



9000

☐ Required
☒ Local
☐ Notice

PERSONNEL GOALS

The Rockland Board of Cooperative Educational Services (BOCES) recognizes that the BOCES central goal - the education of children - is wholly dependent on the dedication and work provided by the BOCES employees. The Board seeks to develop and implement personnel policies that will allow and enhance the ability of staff to educate children.

The specific goals that will guide the Board as it develops personnel policies are:

1. To hire and retain the best and most qualified staff available
2. To ensure staff are evaluated in a rigorous and meaningful manner
3. To only grant tenure to staff who have performed at the highest level and
4. To provide professional development and training to staff to improve their skills.

In return for the compensation and benefits provided to BOCES staff, the Board expects employees to render the quality of service that enables children to learn at the highest level possible and seek continuous improvement in the service they provide.

Cross-ref: 0100, Equal Opportunity

Ref: Education Law §§ 1604(8), 1709(16), 2503(3), 2554(2), 3012(1)(a) (Board's authority to hire employees)
Education Law § 30 12(2) (Board's authority to grant tenure to teachers) Civil Service Law § 204 ("Taylor Law" requires school district to negotiate with unions)
8 NYCRR § 100.2(o)(2) (school district required to evaluate teachers) 8 NYCRR § 100.2(dd)(2)(ii)(a) (school district required to provide professional development)

Adoption Date: 7/2/2014

Re-adoption Date: 7/9/2015



9120.1

☐ Required
☒ **Local**
☐ Notice

CONFLICT OF INTEREST

The Rockland Board of Cooperative Educational Services (BOCES) is committed to avoiding any situation in which the existence of simultaneous, conflicting interests in any officer or employee may call into question the integrity of the management or operation of the BOCES. Therefore:

No person employed by the BOCES shall hire, supervise, evaluate, promote, review or discipline any other employee who is a member of the same family. In the event that marriage, promotion, or reorganization results in a situation not in compliance with this policy, reassignment or transfer will be effected, in accordance with the applicable provisions of any collective bargaining agreement, to correct the situation.

If such a reassignment or transfer is not feasible under the circumstances, and there is no conflict of interest that is prohibited by law, the District Superintendent and/or Chief Operating Officer or his/her designee will take appropriate action to limit the existence or appearance of a conflict of interest. If the District Superintendent and/or Chief Operating Officer is one of the employees involved, then any such action or other exception to this paragraph will require the approval of the Board.

No person employed by the BOCES shall negotiate or execute any contract on behalf of the BOCES for the purchase, sale or lease of real or personal property, services of any nature, nor for insurance without first having determined the common price for such property, services or insurance, or requesting bids from all potential providers of such property, services or insurance.

No person employed by the BOCES shall allow any matter, concern or interest, personal, financial or otherwise, to influence or interfere with the performance of his or her duties. Should such a matter, concern or interest arise, the employee shall bring the matter to the attention of his or her supervisor or the Board to seek ways to reduce or eliminate the influence or interference.

The Board affirms its commitment to adhere scrupulously to all applicable provisions of law regarding material conflicts of interest.



9120.1

Knowing or willful violation of this policy by any employee may result in disciplinary action up to and including dismissal.

Any officer, employee or member of the public noting or suspecting a violation of this policy is encouraged to bring the matter, either in confidence or in public, to the Board or the District Superintendent and/or Chief Operating Officer.

Cross-ref: 2160, BOCES Officer and Employee Code of Ethics

Ref: Education Law §§ 410, 3016
General Municipal Law Art. 18, §§ 801-813
Labor Law §201-d
Dykeman v. Symonds, 54 AD2d 159 (4th Dep't 1976)

Adoption Date: 7/2/2014

Re-adoption Date: 7/9/2015



9140.1

(X) Required

(X) Local

() Notice

STAFF COMPLAINTS AND GRIEVANCES

The BOCES Board recognizes that staff complaints and grievances regarding work rules arise from time to time. In many instances the complaint process is covered by collective bargaining agreements, and in those instances, the grievance procedure outlined in the agreement shall govern. In order to address staff complaints not covered by bargaining agreements, and/or for those employees not covered by such an agreement, the Board establishes this policy. The Board acknowledges that staff members have the right to present complaints and grievances in accordance with these procedures free from coercion, interference, restraint, discrimination or reprisal.

The BOCES shall implement a multi-stage grievance procedure and an appellate stage for the settlement of grievances pursuant to the General Municipal Law.

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

Staff complaints that are not covered under the General Municipal Law, or cannot be resolved under procedures of policies 0100, Equal Opportunity and Nondiscrimination or 0110, Sexual Harassment, shall be subject to the discretion of the BOCES Board as to the method by which the complaint may be brought.

Cross-ref: 0100, Equal Opportunity and Nondiscrimination
 0110, Sexual Harassment

Ref: General Municipal Law, Article 15-c
 Civil Service Law, Article 14
 Matter of Gatje, 24 EDR 191 (1984)

Adoption Date: 7/2/2014

Re-adoption Date: 7/9/2015



9140.1-R

STAFF COMPLAINTS AND GRIEVANCES

It is the BOCES Board's intention to work toward resolving complaints at the level closest to their origin and to take reasonable steps to avoid litigation. Generally, the procedure outlined below should be followed.

Definitions

1. *Grievant* shall mean an employee who alleges a grievance.
2. *Grievance* shall mean any alleged violation of laws, regulations, rules or governing procedures which relates to employee health or safety, physical facilities, materials or equipment furnished. It does not include complaints regarding compensation or benefits or those governed by existing collective bargaining agreements.

This regulation and accompanying policy (9140.1) provide grievance procedures for those employees not covered by collective bargaining agreements or whose negotiated agreements do not include grievance procedures. The resolution of staff complaints shall be dealt with in the following manner:

Stages

A. Stage I—Supervisor

1. Within 30 days after the events giving rise to the grievance, the grievant shall present the grievance orally to their supervisor. The supervisor may informally discuss the grievance with the grievant. He/She shall promptly investigate the complaint. All employees of the BOCES shall cooperate with the supervisor in such investigation.
2. Within 15 days of hearing of the grievance, the supervisor shall make a finding in writing that there has or has not been a violation of the applicable work rule or other governing procedure. In the event the supervisor finds that there has been a violation, he/she shall propose a resolution of the complaint.
3. If the grievant is not satisfied with the finding of the supervisor, or with the proposed resolution of the grievance, the grievant may, within 15 days after he/she has received the report of the supervisor, file a written request for review by the District Superintendent and/or Chief Operating Officer.

B. Stage II--District Superintendent and/or Chief Operating Officer

1. The District Superintendent and/or Chief Operating Officer may request that the grievant, the supervisor, or any member of the BOCES staff present a written statement to him/her setting forth any information that such person has relative to the grievance and the facts surrounding it.
2. The District Superintendent and/or Chief Operating Officer shall notify all parties concerned as to the time and place when an informal hearing will be held where such parties may appear and present oral and written statements supplementing their position in the case. The grievant may be accompanied by representation. Such hearing shall be held within 15 school days of the receipt of the appeal by the District Superintendent and/or Chief Operating Officer.
3. Within 15 days of the hearing, the District Superintendent and/or Chief Operating Officer shall render his/her determination in writing. Such determination shall include a finding that there has or has not been a violation of the applicable work rule or other governing procedure and a proposal for equitably resolving the complaint.
4. If the grievant is not satisfied with the determination of the District Superintendent and/or Chief Operating Officer, the grievant may, within 15 days after its receipt, file with the Clerk of the BOCES Board, a written request for review by the Board.

C. Stage III--BOCES Board

1. When a request for review by the Board has been made, the District Superintendent and/or Chief Operating Officer shall submit all written statements and other materials concerning the case to the President of the Board.
2. The Board shall notify all parties concerned of the time and place when a hearing will be held. Such hearing will be held within 15 school days of the receipt of the request of the grievant. All parties concerned shall have the right to present further statements and testimony at such hearing.
3. The Board shall render a decision in writing within 15 days after the hearing has been concluded which decision shall be final and binding upon the grievant.



9170

☐ Required
☒ **Local**
☐ Notice

MEALS AND REFRESHMENTS

The Rockland Board of Cooperative Educational Services (BOCES) recognizes that, occasionally, it may be appropriate to provide refreshments and/or meals at BOCES meetings or events, which are being held for a BOCES or educational purpose. Any expenditure on such refreshments and/or meals must be approved in advance by the appropriate Program Director/Assistant Superintendent. Meal requests may be approved when:

- officers and/or employees of the BOCES will be prevented from taking time off for food consumption due to a pressing need to complete the business at hand;
- the BOCES is faced with business of an immediate nature and meetings of BOCES employees are essential at mealtime;
- the BOCES wishes to recognize the services provided by volunteers or other unsalaried members of the BOCES (in such cases, however, only the meals of those being recognized may be reimbursed and the cost of the meals must be reasonable).

An example of an authorized expenditure would be refreshments and/or meals for staff assigned to participate in assessment day grading of standardized tests.

All expenses must be appropriately documented, including the date, purpose of the meeting and the group in attendance, and submitted to the BOCES business office for the purposes of audit and possible reimbursement.

Ref: NY Constitution, Art. VIII, § 1 (constitutional prohibition against gifts)
Education Law §2118
Ops. St. Compt. 77-667; 79-522; 82-66; 82-213 82-298; 83-57; 98-2

Adoption Date: 7/2/2014

Re-adoption Date: 7/9/2015



9240

() Required
(X) Local
() Notice

RECRUITING AND HIRING

The Rockland Board of Cooperative Educational Services (BOCES) believes that the quality of the BOCES employees in large part determines the quality of the education offered to the BOCES students. As the employer for the BOCES, the Board will provide and maintain qualified and certified instructional and support personnel to carry out the educational programs of the BOCES.

The Director of Human Resources shall implement and maintain a high- quality recruiting and hiring program to attract, secure, and retain the best- qualified staff to meet the needs of students and the BOCES.

New or Revised Positions

The Director of Human Resources will develop recommended qualifications for all new positions in the BOCES and review the qualifications for all existing positions as necessary. The District Superintendent and/or Chief Operating Officer must approve all recommended qualifications for all new and existing positions. The Board must approve the qualifications for all new positions in the BOCES and revisions of the qualifications for existing positions.

The Director of Human Resources shall refer all proposals for the creation or reclassification of all unclassified (non-instructional) positions and a statement of the duties for these positions to the appropriate local civil service authority for classification.

The Director of Human Resources shall develop job descriptions that incorporate the qualifications and job duties for all positions in the BOCES. The District Superintendent and/or Chief Operating Officer must approve the job descriptions for all positions in the BOCES.

Recruiting

The BOCES will seek the most qualified candidates for vacant positions by recruiting from a variety of sources, including present staff. BOCES employees may apply for all positions for which they meet the certification and other stated qualifications.

The Board and its employees will adhere to the practice of recruiting and hiring personnel without regard to age, color, creed, disability, marital status, national origin, race, religion, sex or any other status protected by federal or state law.

The Board will practice due diligence in finding the most qualified persons for any open positions. The Board recognizes that some specialized positions are difficult to fill because of shortages of qualified candidates. In rare instances, the Board may need to hire a retired public employee, in which case it will follow the Commissioner's regulations for securing a §211 waiver. When recruiting for an open position the Board will first undertake a thorough and good faith search for a certified and qualified individual who will not require such a waiver for employment.

Hiring

Through standard recruiting and hiring procedures, the Director of Human Resources will ensure that candidates for BOCES employment meet all the qualifications set for the position sought. The BOCES will comply with all the requirements of the Education and Civil Service laws, including any fingerprinting requirements.

The Director of Human Resources will recommend individuals for employment to the District Superintendent and/or Chief Operating Officer. The District Superintendent and/or Chief Operating Officer must recommend all individuals for employment to the Board. The Board must approve of all individuals who are employed by the BOCES.

Ref: Age Discrimination in Employment Act (ADEA), 29 USC §§ 621 *et seq.* (prohibiting discrimination on the basis of age)
Americans with Disabilities Act (ADA), 42 USC §§ 12101 *et seq.* (prohibiting discrimination on the basis of disability)
Civil Rights Act of 1964 (Title VII), 42 USC §§ 2000e *et seq.* (prohibiting discrimination on the basis of color, national origin, race, religion and sex) Rehabilitation Act of 1973 (Section 504), 29 USC § 794 (prohibiting discrimination on the basis of disability)
Title IX, 20 USC §§ 1681 *et seq.* (prohibiting discrimination on the basis of sex)
New York State Constitution, article V, § 6 (requiring public employees be appointed on the basis of merit and fitness)
Civil Service Law §§ 22, 40-44, 61(1) (rules on classified positions) Education Law §§ 1604(8), 1709(16), 2503(3), 2554(2), 3012(1)(a) (board's authority to hire employees)
Education Law §§ 1604(39), 1709(39), 1804(9), 1950(4), 2503(18), 25 54(25) (fingerprinting requirements)



9240

Executive Law §§ 290 *et seq.* (prohibiting discrimination on the basis of age, color, creed, disability, marital status, national origin, race or sex)
8 NYCRR § 80-5.5 (§211 waiver process)

Adoption Date: 7/2/2014

Re-adoption Date: 7/9/2015



9245

☐ Required
☐ Local
☒ Notice

FINGERPRINTING FEES

In accordance with the Safe Schools Against Violence in Education Act (Project SAVE), all prospective BOCES employees must be fingerprinted and cleared for appointment by the New York State Education Department in order to be employed. Prior to being cleared for employment, a prospective employee may receive, subject to the applicable regulations of the Commissioner of Education, either a conditional appointment or an emergency conditional appointment which are both subject to a final determination as to clearance by the State Education Department. The NYS education department has established a fee (\$91.00) payable by certified check, money order, or credit card, to cover the cost of processing fingerprints.

In addition, any other individuals required by NYS to be fingerprinted, have criminal background checks, including fingerprinting as well. All guest lecturers and performing artists who will be in any particular school more than five (5) times must also be fingerprinted.

The District Superintendent and/or Chief Operating Officer shall promulgate an administrative regulation consistent with this policy for the purpose of ensuring compliance with Project SAVE.

Adoption Date: 7/2/2014

Re-adoption Date: 7/9/2015



9260

(X) Required

☐ Local

☐ Notice

CONDITIONAL APPOINTMENT - STUDENT SAFETY

The Rockland Board of Cooperative Educational Services (BOCES) recognizes that there may be instances in which it is necessary, upon recommendation of the District Superintendent and/or Chief Operating Officer, for the Board to conditionally appoint or to make an emergency conditional appointment of a prospective employee. To provide for the safety of students who have contact with an employee holding a conditional appointment or an emergency conditional appointment, the Board adopts the following policy.

No BOCES employee who holds a conditional or emergency conditional appointment shall be in contact with students other than to provide the specific instruction or other services for which the employee was hired, except as deemed appropriate by the District Superintendent and/or Chief Operating Officer, an Assistant Superintendent or Director of Human Resources.

No BOCES employee who holds a conditional or emergency conditional appointment shall teach a class or provide services to students with his/her classroom or office door closed unless the Building Principal has provided express prior written permission to do otherwise. Such permission may be appropriate, for example, during music class, band practice or testing procedures.

The Building Principal or his/her designee shall, provide heightened administrative supervision of such employees while on school BOCES property during the period of their conditional or emergency conditional appointment including, for example, unannounced visits to classrooms, walking the hallways, and/or any other activities the Principal determines to be appropriate.

In addition, the BOCES will ensure that, at the commencement of their conditional appointment or emergency conditional appointment, all conditional and emergency conditional personnel, become aware of and receive training regarding the prohibition against child abuse in an educational setting and of their responsibility for reporting any such abuse.

Failure to comply with this policy will result in appropriate disciplinary action, which could include immediate termination.

For purposes of this policy, the terms “conditional appointment” shall be based upon the following conditions:

1. A request for a conditional clearance along with the individual’s fingerprints must be forwarded to the State Education Department.
2. A signed statement must be obtained from the prospective employee indicating whether, to the best of his or her knowledge, he or she has a pending criminal charge or criminal conviction in any jurisdiction outside the state.
3. The prospective employee’s conditional employment cannot begin until the State Education Department has issued its conditional clearance, which will be based upon the results of the State-reported criminal history record as indicated by the New York State Division of Criminal Justice Services (DCJS).

For purposes of this policy, the term “emergency conditional appointment” shall be based upon the following conditions:

1. An emergency conditional appointment can be made only when an unforeseen emergency vacancy occurs.
2. An unforeseen emergency vacancy is defined as one that (a) occur red less than 10 business days before the start of any school session without sufficient notice to allow for clearance for employment or conditional clearance, (b) when no other qualified person is available to fill the vacancy temporarily, (c) when emergency conditional appointment is necessary to maintain services which the BOCES is legally required to provide, or services necessary to protect the health, education or safety of students or staff.
3. The same conditions are required for an emergency conditional appointment as are required for conditional appointments except that the emergency conditional appointment may commence prior to notification from the State Education Department on conditional clearance.
4. An emergency conditional appointment terminates 20 business days from the date of such appointment or when the BOCES is notified as to the status of the conditional clearance.

Cross-ref: 9620, Child Abuse in an Educational Setting

Ref: Education Law §§1125-1133; 1604(39); 1709(30); 1804(9); 1950(4)(II); 2503(18); 2554(25); 2854(3)(a-2) (As extended by L.2001, c. 147; L.2003, c. 100; L.2005, c. 127; L.2007, c. 90)
8 NYCRR §§100.2(hh); Part 87

Adoption Date: 7/2/2014

Re-adoption Date: 7/9/2015



9320

(X)Required

() Local

(X) Notice

DRUG-FREE WORKPLACE

The Rockland Board of Cooperative Educational Services (BOCES) prohibits the illegal, improper or unauthorized manufacture, distribution, dispensing, possession or use of any controlled substances in the workplace. "Workplace" shall mean any site on school grounds, at school-sponsored activities, or any place in which an employee is working within the scope of his/her employment or duties. "Controlled substances" shall include all drugs which are banned or controlled under federal or state law, including those for which a physician's prescription is required, as well as any other chemical substance which is deliberately ingested to produce psychological or physiological effects, other than accepted foods or beverages.

The District Superintendent and/or Chief Operating Officer or his/her designee shall implement related regulations which outline the requirements of the federal Drug-Free Workplace Act of 1988.

Ref: Drug-Free Workplace Act (DFWA), 41 U.S.C. §§702-707 Controlled Substances Act, 21 U.S.C. §812
21 CFR §§1300.11-1300.15
34 CFR Part 85 (U.S. Dept. of Ed. Regulations under the DFWA) Civil Service Law §75
Education Law §3020-a
Patchogue-Medford Congress of Teachers v. Board of Education, 70 NY2d 57 (1987)

Adoption Date: 7/2/2014

Re-adoption Date: 7/9/2015



9320-R

DRUG-FREE WORKPLACE

The District Superintendent and/or Chief Operating Officer shall certify to any federal agency making a direct grant to the BOCES that the BOCES will provide a drug-free workplace, in accordance with the Drug-Free Workplace Act of 1988.

1. The District Superintendent and/or Chief Operating Officer or his/her designee shall establish a drug-free awareness program to inform employees about:
 - a. the dangers of drug abuse in the workplace;
 - b. the BOCES's policy of maintaining a drug-free workplace;
 - c. any available drug counseling, rehabilitation, and employee assistance programs; and
 - d. the penalties that may be imposed upon employees for drug abuse violations.
3. The District Superintendent and/or Chief Operating Officer or his/her designee shall publish a statement notifying BOCES employees that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in the workplace (as defined by BOCES policy). The statement shall specify the actions that will be taken against employees for violations of such prohibition. Each employee shall receive a copy of this statement and the Drug-Free Workplace Act of 1988.
4. Each employee, as a condition of employment on any direct federal grant, shall:
 - a. abide by the terms of the statement; and
 - b. notify his/her immediate supervisor, who shall notify the District Superintendent and/or Chief Operating Officer, of any criminal drug statute conviction for a violation occurring in the workplace within five (5) days of such conviction.
5. The District Superintendent and/or Chief Operating Officer shall notify the BOCES Board of any such conviction(s), and shall notify the granting agency within 10 days after receiving notice of such conviction(s) from any source.
6. Within 30 days of such conviction(s), the BOCES shall initiate appropriate disciplinary action against any employee so convicted in the manner provided for by law, up to and including dismissal, and/or require his/her satisfactory participation in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement or other appropriate agency.
7. The BOCES shall make a "good faith effort" to continue to maintain a drug-free workplace through implementation of these regulations.



9500

☐ Required
☒ Local
☐ Notice

COMPENSATION AND BENEFITS

The Rockland Board of Cooperative Educational Services (BOCES) believes that the BOCES's employees should receive fair compensation and benefits for the work they provide in serving the children of our community. To this end, the District Superintendent and/or Chief Operating Officer shall be responsible for establishing and administering the compensation and benefits provided to the BOCES's employees, consistent with collective bargaining agreements.

The Board will comply with all applicable federal and state laws that require minimum compensation, overtime and benefits be provided to certain employees.

Determination of Employment Status

Before enrolling an individual in the BOCES's compensation and benefits program, the BOCES will determine the individual's employment status. In accordance with regulations issued by the State Comptroller and as set forth by the Internal Revenue Service, the Director of Human Resources will determine if the person is an employee and thus entitled to benefits. If the individual is not an employee based on the specified criteria, they will not be enrolled in any of the benefit programs offered by the BOCES or the State. When the BOCES hires an attorney, physician, engineer, architect, accountant or auditor as an employee and not an independent contractor, the Board President must certify to the applicable New York State Retirement System the factors supporting that determination using the form prescribed by the State Comptroller.

The Board President shall be responsible for reporting to the appropriate retirement system those individuals eligible for membership. This reporting shall take place at the time of an individual's employment, and at the intervals required by the appropriate retirement system.

Employees Covered by Collectively Negotiated Agreements

The compensation and benefits (except for State Retirement System benefits) for employees who are represented by recognized or certified employee organizations are established by collectively negotiated agreements between the employee organizations and the BOCES. The BOCES will negotiate in good faith over these issues, as required by law, and will fully comply with the requirements of the Taylor Law and the applicable collectively negotiated agreements.



9500

The Board reserves its right to approve all additional funding required by the provisions of a tentative collectively negotiated agreement, in addition to any right of ratification that is secured by the BOCES's negotiation representative(s).

Employees Not Covered by Collectively Negotiated Agreements

The compensation and benefits for employees who are not represented by recognized or certified employee organizations shall be determined by the BOCES Board upon the recommendation of the District Superintendent and/or Chief Operating Officer.

Cross-ref: 6741, Contracting for Professional Services
6800, Payroll Procedures
9420, Recruiting and Hiring

Ref: Consolidated Omnibus Budget and Reconciliation Act of 1985 (COBRA), 42 USC §§ 300bb-1 *et seq.* (federal law that requires the continuation of health insurance benefits under certain circumstances)

Fair Labor Standards Act (FLSA), 29 USC §§ 200 *et seq.* (federal law that requires a minimum wage and overtime for non-exempt employees)

Family and Medical Leave Act of 1993 (FMLA), 29 USC §§ 2610 *et seq.* (federal law that requires an unpaid leave of absence for certain family and medical situations)

Civil Service Law § 200 *et seq.* ("Taylor Law," requires school districts to negotiate with unions)

Education Law § 3005-b (requires a minimum sick leave allotment and accumulation for teachers)

Local Finance Law § 2.00(5)(e) (designates Board of Education President as Chief Fiscal Officer)

2 NYCRR Part 315.2 and 315.3 (criteria for determining employment status)

Adoption Date: 7/2/2014

Re-adoption Date: 7/9/2015



9510

☐ Required

☒ **Local**

☐ Notice

EXTENDED LEGAL AND LIABILITY COVERAGE

The Board of Cooperative Educational Services for the Sole Supervisory District of Rockland County hereby adopts the coverage provided under Section 18 of the New York Public Officers Law for all Board members, officers and employees of the Board of Cooperative Educational Services for the Sole Supervisory District of Rockland County. This coverage shall supplement and be in addition to the coverage presently available to employees under Section 3811 and 3023 of New York State Education Law.

Adoption Date: 7/2/2014

Re-adoption Date: 7/9/2015



9510.2

☐ Required

☒ **Local**

☐ Notice

OVERTIME

It shall be the policy of the Rockland BOCES to limit overtime spending when and where possible to the amount appropriated in the operating budget as approved for the year of expenditure.

All overtime spending shall be limited to:

- The procurement of services that cannot otherwise be scheduled during the normal or regular operations day.
- Emergency situations, when services and/or programs are in jeopardy of cancellation or when health and safety issues are in question.

All overtime must be approved in writing in advance by the Directory of the program in question.

Adoption Date: 7/2/2014

Re-adoption Date: 7/9/2015



9620

() Required
(X) Local
() Notice

CHILD ABUSE IN AN EDUCATIONAL SETTING

The Rockland Board of Cooperative Educational Services (BOCES) recognizes that children have the right to an educational setting that does not threaten their physical and emotional health and development. Child abuse by school personnel and school volunteers violates this right and therefore is strictly prohibited.

Allegations of child abuse by school personnel and school volunteers shall be reported in accordance with the requirements of Article 23-B of the Education Law.

Required Reporters

Any person holding any of the following positions shall be required to promptly report written and oral allegations of child abuse in an educational setting:

- school/BOCES administrator
- teacher
- school/BOCES nurse
- school/BOCES guidance counselor
- school/BOCES psychologist
- school/BOCES social worker
- other school/BOCES personnel required to hold a teaching or administrative license or certificate
- BOCES board member

For purposes of this policy, persons holding these positions shall be referred to as “required reporters.”

Definitions

“Educational setting” means the buildings and grounds of the BOCES, the vehicles provided by the BOCES to transport students to and from school buildings, field trips, co-curricular and extra-curricular activities both on and off BOCES grounds, all co-curricular and extra-curricular activity sites, and any other location where direct contact between an employee and volunteer and a child has allegedly occurred.

“Child” means a person under the age of 21 enrolled in a New York State school district,

“Child abuse” means any one of the following acts committed in an educational setting by an employee or volunteer against a child:

- intentionally or recklessly inflicting physical injury, serious physical injury or death; or
- intentionally or recklessly engaging in conduct that creates a substantial risk of physical injury, serious physical injury or death; or
- any child sexual abuse as prohibited by sections 130 or 235 of the Penal Law; or
- the commission or attempted commission against a child of the crime of disseminating indecent materials to minors pursuant to Article 235 of the Penal Law.

Reporting Requirements

In any case where a written or oral allegation of child abuse by an employee or volunteer in an educational setting is made to a required reporter, the required reporter shall:

1. promptly complete the required State Education Department report form; and
2. personally deliver it to the Program Director of the school in which the child abuse allegedly occurred.

If the allegation involves a child who was allegedly abused by an employee or a volunteer of a school/BOCES in another school district or BOCES, the required reporter must promptly forward the report form to the District Superintendent and/or Chief Operating Officer or Superintendent of the district of attendance and the Superintendent of the school district where the abuse allegedly occurred (if different).

Upon receiving a written report, the Program Director shall determine whether there is reasonable suspicion to believe that an act of child abuse has occurred. In those circumstances where the District Superintendent and/or Chief Operating Officer receives the written report directly, he or she will be responsible for making the reasonable suspicion determination.

If the Program Director/District Superintendent and/or Chief Operating Officer determines there is reasonable suspicion to believe that an act of child abuse has occurred, he or she shall promptly notify the parent of the alleged child victim (assuming that the parent is not the person who originally reported the alleged abuse) that an allegation of child abuse in an educational setting has been made and promptly provide the parent with the written statement setting forth parental rights, responsibilities and procedures prepared in accordance with the Regulations of the Commissioner of Education.

If the person making the allegation of abuse is someone other than the child or the child’s parent, the Program Director/District Superintendent and/or Chief Operating Officer shall contact the person making the report to learn the source and basis for the allegation.

The Program Director shall also promptly provide a copy of the written report to the District Superintendent and/or Chief Operating Officer and send a copy to the appropriate law enforcement authorities. In no event shall the Program Director delay in sending the report to law enforcement because of an inability to contact the District Superintendent and/or Chief Operating Officer.

The District Superintendent and/or Chief Operating Officer shall send to the Commissioner of Education any written report forwarded to the local law enforcement authorities where the employee or volunteer alleged to have committed an act of child abuse holds a certification or license issued by the department.

Rights of Employees and Volunteers

Any employee or volunteer against whom an allegation of child abuse has been made and against whom the district intends to take adverse action shall be entitled to receive a copy of the report and to respond to the allegations. In addition, such persons are entitled to seek disclosure of reports involving them under the Freedom of Information Law.

Confidentiality

All reports, photographs, and other written material submitted pursuant to this policy and Article 23-B of the Education Law shall be confidential and may not be redisclosed except to law enforcement authorities involved in investigating the alleged abuse or except as expressly authorized by law or pursuant to a court-ordered subpoena. The Program Director and District Superintendent and/or Chief Operating Officer shall exercise reasonable care to prevent unauthorized disclosure.

Willful disclosure of a written record required to be kept confidential to a person not authorized to receive or review such record is a class A misdemeanor.

Penalties

Willful failure of an employee to prepare and submit a written report of alleged child abuse required by Article 23-B of the Education Law shall be a class A misdemeanor. Willful failure of any Program Director or District Superintendent and/or Chief Operating Officer to submit a written report of alleged child abuse to an appropriate law enforcement authority, as required by Article 23-B of the Education Law, shall be a class A misdemeanor. In addition, the Commissioner of Education may, following an administrative determination, impose a civil penalty of up to five thousand dollars on any administrator who fails to submit a report of child abuse to an appropriate law enforcement authority.

The law further prohibits any Program Director or District Superintendent and/or Chief Operating Officer from agreeing to withhold from the appropriate law enforcement authorities, a District Superintendent and/or Chief Operating Officer or the Commissioner of Education, where appropriate, an allegation of child abuse in an educational setting on the part of any employee or volunteer as required by law, in return for the resignation or voluntary suspension of the alleged perpetrator. Violation of this prohibition can result in a class E felony charge and a civil penalty of up to \$20,000.

Record Retention

Any report of child abuse by an employee or volunteer that does not result in a criminal conviction shall be expunged from the records kept by the district with respect to the subject of the report after five years from the date the report was made.

Training

The District Superintendent and/or Chief Operating Officer shall be responsible for establishing and implementing on an ongoing basis a training program for all current and new required reporters on the procedures required under Article 23-B. The program shall include at a minimum all the elements specified in Commissioner's regulations.

Ref: Education Law §§1125 -1133
Penal Law §§130, 235, 263
8 NYCRR § 100.2 (hh) (Reporting of Child Abuse in an Educational Setting)
Appeal of S.S., 42 EDR 273 (2003)

Adoption Date: 7/2/2014
Re-adoption Date: 7/9/2015



9620-E.1

CHILD ABUSE IN AN EDUCATIONAL SETTING EXHIBIT - CONFIDENTIAL REPORT OF ALLEGATION

SUBJECT CHILD	PARENT OF SUBJECT CHILD
Name _____ Last First MI	Name _____
Address _____ _____	Address (if different) _____ _____
School _____	
Grade _____ Sex (M, F, Unknown) _____	
Age or Birthday (Mo/Day/Yr) _____	

SOURCE OF ALLEGATION (Check as Appropriate)
<input type="checkbox"/> Child <input type="checkbox"/> Parent <input type="checkbox"/> Other – Name _____ Relationship to Child (if any) _____

ALLEGED PERPETRATOR (EMPLOYEE OR VOLUNTEER)
Name _____ School District _____
School Building _____ School Position _____

SPECIFIC ALLEGATION
Use this space to provide information to describe or explain the circumstances surrounding the allegation. (attach additional sheets if necessary)

REPORTER INFORMATION
Name _____ School District _____
School Address _____ School Telephone _____
Relationship to Child (if any) _____
<input type="checkbox"/> Teacher <input type="checkbox"/> School Guidance Counselor <input type="checkbox"/> School Nurse <input type="checkbox"/> School Psychologist <input type="checkbox"/> Administrator <input type="checkbox"/> School Board Member <input type="checkbox"/> School Social Worker <input type="checkbox"/> School personnel required to hold teaching or administrator license or certification
Date Submitted to Administrator ____/____/____ Signature _____

FOR ADMINISTRATOR USE ONLY	FOR DISTRICT SUPERINTENDENT AND/OR CHIEF OPERATING OFFICER USE ONLY
Reasonable Suspicion ____ Yes ____ No	Reasonable Suspicion ____ Yes ____ No
Date Submitted to DS and/or COO ____/____/____	Date Submitted to Law Enforcement ____/____/____
Name/Signature _____	Name/Signature _____
Date Submitted to Law Enforcement ____/____/____	Date Submitted to Commissioner ____/____/____
Name/Signature _____	Name/Signature _____

Child Abuse in an Educational Setting Definitions

Definitions contained in §1125 of Article 23-B, Title I of the Education Law

1. “Child abuse” shall mean any of the following acts committed in an educational setting by an employee or volunteer against a child:
 - a. intentionally or recklessly inflicting physical injury, serious physical injury or death, or
 - b. intentionally or recklessly engaging in conduct which creates a substantial risk of such physical injury, serious physical injury or death, or
 - c. any child sexual abuse as defined in this section, or
 - d. the commission or attempted commission against a child of the crime of disseminating indecent materials to minors pursuant to Article 235 of the Penal Law.
2. “Child” shall mean a person under the age of 21 years enrolled in a school district in this State, other than a school district within a city having a population of one million or more.
3. “Employee” shall mean any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine-B of article five of the social services law, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact.
4. “Volunteer” shall mean any person, other than an employee, who provides services to a school or school district, which involve direct student contact.
5. “Educational setting” shall mean the building and grounds of a public school district, the vehicles provided by the school district for the transportation of students to and from school buildings, field trips, co-curricular and extra-curricular activities, both on and off school district grounds, all co-curricular and extra-curricular activity sites, and any other location where direct contact between an employee or volunteer and a child has allegedly occurred.
6. “Administrator” or “school administrator” shall mean a principal of a public school, charter school or board of cooperative educational services, or other chief school officer.
7. “Law enforcement authorities” shall mean a municipal police department, sheriff’s department, the division of state police or any officer thereof. Notwithstanding any other provision of law, law enforcement authorities shall not include any child protective service or society for the prevention of cruelty to children as such terms are defined in section four hundred twenty-three of the social services law.
8. “Parent” shall mean either or both of a child’s parents or other persons legally responsible for the child.
9. “Child sexual abuse” shall mean conduct prohibited by article one hundred thirty or two hundred sixty-three of the penal law.



9620-E.2

CHILD ABUSE IN AN EDUCATIONAL SETTING EXHIBIT - NOTICE/REPORTING REQUIREMENTS

Duties of Employees

The law imposes reporting requirements on teachers, administrators, school nurses, school guidance counselors, school psychologists, school social workers, school board members and all other school personnel required to hold a teaching or administrative license or certificate. When these employees receive an allegation of child abuse by an employee or volunteer in an educational setting, they must take the following steps:

- a. Upon receipt of an oral or written allegation of child abuse in an educational setting, the employee must promptly complete the “Child Abuse in an Educational Setting” report form (attached).
- b. Upon completion of the report form, the employee must personally deliver it to the school building administrator of the school in which the child abuse allegedly occurred.
- c. If the allegation(s) involves a child who was allegedly abused by an employee or a volunteer of a school in another school district, the employee must promptly forward the report form to the superintendent of schools of the school district of attendance and the school district where the abuse allegedly occurred.

Duties of School Building Administrators

In all cases, upon receipt of a report form, the school building administrator must review the form and determine if there is reasonable suspicion to believe that an act of child abuse, as defined by law, has occurred. If he or she finds reasonable suspicion to believe that an act of child abuse has occurred, additional steps must be taken which differ depending upon the individual who has made the allegation.

Child makes the Allegation

- a. Promptly notify the parent of the child that an allegation of child abuse in an educational setting has been made.
- b. Promptly provide the parent with the written statement setting forth parental rights, responsibilities and procedures prepared in accordance with the Commissioner’s regulations (8 NYCRR §100.2(hh)).
- c. Promptly provide a copy of the completed report form to the superintendent.
- d. Promptly forward a copy of the completed report form to the appropriate law enforcement authorities. The report to law enforcement may not be delayed by reason of inability to contact the superintendent.

Parent Makes the Allegation

- a. Promptly provide the parent with the written statement setting forth parental rights, responsibilities and procedures prepared in accordance with the Commissioner's regulations (8 NYCRR §100.2(hh)).
- b. Promptly provide a copy of the completed report form to the superintendent.
- c. Promptly forward a copy of the completed report form to the appropriate law enforcement authorities. The report to law enforcement may not be delayed by reason of inability to contact the superintendent.

Person other than the Parent or the Child Makes the Allegation

- a. Promptly notify the parent of the child that an allegation of child abuse in an educational setting has been made.
- b. Promptly provide the parent with the written statement setting forth parental rights, responsibilities and procedures prepared in accordance with the Commissioner's regulations (8 NYCRR §100.2(hh)).
- c. Ascertain from the reporting employee the source and basis for the allegation and complete that portion of the report form.
- d. Promptly provide a copy of the completed report form to the superintendent.
- e. Promptly forward a copy of the completed report form to appropriate law enforcement authorities. The report to law enforcement may not be delayed by reason of inability to contact the superintendent.

Duties of Superintendents

In most cases, the school building administrator will receive the completed report form from an employee and make the reasonable suspicion determination. However, there are situations in which the superintendent will receive the report form directly and he or she will be responsible for making the reasonable suspicion determination such as:

- a. Where the school building administrator receives the oral or written allegation and is required to complete the report form;
- b. Where it is alleged that a child was abused by an employee or volunteer of a school other than a school within the school district where the child attends.

In addition, a superintendent may receive an oral or written allegation of child abuse in an educational setting from local law enforcement officials or from child protective services. In these cases, the superintendent would be responsible for completing the report form and, subsequently, making the reasonable suspicion determination.

9620-E.2

If the superintendent finds reasonable suspicion to believe that an act of child abuse has occurred, as defined by law, additional steps must be taken which differ depending on the individual who has made the allegation.

Child makes the Allegation

- a. Promptly notify the parent of the child that an allegation of child abuse in an educational setting has been made.
- b. Promptly provide the parent with the written statement setting forth parental rights, responsibilities and procedures prepared in accordance with the Commissioner's regulations (8 NYCRR §100.2(hh)).
- c. Promptly forward a copy of the completed report form to the appropriate law enforcement authorities.

Parent Makes the Allegation

- a. Promptly provide the parent with the written statement setting forth parental rights, responsibilities and procedures prepared in accordance with the Commissioner's regulations (8 NYCRR §100.2(hh)).
- b. Promptly forward a copy of the completed report form to the appropriate law enforcement authorities.

Person other than the Parent or the Child Makes the Allegation

- a. Promptly notify the parent of the child that an allegation of child abuse in an educational setting has been made.
- b. Promptly provide the parent with the written statement setting forth parental rights, responsibilities and procedures prepared in accordance with the Commissioner's regulations (8 NYCRR §100.2(hh)).
- c. Ascertain from the reporting employee the source and basis for the allegation and complete that portion of the form.
- d. Promptly forward a copy of the completed report form to the appropriate law enforcement authorities.

In all cases where a completed report is forwarded to the appropriate law enforcement authorities and the employee or volunteer alleged to have committed an act of child abuse holds a certification or license issued by the Department, the superintendent must also refer such report to the Commissioner of Education.

Expungement

A report that does not, after investigation, result in a criminal conviction shall be expunged from any record which may be kept by a school or school district with respect to the subject of



9620-E.2

such a report after a period of five years from the date of the making of such report or at such earlier time as such school or school district determines.

Penalty Provisions

The requirements set forth within the law are mandatory. Willful failure of an employee to prepare and submit a report form as required by the law is a Class A misdemeanor. The law also provides that a willful failure of a school building administrator or superintendent to forward a copy of the report form to the appropriate law enforcement authority is a Class A misdemeanor. In addition, the Commissioner of Education can also fine a school building administrator or a superintendent up to \$5,000 for failure to forward a copy of the completed report form to the appropriate law enforcement authorities.

Immunity Provisions

The law provides immunity from civil liability for employees, volunteers, school building administrators and superintendents who reasonably and in good faith make a report of child abuse in an educational setting in the manner described in the law. The law also provides immunity from civil liability to school building administrators and superintendents who reasonably and in good faith forward a copy of the report form to a person or agency as required by law and in the manner described in the law.

Confidentiality of Records

In general, the only persons authorized to receive the written report form and any related materials are the school building administrator and the superintendent. The law requires that all reports, records, photographs and other material submitted remain confidential and may not be disclosed except to law enforcement authorities involved in the criminal investigation of child abuse in an educational setting or as expressly authorized by law or pursuant to a court-ordered subpoena. Willful disclosure of a written record required to be confidential, to a person not authorized to receive or review such record is a class A misdemeanor. The law requires that school building administrators and superintendents exercise reasonable care to prevent unauthorized disclosure.

Duties of District Attorneys

Where a criminal investigation is undertaken in response to a report forwarded to the appropriate law enforcement authorities, the district attorney must notify the superintendent of

9620-E.2

the school district where the acts of child abuse occurred and the superintendent of the school district where the child attends, if different, of the following:

- an indictment;
- the filing of an accusatory instrument;
- the disposition of the criminal case; or,
- the suspension or termination of the investigation.

Where a criminal conviction is obtained for a crime involving child abuse in an educational setting by a licensed or certified school employee, the district attorney is required to notify the Commissioner of Education, as well as the superintendent of the school district in which the acts of child abuse occurred and the superintendent of the school district where the child attends, if different.

Duties of the Commissioner of Education

Upon receiving notification of conviction from a district attorney, the Commissioner of Education must begin proceedings against the convicted individual pursuant to Part 83 of the Commissioner's regulations to determine whether the individual possesses good moral character. The determination may result in additional action taken against the individual related to his or her license or certification.

The Commissioner has also issued the attached form that must be used for the recording and transmission of allegations of child abuse in educational settings.

The Commissioner and the Board of Regents also promulgated §100.2(hh)(2), which sets forth the training requirements relating to child abuse in an educational setting.

Unreported Resignations or Voluntary Suspensions

The law prohibits school building administrators or superintendents from agreeing to withhold from the appropriate law enforcement authorities, a superintendent or the Commissioner of Education, where appropriate, an allegation of child abuse in an educational setting on the part of any employee or volunteer as required by law, in return for the resignation or voluntary suspension of the alleged perpetrator. Violation of this prohibition can result in a class E felony charge and a civil penalty of up to \$20,000.



9630

() Required
(X) Local
() Notice

NON-FRATERNIZATION POLICY

School staff members, particularly teachers, hold positions of public trust. Adult students attend, or parents send their children to school, with faith and confidence that school personnel will look after their welfare, protect them as necessary, and not abuse the special relationship of teacher -pupil. Students look upon staff with respect and trust. The BOCES feels it is incumbent upon all school staff to recognize the foregoing and to act accordingly in their relationship with all students.

The occurrence of inappropriate personal relationships, between an employee of an educational institution and a student attending the educational institution, have the potential to interfere with the student's educational program, to threaten or violate a student's right to personal privacy and physical integrity, to disrupt and damage a student's life and to cause misperceptions and confusion with students, parents and relatives, and members of the community.

On the basis of these considerations and factors, all employees of the Board of Cooperative Educational Services are expressly prohibited from engaging in any inappropriate personal relationships with any student who attends any BOCES program, whether conducted on BOCES premises, on the premises of a component school district, or in any other setting or with any student who receives BOCES services (including, but not limited, to transportation or similar BOCES services, whether or not directly educational in nature) and regardless of the student's age or purported consent.

The term "inappropriate personal relationship" is intended to include, but shall not be limited to a romantic or sexual involvement with a student; the term "inappropriate personal relationship" is specifically intended to include, but shall not be limited to, any conduct which is prohibited by the provisions of Article 130 of the Penal Law of the State of New York which defines certain Sexual Offenses and the provisions of Article 260 of the Penal Law of the State of New York which defines certain Offenses Relating to Children. Any BOCES employee who violates this policy shall be subject to appropriate disciplinary proceedings which may result in the suspension of the employee from duties without pay or dismissal.

Alleged violations of this policy shall be promptly investigated in accord with the provisions of the accompanying regulation.

Adoption Date: 7/2/2014

Re-adoption Date: 7/9/2015

9645

() Required
() Local
(X) Notice

DISCLOSURE OF WRONGFUL CONDUCT

The Rockland Board of Cooperative Educational Services (BOCES) expects officers and employees of the BOCES to fulfill the public's trust and to conduct themselves in an honorable manner, abiding by all BOCES policies and regulations and by all applicable state and federal laws and regulations.

However, when BOCES officers or employees know or have reasonable cause to believe that serious instances of wrongful conduct have occurred, they should report such wrongful conduct to the District Superintendent and/or Chief Operating Officer or the Board. For purposes of this policy, the term "wrongful conduct" shall be defined to include:

- theft of BOCES money, property, or resources;
- misuse of authority for personal gain or other non-BOCES purpose;
- fraud;
- actions that compromise the security and integrity of the BOCES or state's testing program;
- violations of applicable federal and state laws and regulations; and/or
- serious violations of BOCES policy, regulation, and/or procedure.

Disclosure and Investigation

Employees and officers who know or have reasonable cause to believe that wrongful conduct has occurred or is occurring shall report such mismanagement, fraud or abuse to the District Superintendent and/or Chief Operating Officer, the school attorney or the Board, if the allegation involves the District Superintendent and/or Chief Operating Officer. Upon receiving a report of alleged wrongful conduct, the BOCES shall take prompt steps to conduct an investigation.

Staff members who suspect that a violation of state testing procedures has occurred by a certified educator, or non-certified individual involved in the state testing program, must report their concerns to the State Education Department (SED) in the manner prescribed by the Commissioner of Education, and must also report concerns to the District Superintendent and/or Chief Operating Officer or Board of Education. Any Building Principal receiving such a report shall relay this information to the District Superintendent and/or Chief Operating Officer.

Chief Operating Officer or Board of Education. Any Building Principal receiving such a report shall relay this information to the District Superintendent and/or Chief Operating Officer.

The District Superintendent and/or Chief Operating Officer or other designee (e.g., School Attorney, Independent Auditor, etc.) shall maintain a written record of the allegation, conduct an investigation to ensure that the appropriate unit (e.g., auditors, forensic auditors, police, etc.) investigates the disclosure, and notify the Board when appropriate to do so.

Except as otherwise provided in either state and/or federal law, the Board-designated officer shall make all reasonable attempts to protect the identity of the employee making the disclosure in a confidential manner, as long as doing so does not interfere with conducting an investigation of the specific allegations or taking corrective action.

The BOCES shall not take adverse employment action against an employee who has notified the district of wrongdoing, allowing the district the opportunity to investigate and correct the misconduct. The BOCES shall not take adverse action against an employee who has reported misconduct when mandated to do so by federal or state law or regulation.

Complaints of Reprisal

An employee who has been subject to an adverse employment action based on his or her prior disclosure of alleged or actual wrongful conduct may contest the action by filing a written complaint of reprisal with the Board President. The Board President, or his/her designee, will review the complaint expeditiously to determine:

- whether the complainant made a disclosure of alleged wrongful conduct before an adverse employment action was taken;
- whether the responding party could reasonably have been construed to have had knowledge of the disclosure and the identity of the disclosing employee;
- whether the complainant has in fact suffered an adverse employment action after having made the disclosure; and
- whether the complainant alleges that adverse employment action occurred as a result of the disclosure.

If the designee determines that all of the above elements are present, he or she shall appoint a review officer or panel to investigate the claim and make a recommendation to the Board. At the time of appointment, the designee shall inform the complainant and the respondent, in writing, of:

- the intent to proceed with an investigation;
- the specific allegations to be investigated;

- the appointment of the review officer or panel; and
- the opportunity of each party to support or respond, in writing, to the allegation.

Once the review officer or panel has conducted a review and considers the investigation to be complete, the officer or panel will notify the designee of its completion. From the date of that notice, the review officer has **30** days to report his or her findings and make any recommendations he or she deems appropriate to the designee. The designee, in conferral with the appropriate administrator shall issue a letter of findings to both the complainant and the respondent.

The decision of the review officer or panel is binding.

Nothing in this policy is intended to interfere with legitimate employment decisions.

The District Superintendent and/or Chief Operating Officer shall establish regulations necessary to implement this policy.

Dissemination and Review

This policy shall be published in employee handbooks, posted in employee lounges and sent electronically to all employees with fiscal accounting and/or money handling responsibilities on an annual basis.

The District Superintendent and/or Chief Operating Officer, the Auditor, the School Attorney and others involved in implementing this policy shall meet with the Board once a year to evaluate the effectiveness of this policy and to make appropriate adjustments, if any, to the policy.

Ref: Civil Service Law §75-b
Labor Law §740

8 NYCRR §§102.3, 102.4 (testing misconduct)

Garrity v. University at Albany, 301 A.D. 2d 1015 (3rd Dept. 2003) (Article 75-b protections only apply if employee first discloses wrongdoing to employer, allowing for investigation and correction prior to disclosure to outside agencies)

Matter of Brey v. Bd. of Educ., 245 A.D. 2d 613 (3rd Dept. 1997) (termination based on work deficiency, not retaliation)

Adoption Date: 7/2/2014

Revised Date: 7/9/2015

9700

☐ Required
☒ **Local**
☐ Notice

STAFF DEVELOPMENT

The Rockland Board of Cooperative Educational Services (BOCES) believes that staff training and development help ensure the success of educational programs and improve the efficiency of the BOCES. Therefore, the BOCES will provide development opportunities to staff to increase their effectiveness and job performance. The District Superintendent and/or Chief Operating Officer shall be responsible for implementing and administering staff development programs for the BOCES's employees.

Administrators

All administrators will receive appropriate training and professional development in accordance with law, regulation or any applicable collective bargaining agreement. The District Superintendent and/or Chief Operating Officer will be responsible for providing such training and development.

Teachers

All teachers will be provided with substantial professional development opportunities directly related to student learning in accordance with any applicable collective bargaining agreement and the BOCES's Professional Development Plan. The plan shall include:

- A needs analysis, goals, objectives, strategies, activities and evaluation standards for professional development in the BOCES and a description of how the BOCES will provide all teachers substantial professional development activities directly related to student learning needs identified in school report cards and other sources.
- A description of how the professional development provided will align with New York standards and assessments, teacher capacities and student needs, including linguistic, cultural diversity and special needs. Activities must be articulated across grade levels and subject areas and show how they will be provided and measured in a continuous manner.
- A description of how it will provide teachers holding a professional certificate with opportunities to maintain their certificate in good standing by successfully completing 175 hours of professional development every five years.

- A mentoring program to provide support for new teachers in order to ease the transition from teacher preparation to practice, thereby increasing retention of teachers in the public schools, and to increase the skills of new teachers in order to improve student achievement.

The Board shall establish a Professional Development Team to review and revise the BOCES's Professional Development Plan annually. The Board shall appoint members to the team at the first regular Board meeting in September.

The Professional Development Team shall meet on or before October 1. The District Superintendent and/or Chief Operating Officer or his/her designee will serve as the chair of the team and will be responsible for ensuring the timely review and revision of the BOCES' Professional Development Plan.

The Professional Development Team will submit any recommended revisions to the Professional Development Plan to the Board by April 1. The Board will consider the recommendations at its first regular meeting thereafter. The Board may accept or reject the recommendations of the team in whole or in part. The Board may also request any additional information or data needed to evaluate the success of the program in achieving its objectives.

Any further changes in the plan must be submitted to the Board by June 1. The Board will consider and act on the revised plan by June 30th. The Board reserves the right to make changes to the revised plan.

Other Professional Staff and Support Staff

The BOCES will provide staff development activities for other professional staff and support staff within the financial constraints of the BOCES budget and in accordance with applicable collective bargaining agreements.

Other Staff Development Opportunities

The Board recognizes that many staff development opportunities are provided through non-school BOCES sources. Within budgetary restraints, BOCES employees may attend conferences, workshops, study councils, in-service courses, summer study grants, school visitations, and other relevant staff development opportunities.

Released time and reimbursement for such activities will be available upon approval of the District Superintendent and/or Chief Operating Officer and in accordance with applicable collective bargaining agreements. The District Superintendent and/or Chief

9700

Operating Officer may establish regulations pursuant to this policy to establish the circumstances under which such released time and reimbursement may be available. Staff members who attend such activities will be required to prepare a report or summary of the activity attended.

Cross-ref: 9420, Staff Evaluation

Ref: Education Law § 3 604(8) (Superintendent conference days)

8 NYCRR §100.2(dd) (Professional Development Plans)

8 NYCRR §100.2(o)(2)(iii)(b)(5) (required training on conducting staff evaluations)

Adoption Date: 7/2/2014

Re-adoption Date: 7/9/2015