required, the Chairperson of the Committee on the Special Education will review the reasons for the student's suspension. This review will be made for the entire Committee on Special Education as well as the student's teacher and the principal or director.

d. If it is deemed necessary that further action beyond a five-day suspension is warranted, a formal referral for alternative placement/action may be forwarded to the student's Committee on Special Education for their consideration and recommendation.

- D. This policy and the board's rules and regulations for the maintenance of public order on school property will be publicized and explained by the teaching staff to all students and shall be available for review by any individual. In order to insure the effectiveness of this student discipline code, the board of education requests the continuing assistance of parents in explaining and enforcing the code.
- E. The student's right to a superintendent's hearing before a suspension from attendance in excess of five days and the right to an appeal of such a suspension to the board of education pursuant to Education Law 3214 is recognized by the board of education.

IV. PROHIBITION OF CORPORAL PUNISHMENT POLICY

It shall be the policy of the Board of Cooperative Educational Services, Hamilton-Fulton & Montgomery Counties that the use of physical force (corporal punishment) by staff members as a punishment against students is prohibited.

ALLOWANCE FOR THE USE OF REASONABLE FORCE

Although it is the policy of the Board of Cooperative Educational Services of Hamilton-Fulton & Montgomery Counties that the use of physical force (corporal punishment) by staff members as a punishment against students is prohibited, the use of reasonable force may be used in the following instances:

- A. Protection of oneself against physical injury by a student.
- B. Intervention in preventing physical injury to a student(s) or adults by other student(s).
- C. Protection of school property against damage or destruction.
- D. Restraining or removing a student interfering with the performance of school functions providing that the use of other methods not involving the use of physical force cannot be reasonably employed to achieve order.

Personnel employed by the Board of Cooperative Educational Services are to report any use of physical force to the office of the District Superintendent within 24 hours of such occurrence. The report is to be made in writing on prescribed report forms.

Complaints against school personnel involving the use of physical force are to be made in writing to the Office of the District Superintendent on the prescribed report forms. All complaints will be investigated and the District Superintendent will inform the Board of Cooperative Educational Services of any incidents involving the use of unreasonable physical force.

Reports involving complaints of the use of unreasonable physical force will be reported to the New York State Education Department as required on SED Form and Timeline and a copy of any report which determines unreasonable physical force was used by a staff member will be placed in the personnel file (all appropriate contractual rules will be followed).

V. PUBLIC CONDUCT ON SCHOOL PROPERTY

In accordance with Education Law 2801, the board adopts the following regulations to maintain public order on school property:

A. Prohibited Conduct

The Board of Education prohibits the following conduct or acts on school property by students, teachers, staff members, licensees, invitees and all others:

1. The willful physical injury of any person or the threat to use force which would result in such injury.
2. The harassment or coercion of any person.
3. The willful damage to, or destruction of, property.
4. The willful disruption of the orderly conduct of classes or of any other school program of activity.
5. The entry of any school building or upon any portion of the school premises unless such entry is made in connection with official business with the district or to attend an activity or function authorized thereby.
6. The willful interference with the lawful and authorized activities of others.
7. The possession, consumption or exchange of tobacco products, alcoholic beverages, unauthorized drugs or narcotics on school property.
8. The possession or use of any object that reasonably can be considered a weapon, on property of the school district.
9. The violation of any federal or statute, local ordinance or board policy.
10. The refusal or failure of any person to comply with a lawful order or direction of an official of the school district in the performance of his duties.
11. The distribution or posting of any written material, pamphlets or posters without the prior written approval of the superintendent or his/her designee.

B. Enforcement and Penalties

Any violation of the above shall be reported immediately to the building principal/director, who will investigate the case thoroughly and make a written report to the superintendent or the assistant superintendent in his/her absence. The Director,

principal, and/or the superintendent will have the following options as to what penalty to impose:

Option 1: Violators will be reprimanded.

Option 2: Violators will be ordered to leave the school property immediately.

Option 3: Law Enforcement Personnel will be called and specific charge may be made under the law.

Option 4: Any penalty authorized by Education Law.

Option 5: Any penalty authorized under Section 75 of the Civil Service Law, if the violator is a non-teaching employee of the district.

Other Penalties: These regulations and the penalties are not considered to be inclusive or to preclude in any way the prosecution and conviction of any person for the violation of any federal or state law or local ordinance and the imposition of a fine or penalty provided for therein.

A. Filing of this Policy

The superintendent will file this policy and any amendments here to with the Board of Regents and the Commissioner of Education within 10 days after their initial adoption and/or review as required by education law.

PROFESSIONAL STAFF DEVELOPMENT OPPORTUNITIES

Continuing professional growth and increasing effectiveness on the part of the entire staff is essential for the success of educational programs and the effective application of this school conduct and discipline policy. Inservice programs, to familiarize the professional staff with the provisions and purpose of this policy, shall be encouraged to make use of available inservice opportunities.

The superintendent will have the authority to approve release time for conferences and visitations, and reimbursements for expenses, provided such activities are within budget allocations, preapproved by the superintendent or his/her designee and comprehensive reports of the activities are submitted.

Procedure

For short term 1-5 day suspension

Title

Resp. Office

Description: Related to BOCES Discipline Policy

WHEN

After it has been determined that a student is not disabled - or in the case of a student with disabilities, that the behavior is not the result of his/her disability - the following are examples of behavior that warrant suspension. (This list is not all-inclusive.)

A. Student engages in:

1. Physical assault on staff
2. Physical assault on other students
3. Aggressive behavior endangering others
4. Theft
5. Vandalism of school property
6. Possession of drugs, alcohol or weapons on school property
7. Educationally disruptive behavior
8. Violation of housing school's policies
9. Other acts that endanger health

and safety

10. After other disciplinary hierarchy have proven unsuccessful

OFFICE

The Director of:

1. Special Education
2. Occupational Education
Principal of Alternative Education

ACTION

Recommend to the District Superintendent the suspension of student _____.

Accompanying this recommendation will be:

Form A – “Reasons for recommendation & documentation of disciplinary action taken to date”
(Discipline Report Form)

Form B – Notice to parents explaining above details.
(Letter)

Mandatory Reporting: Child Abuse or Maltreatment

BE IT RESOLVED THAT the following policy is hereby adopted pursuant to Education Law §3209 (a) pertaining to the mandatory reporting by school officials of suspected child abuse or maltreatment.

I. MANDATORY REPORTING

- A. All “school officials” are required by law to report or cause a report to be made (1) whenever they have reasonable cause to suspect that a child coming before them in their professional or official capacity is abused or maltreated; or (2) whenever they have reasonable cause to suspect that a child is an abused or maltreated child where the parent, guardian, or other person legally responsible comes before them in their professional or official capacity and states from personal knowledge facts, conditions or circumstances which, if correct, would render the child an abused or maltreated child.
- B. A “school official” is hereby defined as members of the Board of Education, superintendent, administrators, principals, teachers, nurses, teaching assistants, social workers, psychologists, guidance counselors, and all other licensed professional employees of the District.
- C. All other school employees are hereby required by this policy to report to the Superintendent cases of suspected child abuse or maltreatment as set forth below.

II. DEFINITIONS

- A. Person Legally Responsible includes the child’s custodian, guardian or any other person responsible for the child’s care at the relevant time. Custodian may include any person continually or at regular intervals found in the same household as the child when the conduct of such person causes or contributes to the abuse and maltreatment of the child.
- B. Impairment of emotional health and impairment of mental or emotional condition includes a state of substantially diminished psychological or intellectual functioning in relation to, but not limited to, such factors as failure to thrive, control of aggressive or self-destructive impulses, ability to think and reason, or acting out or misbehavior, including incorrigibility, ungovernability or habitual truancy; provided, however, that such impairment must be clearly attributable to the unwillingness or inability of the parent or other person legally responsible to exercise a minimum degree of care toward the child.

III. ABUSE OR MALTREATMENT DEFINED

- A. An “abused child” is a child under 18 years of age whose parent or other person legally responsible:
 1. inflicts or allows to be inflicted upon the child physical injury by other than accidental means which causes or creates a substantial risk of death, or serious or protracted disfigurement or impairment or physical or emotional health or protracted loss or impairment of the function of any bodily organ; or
 2. creates or allows to be created a substantial risk or physical injury to such child by other than accidental means which would be likely to cause death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health, or protracted loss or impairment of the function of any bodily organ; or
 3. commits or allows to be committed any sex offense against a child as defined by the Penal Law; allows, permits or encourages such child to engage in any act of prostitution (as described in Penal Law §§230.25; 230.30; or 230.32); commits an act of incest (as described in Penal Law §255.25); or allows such child to engage in acts or conduct described in Article 263 of the Penal Law.
- B. A “maltreated child” is
 1. a child under 18 years of age:
 - a. defined as a “neglected child” by the Family Court Act. A “neglected child” is any child under 18 of age:
 - (i) whose physical, mental or emotional condition has been or is in imminent danger of becoming impaired due to the failure of his parent or other person legally responsible to exercise a minimum degree of care:
 - (a) in providing adequate food, clothing, shelter or education in accordance with Part One of Article 65 of the Education Law;

- (b) in providing medical, dental, optometrical or surgical care though financially able to do so or offered financial or other reasonable means to do so; or
- (c) in providing proper supervision or guardianship by unreasonably inflicting or allowing to be inflicted harm or substantial risk of harm, including excessive corporal punishment; or by misusing drugs or alcoholic beverages to the extent that (s)he loses self-control of his/her actions; or by any other act of a similarly serious nature; except that where the parent or guardian is voluntarily and regularly participating in a rehabilitative program, then evidence that such parent or guardian has repeatedly misused drugs or alcohol shall not establish that the child is a neglected child unless the child's physical, emotional, or mental condition has been impaired or is in imminent danger of being impaired or
- (ii) who has been abandoned, in accordance with subdivision 5 of Section 384-b of the Social Services Law, by his parent or legal guardian.
- b. who has had serious physical injury inflicted upon him by other than accidental means.
- D. The above definitions of "abuse" and "maltreatment" also include: Children under eighteen (18) years of age in residential care or children eighteen (18) years of age or older with handicapping conditions in residential care schools or facility described in Social Service Law §412 (7) (c), (d), (e), or (f), who are defined as abused or neglected pursuant to §412 (8) or (9).

IV. REPORTING PROCEDURES

- A. Whenever any school official or school employee reasonably suspects that a child is abused or maltreated as set forth above, (s)he shall immediately notify the Superintendent, or his designated agent, who shall then be responsible to report.
- B. If the Superintendent or his designee is unavailable, then any school official required by law to report shall personally report as set forth below. Thereafter, and as soon as possible, such school official shall report the case to the Superintendent or his designee. In no event shall more than one report be required.
- C. The Superintendent or his designee shall transmit all reports of suspected child abuse or maltreatment immediately by telephone or by telephone facsimile machine on a form supplied by the Commissioner of the Department of Social Services.
- I. Such oral reports shall be made to the State Central Register of Child Abuse and Maltreatment (SCR), unless otherwise required to report directly to the local child protective services. The SCR phone number is 1-800-342-3720.
- D. Written reports shall be made by the Superintendent, or his designee, to the local Child Protective Service (CPS) within 48 hours of the oral report, on a form supplied by the local CPS. Such report will include the following information:
1. The names and addresses of the child and his parents or other person(s) responsible for his care, if known;
 2. The child's age, sex, and race;
 3. The nature and extent of the child's injuries, abuse or maltreatment, including any evidence of prior injuries, abuse or maltreatment to the child or his/her siblings;
 4. The name of the person or persons responsible for causing the injury, abuse or maltreatment, if known;
 5. Family composition, where appropriate;
 6. The source of the report;

Mandatory Reporting of Child Abuse or Maltreatment, continued

7. The person making the report and where (s)he can be reached;

8. The actions taken by the reporting source, including the taking of photographs and x-rays, removal or keeping of the child, or notifying the medical examiner or coroner;

9. Any other information which the person making the report believes might be helpful.

- E. The Superintendent or his designee shall take or cause to be taken photographs of the area of trauma visible on a child who is the subject of a report and, if medically indicated, may cause x-rays to be taken of the child.

V. TAKING A CHILD INTO PROTECTIVE CUSTODY.

- A. All school officials shall cooperate with any officer of the law, agent of an incorporated society for the prevention of cruelty to children, or designated employee of a city or county Department of Social Services who has the authority pursuant to the requirements and provisions of the Family Court Act to take all appropriate measures to protect the child's health, including, when appropriate, taking a child into protective custody without the consent of a parent or guardian if such authorized person has reasonable cause to believe that the circumstances or condition of the child are such that continuing in the care of the parent or other person legally responsible presents an imminent danger to the child's life or health.
- B. Any school official confronted by a person or persons claiming authority as set forth in paragraph "A" above shall immediately notify the Superintendent.

VI. MANDATORY REPORTING OF DEATHS

- A. Any school official or school employee who reasonably suspects that a child died as a result of child abuse or maltreatment shall report that fact to the Superintendent or his designee who shall report to the appropriate medical examiner or coroner.

VII. IMMUNITY FROM LIABILITY

- A. Any school official or school employee who participates in good faith in making a report, taking photographs, or removing or keeping a child shall have immunity from any civil or criminal liability that might otherwise result.
- I. The good faith of such school official or school employee shall be presumed, provided such official or employee was acting in his duties within the scope of his employment, and that such liability did not result from the willful misconduct or gross negligence of such official or employee.

VIII. PENALTIES FOR FAILURE TO REPORT

- A. Any school official required by statute to report a case of suspected child abuse or maltreatment who willfully fails to do so shall be guilty of a Class A misdemeanor.
- B. Any school official required by statute to report a case of suspected child abuse or maltreatment who knowingly and willfully fails to do so shall be civilly liable for the damages proximately caused by such failure.

IX. COPIES OF THIS POLICY SHALL BE PROVIDED TO ALL SCHOOL OFFICIALS AND SCHOOL EMPLOYEES.

Sexual Harassment Prohibition

I. POLICY

- A. The United States Equal Employment Opportunity Commission (EEOC), on Sept. 23, 1980, amended its guidelines on sexual discrimination to establish the fact that sexual harassment is a violation of Title VII of the Civil Rights Act of 1964. Employees or students may claim a cause of action under Title IX of the Education Amendments of 1972. The New York State Human Rights Law adopts the EEOC guidelines for use in determining sexual harassment. The Hamilton-Fulton-Montgomery County Board of Cooperative Educational Services is committed to a policy that sexual harassment constitutes illegal behavior and is prohibited.
- B. 1. Under EEOC Guidelines, it is illegal for any student or employee, male or female, to make unwelcome sexual advances or requests for sexual favors, and/or engage in any other verbal or physical conduct of a sexual nature when (1) submission to the conduct is an implicit term or condition of employment or education, or (2) submission to or rejection of the conduct is used as a basis for decision affecting employment or education of the person(s) rejecting or submitting to the conduct, or (3) the conduct has the purpose or effect of unreasonably interfering with an affected person's work performance or creating an intimidating, hostile or offensive employment or education environment.
2. "Abusive environment" harassment need not seriously affect an employee's psychological well-being or lead the plaintiff to suffer injury. Whether a working environment is "hostile" or "abusive" can be determined only by looking at all the circumstances which may include 1) the frequency of the discriminatory conduct, 2) its severity, 3), whether it is physically threatening or humiliating, or a mere offensive utterance, and 4) whether it unreasonably interferes with an individual's performance. This standard requires an objectively hostile or abusive environment that a reasonable person would find hostile or abusive,

as well as the victim's subjective perception that the environment is abusive.

3. The Hamilton-Fulton-Montgomery Counties Board of Cooperative Educational Services also prohibits sexual harassment by non-employees. Any person who believes he/she is a victim of this type of sexual harassment should report the alleged acts in accordance with the Reporting Procedures in Section II.

II. REPORTING PROCEDURES

- A. The Hamilton-Fulton-Montgomery Counties Board of Cooperative Educational Services recognizes sexual harassment as a form of misconduct, and provides affected individuals with rights of redress and complain resolution channels for incidents of sexual harassment.
- B. Any person who believes he/she has been the victim of sexual harassment by a student or employee of the BOCES, or any third person with knowledge of belief of conduct which may constitute sexual harassment, should report the alleged acts immediately to his/her immediate supervisor, to the official designated by this policy as Compliance Officer.
- C. Upon receipt of a report, the immediate supervisor must notify the Compliance Officer immediately without screening or investigating the complaint. If the report was given verbally, rather than on the form available from the Main Office, he/she shall reduce it to written form within twenty-four (24) hours and forward it to the Compliance Officer.
- D. The Board designates the Assistant Superintendent and Career & Technical Education Director as the Compliance Officers to receive reports or complaints of sexual harassment. Only if the complaint involves the Compliance Officer shall the complaint be filed directly with the District Superintendent.
- E. 1. The Compliance Officer, upon receipt of a report or complaint of sexual harassment, shall immediately initiate an investigation. This investigation shall be

Sexual Harassment Prohibition, continued

conducted by the Compliance Officer or by a third party designated by the District Superintendent. The investigating party shall provide a written report of the investigation within ten (10) working days to the District Superintendent and, if a third party, to the Compliance Officer.

2. The investigation may consist of personal interviews with affected or involved individuals, and other methods and documents deemed pertinent by the investigator.

F. The Hamilton-Fulton-Montgomery Counties Board of Cooperative Educational Services may take immediate and necessary action to protect the complainant pending completion of an investigation of alleged sexual harassment.

G. The Compliance Officer shall make a report to the District Superintendent upon completion of the investigation.

H. The complainant shall be notified of the results of such investigation.

III. ENFORCEMENT

The Hamilton-Fulton-Montgomery Counties Board of Cooperative Educational Services will enforce appropriate sanctions against employees or students engaging in sexual harassment, including warning, reprimand, suspension or discharge. Any action taken pursuant to this policy will be consistent with requirements of applicable law, collective bargaining agreements and Board policies.

IV. TRAINING

Training for appropriate staff in each department shall be given on the identification of sexual harassment, how to process complaints and the role and responsibility of supervisory personnel in the prevention of sexual harassing incidents.

Legal Ref: Title VII, Section 703 Civil Rights Act of 1964 as amended: 45 Fed. Reg. 74676, issued by the EEOC (29 CFR 1604.11); 42 U.S.C., Section 2000 (e), et. seq.; New York State Human Rights Law, Article 15; Title IX. 20 U.S.C. Section 1681, et. seq.; Civil Rights Law of 1991; Harris v. Forklift Systems, Inc; Meritor Savings Bank v. Vinson, 477 U.S. 57 (1986).

Family Educational Rights and Privacy Act of 1974

(Adopted 11/26/80)

The Board of Education of the Board of Cooperative Educational Services of Hamilton-Fulton & Montgomery Counties complies by formal resolution adopted November 26, 1980 with the “Family Educational Rights and Privacy Act of 1974” as amended to insure the availability of student education and former students over 18 years of age, and to ensure the confidentiality of such records with respect to third parties.

“Education Records” are defined as those records, files, documents and other materials maintained by this BOCES which contain information directly related to the student. Specifically excluded are several categories of records, including records personally kept by teachers, administrators or ancillary personnel, which are not revealed or accessible to any person other than a substitute teacher.

“Student” includes any person with respect to whom this BOCES maintains records or personally identifiable information, but does not include a person who has not been in attendance at such agency or institution.

1. Access to Records:

Parents of a student under 18, or such students or former students themselves if they are 18 or older, have a right to inspect and review the student’s education records. Where such records relate to more than one student, the right to review extends only to such part thereof as relates to the student involved in the review, and right can be satisfied by informing the parent or student of the content of the record relating to him/her.

2. Request to Review Records:

Requests to review records are to be presented to the records access officer designated by the BOCES on forms provided. A signature on the request form is required. Dated request forms will be filed by the BOCES.

3. Request for Hearing:

An opportunity for the parents of a student under 18, or a student or former student under 18, or a student or former student over 18, to identify in writing, the

record or records which they believe to be inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, together with a statement of the reasons for their challenge to the record. This written statement is to be presented to the records access officer.

a. A written response by the Records Access Officer, indicating either that he/she finds the challenged record inaccurate, misleading or otherwise inappropriate and that it will be corrected and deleted or that he/she finds no basis for correcting or deleting the record in question, but that the parent or student will be given an opportunity for a hearing upon request.

b. A hearing, if requested, may be held with the District Superintendent. The parent or student will be provided the opportunity to present evidence in support of his/her belief that the record is erroneous and to rebut any evidence submitted in support of the record. A written decision will state the reasons for the determination. Provisions are made for the parent or student to insert into such records a written explanation concerning the content of such records.

4. Confidentiality of Student Records:

A student’s education records, and any material contained therein which is personally identifiable, are confidential and may not be released or made available to persons other than parents or students without written consent of such parents or students.

The exceptions to this regulation follow:

a. Other school officials or teachers within the district.

b. Officials of other school districts in which the student seeks or intends to enroll, if the parent or student are notified of the transfer of records.

c. Authorized representatives of Federal or State Agencies for purposes of audit and evaluation of State or Federal Programs.

Family Educational Rights and Privacy Act of 1974, continued

- d. In connection with a student's application for financial aid.
- e. State and local authorities to which such information is specifically required to be reported or disclosed pursuant to State statute.
- f. Organizations conducting educational studies, which such studies are conducted in such a manner that students whose records are used cannot be identified by other persons.
- g. Accrediting organizations, in carrying out functions.
- h. Parents of a dependent student.
- i. In an emergency, to appropriate persons, where the knowledge is necessary to protect the health or safety of the individual or other persons.
- j. Pursuant to court order of subpoena, after notification to the parent or student.
- k. Directory information may be provided without consent, but may include only the following: name, address, telephone number, date and place of birth, major field of study, participation in officially recognized activities, dates of attendance, awards, degrees, and location of most recent previous educational agency or institution attended.

Family and Medical Leave Act

Presented by Pilar Sokol, Esq. Deputy Counsel New York State School Boards Association at Statewide BOCES Personnel Meeting

I. STATEMENT OF POLICY

- A. It is the policy of the BOCES to allow an employee to be absent from his/her duties for the reasons stated in the Family and Medical Leave Act (“FMLA”), as amended. This includes absence for the following purposes:
1. The employee’s own serious health condition that renders the employee unable to work at all, or unable to perform at least one of the essential functions of the employee’s job;
 2. To care for a son, daughter, spouse, or parent with a serious health condition;
 3. To adopt a child, or to receive a child into foster care;
 4. To care for the employee’s newborn child;
 5. To care for a son, daughter, spouse, parent, or next of kin who is a member of the armed services and who has a serious injury or illness incurred in the line of duty; or,
 6. To respond to certain qualifying exigencies when a family member is on active duty or is called to active duty with the armed services.
- B. An employee absent for a purpose within the scope of this policy and compliant with obligations under this policy will be reinstated to their same or an equivalent position at the end of the absence, provided the employee continues to meet the qualifications for the position and the employee’s employment would not have been terminated or altered had the employee not been absent.
- C. This policy and any administrative regulations or procedures approved by the Superintendent shall be implemented so as to comply with the FMLA and any applicable provisions of the BOCES’ collective bargaining agreements.

II. EMPLOYEE ELIGIBILITY

A. Length of Service

To be eligible for an allowed absence under this policy, an employee must have been employed by the BOCES for a minimum of twelve (12) months (52 weeks). Nonconsecutive periods of employment will be counted together to determine eligibility, provided no break in employment exceeds seven (7) years. Time spent fulfilling a Reserve or National Guard obligation after initial employment with the BOCES will be considered as time employed by the BOCES.

B. Hours Worked

To be eligible for an allowed absence under this policy, an employee must have worked a minimum of 1,250 hours for the BOCES over the previous 12 months. Satisfaction of this requirement shall be calculated using the definition of “hours worked” under the Fair Labor Standards Act (“FLSA”). An employee who is away from work to fulfill a Reserve or National Guard obligation will be credited with “hours worked” as though the employee had performed their normal duties for the BOCES during that time.

C. Serious Health Condition

An employee qualifies for an allowed absence under this policy when the employee experiences an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider; and when the employee’s presence is necessary to care for a parent, son, daughter, or spouse who experiences such a condition.

D. Care of a Newborn Infant

An employee who is the mother or father of a newborn infant qualifies for an allowed absence to care for the newborn during the 12 months following the birth.

*Family and Medical Leave Act, continued***E. Adoption or Foster Care**

An employee who has a son or daughter placed with them for adoption or foster care qualifies for an allowed absence during the 12 months following the placement, as well as prior to the placement for purposes related to the placement (e.g., court appearances, counseling sessions).

F. Military Caregiver

An employee who is the son, daughter, spouse, parent, or next of kin of a current member of the Regular Armed Forces, the National Guard, or the Reserves, or of a veteran, qualifies for an allowed absence under this Policy if the military member is on the temporary disability retired list because of a serious injury or illness incurred in the line of duty for which they are undergoing medical treatment, recuperation, or therapy; is otherwise in outpatient status; or is otherwise on the temporary disability retirement list. In the case of a veteran, leave is available if the injury or illness manifested itself within five years of the treatment, recuperation, or therapy.

G. Active Duty Qualifying Exigency

If the spouse, son, daughter, or parent of an employee is a member of the National Guard or Reserves, and is on active military duty, or is called to active duty, then the employee is allowed to be absent for one or more of these qualifying exigencies:

1. Short-notice deployment,
2. Military events and ceremonies, including family assistance or support meetings
3. Childcare and school activities,
4. To make financial and legal arrangements related to the deployment,
5. Counseling services for the employee, covered military member, or a child in the required degree of relationship to the covered military member,
6. Rest and recuperation,
7. Post-deployment activities, and
8. Additional activities that arise out of the covered military member's active duty or call to active duty, provided the BOCES and the employee agree that the activities qualify as an exigency. If the spouse, son, daughter, or parent of an employee is a member of the Regular Armed Forces and is deployed to a foreign country, then the employee is allowed to be absent for one or more of the above contingencies.

III. DURATION OF EXCUSED ABSENCE

- A. An employee who qualifies for leave under any combination of purposes 1, 2, 3, 4, and 6 in Section I.A. of this policy is allowed an absence of up to twelve (12) weeks, in a rolling twelve (12) month period.
 - I. Where both the mother and the father of a newborn, adopted, or foster placed child are employees of the BOCES, the total absence allowed under this policy to the two parents for purposes 3 and 4 in section I.A. of this policy shall be 12 weeks.
- B. An employee who qualifies for leave to care for an injured or ill service member (purpose 5 in Section I.A.) is allowed a single absence of up to 26 weeks in a single 12 month time period. The single 12 month time period used for this purpose begins when the employee is first absent for this purpose.
 1. During the 12 month time period used for this purpose, the employee's total absence for all FMLA purposes may not exceed 26 weeks.
 2. If the employee requests leave to care for more than one injured or ill service member, or requests leave due to more than one injury or illness of the same service member, the absence allowed by this policy shall be calculated in accordance with the limitations and allowances of applicable federal regulations.

IV. INTERMITTENT OR REDUCED SCHEDULE ABSENCE

- A. Intermittent absences, or a reduced schedule, will be classified as an allowable leave under this policy where it is certified as medically necessary because of the serious health condition of the employee, a covered

Family and Medical Leave Act, continued

family member of the employee, or a covered service member to whom the employee has the required relationship.

- I. Intermittent leave shall be taken and recorded in increments of time consistent with the practice for other absences.
- B. An employee will also be allowed intermittent absences related to a qualifying exigency arising from the active duty, or call to active duty, of a qualified military member.
- C. An employee will not generally be allowed intermittent absences related to the birth, adoption, or foster placement of a child, but such absence may be allowed at the discretion of the Superintendent.

V. INFORMATION PROVIDED BY BOCES TO EMPLOYEES

- A. A notice explaining the FMLA, and providing other required information, shall be posted physically in BOCES buildings in a manner that complies with federal regulations. A copy of this general notice shall also be provided to each new employee.
- B. When an employee requests a leave of absence, or the BOCES acquires knowledge that an employee's absence may be for a purpose covered by this policy and FMLA, the BOCES shall, within five (5) business days, provide the employee with written notice of:
 - I. Whether the BOCES considers the employee eligible for leave under FMLA and this policy, and, if not, the reason; and
 2. The employee's rights and obligations, and the consequences of not fulfilling those obligations.
- C. The BOCES shall notify the employee in writing that the employee's absence is designated as allowable leave under this policy and FMLA, or it is not. This notice shall be given within five (5) business days of the BOCES having sufficient information to make this determination.
 - I. The BOCES' requirement that the employee present a fitness-for-duty certification shall be explained in the determination notice, if applicable.
 2. The BOCES' requirement that the employee's accumulated paid leave be applied to the absence shall be described in the determination notice.
- D. The BOCES shall responsively answer questions from employees regarding their rights and responsibilities under FMLA and this policy.

VI. INFORMATION PROVIDED BY EMPLOYEES TO BOCES

- A. Where the reason for an employee's absence is foreseeable, the employee is required by this policy and FMLA to give 30 days notice of the intended absence and the reason for it. Where 30 days notice is not possible, the employee must give as much notice as is practicable. This will apply to many cases of planned medical procedures (for the employee or a family member), adoptions and foster placements, and births.
 - I. An employee should provide this notice to the Clerk of the Board.
 2. Employees must consult with the BOCES when planning medical treatment, and make a reasonable effort to schedule the treatment so as not to disrupt BOCES operations.
- B. Where the need for an employee's absence is not foreseeable, the employee must provide the BOCES with as much notice as is practicable under the circumstances. The employee should provide enough information to establish that the purpose of the absence fits the requirements of this policy and FMLA, and the expected duration of the absence.
- C. Employees shall responsively answer BOCES questions intended to clarify whether an absence qualifies as an allowable absence, and to allow planning for the employee's absence.

VII. COORDINATION WITH PAID LEAVE

The general rule is that an employee is not paid for time spent away from work for one of the purposes covered by this policy. However, if the employee has accrued paid benefit time, the BOCES requires the

Family and Medical Leave Act, continued

employee to apply that accrued time to the allowable absence, so that the employee is paid during the absence and the balance of accrued time is reduced accordingly. The amount of benefit time, and the category of benefit time used, is determined by the terms and conditions of applicable Board policies, established BOCES practices, and applicable collective bargaining agreements.

VIII. CONTINUATION OF HEALTH CARE INSURANCE

- A. During any absence that qualifies for treatment under this policy and FMLA, the BOCES shall maintain the employee's coverage under a group health insurance plan on the same conditions as coverage was provided prior to the absence. In addition,
1. Any changes made to the scope or terms of coverage provided to active employees under the group health plan will be made available to an employee absent from work in accordance with this policy, and
 2. Notice of any opportunity to change plans or benefit levels that occurs while the employee is absent will be given to the employee.
 3. The BOCES' continuation of group health plan benefits will end if circumstances occur that end, or would have ended, the employment relationship with the absent employee.
- B. During an allowable absence under this policy and FMLA, an employee's obligation to pay group health insurance premiums continues. Notice of this obligation will be given at the time that the absence is designated as coming under this policy.
1. If paid leave is applied to an allowable absence, employee premium obligations shall be deducted from payroll in the usual manner.
 2. If the allowable absence is unpaid, the employee is required to make payment to the BOCES at the time that a payroll deduction would otherwise have been processed by the BOCES.

- a. If the employee's payment is more than 30 days late, the Superintendent shall decide whether the BOCES will exercise its right under FMLA to discontinue the employee's coverage.
- b. If an employee fails to make a payment, the Superintendent shall decide whether the BOCES will exercise its right under FMLA to recover the amount from the employee.

IX. REQUIRED CERTIFICATIONS

- A. An employee's request that an absence for medical reasons be treated as an allowable absence under this policy shall be supported by a medical certification sufficient to allow the BOCES to determine that the absence is related to a serious health condition of the employee, a family member, or a qualifying member of the armed services. Unless an alternate form is promulgated by the Superintendent, the certification shall be on the form included in the FMLA regulations of the U.S. Department of Labor.
1. If the BOCES finds a submitted certification to not be complete and sufficient, it will notify the employee in writing what additional information is required and provide at least seven (7) calendar days for the employee to provide additional information.
 2. The BOCES may invite the employee to authorize direct communication with the employee's health care provider, but may not require such authorization as a precondition of determining whether the absence qualifies as FMLA leave.
 3. Recertifications will be requested as permitted by FMLA and applicable regulations.

Family and Medical Leave Act, continued

- B. The first time an employee requests that an absence be classified as allowable because of a qualifying exigency arising out of active duty (or call to active duty) of a covered military member, the employee shall provide a copy of the covered military member's active duty orders or other documentation issued by the military sufficient to allow the BOCES to determine that the absence qualifies for treatment under this policy.
- C. At the discretion of the Superintendent, the BOCES shall require an employee absent pursuant to this policy and FMLA to periodically report on the employee's status and intent to return to work.
- D. An employee whose allowable absence was related to the employee's own serious health condition shall be required to submit a fitness-for-duty certification, addressing only the conditions described in previously submitted medical certifications, before returning to work.

X. SUPERINTENDENT RESPONSIBILITY

The Superintendent shall insure that required notices are properly posted in BOCES buildings, that required information is distributed to staff members, and that supervisory personnel are familiar with the BOCES' obligations under FMLA and the internal procedures for meeting those obligations.

HFM BOCES Adopted: 5/25/2011

Request for Family/Medical Leave

Employee Name: _____ Date of Request: _____

Department: _____ Position Title: _____

Hire Date: _____

I request a Family/Medical Leave for the following reason (check one):

- _____ 1. The employee's own serious health condition that renders the employee unable to work at all, or unable to perform at least one of the essential functions of the employee's job;
- _____ 2. To care for a son, daughter, spouse, or parent with a serious health condition;
- _____ 3. To adopt a child, or to receive a child into foster care;
- _____ 4. To care for the employee's newborn child;
- _____ 5. To care for a son, daughter, spouse, parent, or next of kin who is a member of the armed services and who has a serious injury or illness incurred in the line of duty; or;
- _____ 6. To respond to certain qualifying exigencies when a family member is on active duty or is called to active duty with the armed services.

Method of Leave Requested:

- _____ 1. Consecutive Leave
- _____ 2. Intermittent or Reduced Leave Schedule (Specify Schedule Below)

Method of Leave Requested:

Date leave is to begin: _____ Expected duration of leave: _____

Superintendent Approved: _____

Internet and Computer Use Policy

The HFM BOCES is committed to optimizing student learning and teaching through leadership, services and programs, enabling individual school districts and the community to achieve their standards of excellence.

The Cooperative Board considers student and employee access to a computer network, including the Internet, to be a powerful and valuable educational administrative and research tool. Further, the Board encourages the use of computers and computer-related technology in classrooms and offices for the purposes of advancing and promoting learning and teaching, and providing for efficient management of services and general administrative tasks. Students are given the privilege of using these resources for research and communications related to classroom assignments and approved co-curricular activities.

Employees are authorized to use these resources for instruction, professional development and training, and for research and communications related to the curriculum, approved co-curricular activities and their assigned areas of responsibility.

BOCES information includes all data, in any format, that is collected or created by the HFM BOCES. For example, personal data that is collected from employees, students or suppliers; including, but not limited to, names, email addresses, phone numbers, account numbers, tax identification or social security numbers, is included in the definition of BOCES information and therefore covered by this policy.

BOCES information resources includes BOCES information and technology provided by the BOCES to process and store information; including, but not limited to, computer equipment, fax machines, voice mail, Internet access, email accounts, personal digital assistants (PDA's), cell phones, blackberrys, and software provided by the BOCES, storage media, removable media, and networks, are considered HFM BOCES information resources.

All users of the organization's information resources accept as a condition of use that access is a privilege, not a right, and that use entails responsibility. The HFM BOCES reserves the right to monitor access, and students, parents, employees and volunteers consent to such monitoring. The

BOCES further reserves the right to access and view any material stored on BOCES equipment, or any material used in conjunction with the BOCES computer network. Failure to comply with the standards outlined in this policy may result in disciplinary action, as well as suspension and/or revocation of access to BOCES information resources.

Portable devices including, but not limited to, laptops, cell phones, PDAs and mobile storage media must be secured at all times. Devices are not to be left unattended in public, in a vehicle, or in an unsecured area on BOCES property.

Removeable media (USB drives, external hard drives, CDs, DVDs) should not be used to store HFM BOCES information unless password protected. Personally purchased removeable media are not permitted for business use unless expressly permitted by a supervisor. HFM BOCES information placed, even with permission, on personal removeable media remains subject to HFM BOCES access if required in the context of audit, investigation or litigation.

Access to the Internet will allow students, employees and all users to gain access to information throughout the world. Parents/guardians and users should be warned that with this access also comes the availability of material that may not be considered to be of educational value, and may, in fact, be illegal, defamatory, inaccurate, or offensive to some people. Although use will be supervised, the Cooperative Board cannot guarantee that exposure to inappropriate material will not occur. The HFM BOCES makes no warranties of any kind, whether expressed or implied, for the service it is providing, and the use of information obtained via the Internet is at the sole risk and responsibility of the user. The HFM BOCES firmly believes, however, that the valuable information and interaction available on this worldwide network far outweigh the possibility that users may procure material that is inconsistent with our educational goals.

Internet and Computer Use Policy, continued

HFM BOCES provides Internet access and email accounts for use in business processes. Limited non-business use, which is not an abuse of HFM BOCES time and/or resources, and which does not violate any applicable BOCES policy, may be permitted. It is prohibited to use HFM BOCES information resources to access, download, create, display or disseminate material that may be considered obscene, racist, sexist, ageist, threatening or otherwise offensive, unprofessional, or in violation of any HFM BOCES policy or guidelines; or may otherwise be perceived to create a hostile work environment. HFM BOCES may block potentially objectionable or dangerous websites, or rely on content filtering software to filter broad categories of websites. HFM BOCES cannot review every potentially blocked website. The availability or unavailability of a website does not necessarily reflect endorsement or censorship by the BOCES.

Use of personal email accounts to conduct HFM BOCES business should be avoided. HFM BOCES employees are provided a BOCES email account for business use.

Employees, students, and others who are allowed to use the hardware, software, and services owned or provided by HFM BOCES must comply with all applicable laws and policies. Applicable laws and policies include, but are not limited to:

- respecting copyrights and licensing agreements.
- using hardware, software and services for their intended purposes and not in a mischievous or negligent manner; nor for criminal intent.
- having no expectation of privacy in regard to information received, transmitted, or created on equipment provided by HFM BOCES, but not distributing or accessing information that may be considered private. While it is HFM BOCES practice to physically destroy the hard drive in a computer declared as salvage, there should be no expectation of guaranteed security.
- avoiding any personally identifiable information of a confidential or sensitive nature (student and user) on email or non-password protected storage media (fixed and removable).

- following good safety procedures (e.g. avoiding anything that may harm the user or equipment).
- not transmitting or receiving material or information that is extraneous to the intent of instruction.
- not opening any email from a suspicious sender

Interpretation of acceptable use pursuant to this policy is the responsibility of the Supervisory Team. Questions related to either HFM BOCES information or information resources should be promptly referred to Computer Services.

The District Superintendent shall establish regulations governing implementation of this policy.

Code of Ethics

I. Pursuant to the provisions of Section Eight Hundred Six (806) of the General Municipal Law, the Board of Cooperative Educational Services recognizes that there are rules of ethical conduct for public officers and employees which must be observed if a high degree of moral conduct is to be obtained, and if public confidence is to be maintained in our unit of local government. It is the purpose of this policy to promulgate rules of ethical conduct to serve as a guide for official conduct of officers and employees of the Board of Cooperative Educational Services.

II. Definitions:

- A. "Officer or Employee" means an officer or employee of the Board of Cooperative Educational Services, whether paid or unpaid, including members of any administrative board, commission or other agency thereof. No person shall be deemed to be a municipal officer or employee solely by reason of being a volunteer fireman or civil defense volunteer, except a chief engineer or assistant chief engineer.
- B. "Interest" means a pecuniary or material benefit accruing to a municipal officer or employee unless the context otherwise requires.

III. Standards of Conduct:

Every officer or employee of the Board shall be subject to and abide by the following standards of conduct:

A. Gifts:

He/She shall not, directly or indirectly, solicit any gift; or accept or receive any gift having a value of Seventy-Five Dollars (\$75.00) or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him/her in the performance of his/her official duties or was intended as a reward for any official action on his/her part.

B. Confidential Information:

He/She shall not disclose confidential information acquired by him/her in the course of his/her official duties or use such information to further his/her personal interest.

C. Representation Before the Board:

He/She shall not receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency over which he/she has jurisdiction or to which he/she has the power to appoint any member, officer or employee.

D. Representation Before Any Agency for a Contingent Fee:

He/She shall not receive, or enter into any agreement, express or implied for compensation for services to be rendered in relation to any matter before any agency of his/her municipality, whereby his/her compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this paragraph shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.

E. Disclosure of Interest in Legislation:

To the extent that he/she knows thereof, a member of the Board of Cooperative Educational Services and any officer or employee of the Board of the Hamilton-Fulton-Montgomery Board of Cooperative Educational Services, whether paid or unpaid, who participates in the discussion or gives official opinion to the Board of Cooperative Educational Services on any legislation before the Board shall publicly disclose on the official record of the nature and extent of any direct or indirect financial or other private interest he/she has in such legislation.

F. Investments in Conflict with Official Duties:

He/She shall not invest or hold any investment, directly or indirectly, in any financial, business, commercial or other private transaction which creates a conflict with his/her official duties.

G. Private Employment:

He/She shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of his/her official duties.

*Code of Ethics, continued***H. Future Employment;**

He/She shall not, after the termination of service or employment with such municipality, appear before any board or agency of the Board of Cooperative Educational Services in relation to any case, proceeding or application in which he/she personally participated during the period of his/her service or employment or which was under his/her active consideration.

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

V. Distribution of Code of Ethics:

The District Superintendent of the Hamilton-Fulton-Montgomery Board of Cooperative Educational Services shall cause a copy of this code of ethics to be distributed to every officer and employee of the Board of Cooperative Educational Services within thirty (30) days after the effective date of this local law. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his/her office or employment.

VI. Penalties:

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

VII. Effective Date:

This policy shall take effect immediately. Hamilton-Fulton-Montgomery Board of Cooperative Educational Services Adopted:

Personal Use of BOCES Telephones

Telephones shall be used to conduct official BOCES business. It is recognized that there may be occasions when the telephone will be used for personal use, however, the BOCES must be reimbursed for all personal long distance telephone calls made from an office or classroom telephone paid for by BOCES.

HFM Supervisory District 2011 - 2012 School Calendar Template

September 2011

M	T	W	T	F
			1	2
5	6	7	8	9
12	13	14	15	16
19	20	21	22	23
26	27	28	29	30

October 2011

M	T	W	T	F
3	4	5	6	7
10	11	12	13	14
17	18	19	20	21
24	25	26	27	28
31				

November 2011

M	T	W	T	F
	1	2	3	4
7	8	9	10	11
14	15	16	17	18
21	22	23	24	25
28	29	30		

December 2011

M	T	W	T	F
			1	2
5	6	7	8	9
12	13	14	15	16
19	20	21	22	23
26	27	28	29	30

January 2012

M	T	W	T	F
2	3	4	5	6
9	10	11	12	13
16	17	18	19	20
23	24	25	26	27
30	31			

Instructional Days

September	- 18
October	- 20
November	- 17
December	- 17
January	- 20
February	- 16
March	- 22
April	- 15
May	- 22
June	- 16

Total	183
Conference Days	+ 2
	185

Conference and Recess Days

Sept. 5	Labor Day
Sept. 6	Supt. Conference Day
Sept. 7	First Day of Classes
Oct. 10	Columbus Day Observed
Nov. 10	Supt. Conference Day
Nov. 11	Veterans' Day
Nov. 22	Emergency Early Release
Nov. 23-25	Thanksgiving Recess
Dec. 26-30	Holiday Recess
Jan. 2	New Year's Day Observed
Jan. 16	Martin Luther King Day
Jan. 24-27	Regents Exams
Feb. 20-24	Winter Break
April 6	Good Friday
April 9-13	Spring Break
May 28	Memorial Day Recess
June 13-22	Regents Exams
June 22	Last Day of School

○ Superintendent's Conference Day

■ School Closed

— Regents Days

Adopted by Superintendents: 12/16/10

Adopted by HFM BOCES

Board of Education: 01/26/11

February 2012

M	T	W	T	F
		1	2	3
6	7	8	9	10
13	14	15	16	17
20	21	22	23	24
27	28	29		

March 2012

M	T	W	T	F
			1	2
5	6	7	8	9
12	13	14	15	16
19	20	21	22	23
26	27	28	29	30

April 2012

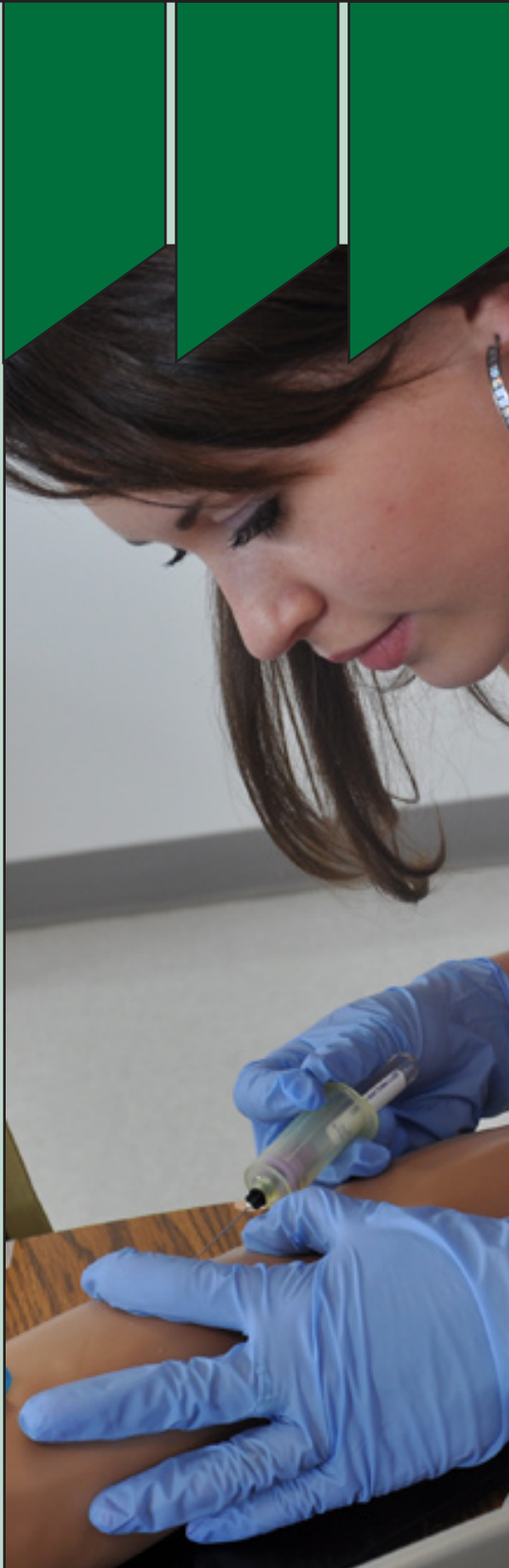
M	T	W	T	F
2	3	4	5	6
9	10	11	12	13
16	17	18	19	20
23	24	25	26	27
30				

May 2012

M	T	W	T	F
	1	2	3	4
7	8	9	10	11
14	15	16	17	18
21	22	23	24	25
28	29	30	31	

June 2012

M	T	W	T	F
				1
4	5	6	7	8
11	12	13	14	15
18	19	20	21	22
25	26	27	28	29



Our Mission

*The Hamilton-Fulton-Montgomery
Board of Cooperative Educational
Services strives to enhance
education through leadership,
services and programs, enabling
individuals, school districts and
the community to achieve their
standards of excellence.*



HAMILTON FULTON MONTGOMERY

2755 State Highway 67, Johnstown, New York 12095

Dr. Patrick Michel

District Superintendent of Schools