



***CONSTITUTION***

---

***BYLAWS***

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***POLICIES AND PROCEDURES***

*June 1, 2007*

**Part I:**  
**CONSTITUTION**

## **ARTICLE I Name and Address**

The name of this organization shall be the San Juan Board Cooperative Educational Services located at 201 East 12th Street, Durango, Colorado 81301.

## **ARTICLE II Definitions**

For purposes of the Constitution, Bylaws, and Policies of the San Juan Board of Cooperative Educational Services, the following definitions shall apply:

1. Member districts - those individual school districts named in Article Five (V) of this document.
2. Associate member - any agency other than a public school district that is a Board- approved and authorized non-voting member of the Board.
3. BOCES - the San Juan Board of Cooperative Educational Services.
4. Board – the BOCES Board of Directors.
5. Board Member - an individual selected pursuant to the BOCES Constitution and Bylaws by each member district to serve on the Board , provided such individual's seat is not declared vacant by the Board pursuant to said Constitution and Bylaws..

## **ARTICLE III Legal Status**

The BOCES is organized under the provisions of Boards of Cooperative Services Act of 1965, C.R.S. § 22-5-101 *et seq.*, and it shall have all the powers and duties granted by those provisions. The BOCES shall have perpetual existence, but in the event of its dissolution, all of its assets shall be divided among member districts on a prorated basis proportionate to the current year's contribution percentages. The BOCES is not a political subdivision of the State, but is a legal entity separate and apart from its member school districts to which certain governmental decision-making functions have been delegated.

## **ARTICLE IV Purpose**

The purpose of this organization shall generally be to provide those services and functions requested by member districts and authorized by the Board

## **ARTICLE V Membership**

**Section 1.** Membership shall be in accordance with the provisions of CRS 22-5-101, and shall be by school district, each member district being entitled one voting Board member. Member districts are:

- Archuleta County School District No. 50 Jt. (Pagosa Springs)
- La Plata County School District No. 9-R (Durango)
- La Plata County School District No. 10 Jt.-R (Bayfield)
- La Plata County School District No. 11Jt.- (Ignacio)
- San Juan County School District No. 1 (Silverton)

One or more additional members may be added in accordance with CRS § 22-5-104(3).

**Section 2.** Associate membership shall be in accordance with the provisions of the Constitution and shall be by agency other than a public school district. Each associate member is entitled to one non-voting member. Associate members are:

- Fort Lewis College (Durango)

**Section 3. Appointment of Board members :**

Each member school district board of education shall appoint one BOCES Board member and one alternate from its membership in accordance with CRS § 22-5-104(2)(b). The term of office of each voting Board member shall be coterminous with the Board member's term of office on his/her board of education. When a Board member's term of office expires or when he/she resigns, a new member of the Board shall be appointed by the local board of education of the school district he/she represents within 30 days.

It shall be the responsibility of each member school district to notify the BOCES as to the names of the representatives and alternates following local board elections.

**Section 4. Voting Rights:**

Each member school district shall be entitled to one vote on each matter submitted to a vote of the Board.

The designated alternate representative of the local board of education has the right to vote on behalf of that district in the absence of the regular designated representative.

**Section 5. Termination of Membership:**

The BOCES, by affirmative vote of a 4/5 majority of all of the members of the Board, may suspend or expel any member district found to be in default of contractual obligations, or for other good and just cause.

**Section 6. Resignation of Membership:**

Any member district may resign by filing a written resignation with the secretary, but such resignation shall not relieve the member district so resigning of the obligation to pay encumbrances, assessments, or other charges theretofore assumed and unpaid for the ensuing calendar budget year. Upon resignation, a statement of assets of the BOCES will be made reflecting its proportionate share. However, no assets will follow the resigning district unless at some later date the BOCES organization should be dissolved. Only then could the district which had previously resigned claim its share of the assets at the time of its resignation, as depreciated by the auditor.

Based upon the state requirements pertaining to special education services for smaller school districts, a district may not be permitted to resign from the BOCES unless it is granted a variance by the state. A variance requires:

- Demonstration that the district(s) seeking a variance is able to meet the obligation to provide appropriate services to children with disabilities. If the manner in which the

district(s) proposed to meet this obligation is determined to be inadequate by the Colorado Department of Education, the variance will not be granted. 1 CCR 301-8; 2220-R-3.01 (1)(a)

- Demonstration that the administrative unit from which the district(s) is proposing to withdraw will be able to continue to provide appropriate educational services to children with disabilities. If such demonstration cannot be made to the satisfaction of the Department of Education, the variance will not be granted. 2220-R-3.01 (1)(b).

**Section 7. Reinstatement of Membership:**

The BOCES may, by the affirmative vote of 3/4 of the Board, reinstate a former member district to membership upon such terms as the Board may deem appropriate. A reinstated district will be required to pay its pro rata share of any new assets accumulated by the BOCES since the date of its resignation as depreciated by the auditor.

**Part II:**  
**BYLAWS**

## SECTION I: OFFICERS

### 1.0 Officers:

The officers of the Board shall be president, vice-president, secretary and treasurer, whose terms of office shall be for two years, unless their terms of office as board members of their respective districts expire earlier, in which case the officership shall similarly expire or unless they resign. Each officer shall be elected by a majority of the Board. In case of a vacancy, the Board shall, by majority vote, elect another member or members to fill the vacant office or offices. A newly-elected officer shall assume the duties of office immediately upon election. Inasmuch as the selection of a new officer on a three-or-four-officer, five-member board frequently requires a shifting of officers it shall be permissible for a member to be nominated for another office without resigning the current office. Upon election to the new office, the former office shall be declared vacant and another member elected to fill that position.

### 1.1 President:

The president shall preside over all regular and special meetings of the Board. He/she shall sign any written contract to which the BOCES may be a party when such contract shall have been authorized by the Board and shall sign all official reports of the BOCES except when otherwise provided by law.

### 1.2 Vice-President:

The vice-president shall be a director of the BOCES. In the absence or inability of the president, the vice-president shall have and perform all of the powers and duties of the president.

### 1.3 Secretary:

The secretary may or may not be a member of the Board.

The secretary or designee authorized by the Board and duly bonded shall

- 1) cause written notice to be given to each director of the Board of all special meetings of the Board;
- 2) cause minutes of each meeting of the Board to be kept and preserved;
- 3) cause all notices required by law to be published or posted;
- 4) be custodian of the seal of corporation, shall attest any written contract to which the BOCES may be a party when such contract shall have been authorized by the Board; and
- 5) perform such other duties as may be assigned by the Board. In the absence or inability of the secretary, an officer of the Board designated by the president shall perform the duties of the secretary.

As required by law, the secretary and any authorized designee shall give bond for the faithful discharge of his/her duties in such sum and with surety or sureties as the Board shall determine. Cost of said bond shall be born by the BOCES as determined by the Board.

### 1.4 Treasurer:

The treasurer may or may not be a member of the Board

The treasurer or designee authorized by the Board and duly bonded shall

- 1) account for all moneys belonging to the BOCES, or coming into its possession,
- 2) shall render a report thereof when so required by the Board; and
- 3) shall perform such other duties as may be assigned by the Board.

In the absence or inability of the treasurer, an officer of the Board designated by the president shall perform the duties of the treasurer.

As required by law, the treasurer shall give bond for the faithful discharge of his/her duties in such sum and with surety or sureties as the Board shall determine. Cost of said bond shall be born by the BOCES as determined by the Board.

**1.5 Simultaneous Offices:** At the Board's discretion, the same individual may hold the offices of secretary and treasurer simultaneously, and is then responsible for the duties of both offices.

**1.6 Powers and Duties:**

Duties of the president, vice-president, secretary and treasurer shall be the same as those set forth for similar officers of Boards of Education in section 22-32-105 through 107, as provided in section 22-5-105, C.R.S.

## **SECTION II: MEETINGS**

**2.0 Meetings:**

Meetings shall be called, held, and conducted as set forth in Boards of Cooperative Services Act of 1965 22-5-105, C.R.S.. Regular meetings shall be held in accordance with state statute. Additional meetings may be called by the president at any time, and shall be called by him/her upon written request of a majority of the members of the Board.

The secretary or duly authorized designee of the Board shall cause each member of the Board to be notified of the starting time, place, and purpose of any regular or special meeting no later than 24 hours prior to the hour set for the meeting. If the members are notified by mail, the notice shall be mailed no later than 72 hours prior to the hour set for the meeting.

Any Board member may waive notice of the time, place, and purpose of a special meeting at any time before, during, or after such meeting, and attendance thereat shall be deemed to be a waiver.

A quorum of Board members necessary for transacting business shall be a simple majority.

Effective functioning of the BOCES is dependent upon consistent representation of member districts by the BOCES directors. In accordance with state school law (C.R.S. 22-31-129), in the event that a director is absent for three consecutive meetings without approval of the Board, the school district represented by that director will be notified, and the BOCES Board may declare a vacancy.

**2.1 Board Meetings**

2.2 Board meetings shall occur at least quarterly, in accordance with state statute. (Boards of Cooperative Services Act 1965 22-5-104(4)).

2.3 Items to be covered shall be enumerated on an agenda distributed to Board members at least 48 hours prior to the meeting time.

2.4 Board meeting business may be transacted only if a quorum is present.

2.4.1 A quorum shall consist of a simple majority of those members serving on a board of cooperative services. In the absence of a regular member, the alternate may be counted toward the required quorum and assume the prerogatives of the regular member.

2.5 The BOCES Board is an entity to which certain governmental decision-making functions have been delegated; therefore, Board meetings shall be held open to the public as prescribed by Colorado law.

#### 2.6 Meeting Agenda

2.6.1 The Executive Director shall prepare the agenda for each Board Meeting and post the same no later than twenty-four hours prior to the meeting.

2.6.2 Upon motion duly made, seconded, and passed by a majority of the quorum present, the Board may delete any item from the agenda, or add any item to the agenda, provided that, in the case of an added item, such item was not anticipated to be on the agenda at the time of posting.

#### 2.7. Public Participation at Board Meetings

##### 2.7.1 Informal Public Comments and Questions:

One period of time shall be scheduled during each regular meeting of the Board for brief comments or questions from the public. Any person addressing the Board shall first give his/her name and address to be recorded in the meeting minutes. Each member of the public will be limited to a total of three (3) minutes for comments, questions, and answers except to the extent a longer time is needed to accommodate an individual with a disability, or unless the meeting Presiding Officer determines that the BOCES' interests would be better served by allowing a longer time.

##### 2.7.2 Formal Presentations:

It is recognized that from time to time members of the public may wish to make a lengthier formal presentation before the Board. In such cases, the person shall make arrangements in advance with the Executive Director so that the presentation may be scheduled on the agenda of an upcoming Board meeting. Any person wishing to make such a formal presentation will be required to provide a brief written statement or outline of the subject of the presentation. Such written statement and any background materials must be submitted in advance by a date specified by the Executive Director, so that they can be provided to the Board in the meeting packet. Formal presentations shall not exceed ten minutes in length, unless the Presiding Officer of the Board determines that the subject matter requires additional time, in which case the Presiding Officer will set an appropriate time limit, taking into account the subject matter and the press of other business.

##### 2.7.3 Content of Comments, Questions, and Presentations; Board Response:

- Comments, questions, and formal presentations at a regular meeting may deal with any topic related to BOCES business. Comments, questions, and presentations at a special meeting must be related to the agenda items of that special meeting.
- All remarks must be directed to the Chair. Remarks must be appropriate in language and department.

- The Board is under no legal obligation to respond to any comment or question from the public, but may do so as a courtesy and to provide the interested public with such factual information as may be reasonably provided within the context of the Board meeting.
- No Board member will be expected to comment upon the reasons for a particular policy decision or vote, or to discuss with the public matters currently under deliberation by the Board.
- The Board will not respond to any question that calls for a legal conclusion, requires advice of legal counsel, or involves information that is privileged or confidential in accordance with law, nor will the Board respond in the public meeting to any complaint or criticism concerning any BOCES or member district employee. The Board will treat all such complaints as personnel matters, and may in its discretion invite the complaining party to address the Board in executive session concerning such complaint, subject to legal requirements and to such time limits as the Board may impose.
- If the meeting's Presiding Officer determines that it is appropriate to answer a particular question at the time it is asked, the Presiding Officer will designate the appropriate Board member, staff member, or other person present to answer the question from the public. Answers to questions from the public shall be kept brief and to the point. If the Presiding Officer determines that the question should be answered, but (a) the answer cannot be provided within the person's time limit, or (b) if for any other reason the Presiding Officer determines that it would not be appropriate to answer the question in the public meeting, he/she may advise the person who to contact to obtain the answer at a later time, or direct the person to submit the question in writing. If the question is so submitted, the BOCES will provide a written response within a reasonable time.
- Criticisms and opinions about "high profile" BOCES or member district employees such as the Executive Director, Director of Exceptional Student Services, superintendents of member districts, or varsity athletic coaches of member districts may be heard in the public comment period, but specific complaints or allegations against individual BOCES or member district employees should not be made in public. The Presiding Officer may, but is not obligated to, warn any person making such complaints or allegations that the speaker is not protected from potential liability for defamation, and that any potentially defamatory statements about any BOCES or member district employee should be made in writing to the Executive Director or designee, to be addressed by the Board as appropriate in executive session as a personnel matter. The Board is not obligated to invite any complaining party to address the Board in executive session, but may do so at the Board's discretion.

#### 2.7.4 Presiding Officer's Duties and Authority; Appeals:

- The Presiding Officer of the meeting (usually the President or Vice-President) will be responsible for recognizing all speakers, for maintaining proper order, and for adherence to time limits and procedural rules herein set forth.
- Any person who refuses to comply with these rules or who otherwise disturbs the good order of the meeting will be required to leave. The Presiding Officer will implement this provision.
- Any member of the Board who disagrees with the Presiding Officer's decision on any matter hereunder may appeal such decision to the whole Board by motion made and seconded. The appeal must be made immediately after the Chair's ruling and before other business is resumed. No discussion of such appeal motion shall occur unless and until the motion is seconded. If the motion is

seconded, discussion may proceed and the vote on the motion will be held in accordance with established practice. A majority vote of the directors present will overrule the decision of the Presiding Officer on the specific matter appealed.

## 2.8 Board Meetings by Video-Conference

Board meetings may be conducted using video teleconferencing technology. (Boards of Cooperative Services Act 1965 22-5-104(5)). The BOCES adopted the following video teleconferencing policy, October 5, 2005.

- 2.8.1 The Board of Directors may conduct meetings through video teleconferencing in accordance with the statutes governing board of cooperative services 22-5-101 through 22-5-118.
- 2.8.2 Meetings shall be held through video teleconferencing when determined by the President of the Board of Directors to be appropriate, subject to statutory requirements for the minimum number of meetings to be held in a physical gathering.
- 2.8.3 Meetings held through video teleconferencing shall be subject to the same procedural requirements including but not limited to notice requirements that apply to other meetings.
- 2.8.4 The physical location(s) specified for regular meetings of the Board of Directors shall be available for public access to any meeting held through video teleconferencing. The Executive Director may when feasible arrange additional or alternative sites for such purposes.
- 2.8.5 The Executive Director shall establish procedures for implementing this policy.

## 2.9 Procedures for Video Teleconferencing

- 2.9.1 Not less than one meeting annually shall be held with a gathering of members of the Board of Directors in a single physical location.
- 2.9.2 Members of the public shall be allowed access to a meeting of the Board at the location specified for the meeting by the Executive Director. Public involvement in the meeting shall be on the same basis as for a meeting held in a single physical location.
- 2.9.3 No executive session may be conducted during a meeting of the Board held through video teleconferencing.
- 2.9.4 Any public notice or notice to members of the Board regarding a meeting shall designate whether the meeting will be held through video teleconferencing and at what location public access will be available.

## 2.10 Executive Session

2.10.1 All meetings of the Board shall be open to the public except that at any regular or special meeting the Board may proceed into executive session upon affirmative vote of two-thirds of the quorum present.

2.10.2 The Board shall not make final policy decisions nor shall any resolution, policy or regulation be adopted or approved nor shall any formal action of any kind be taken during any executive session. The Board is authorized to approve written minutes of an executive session in executive session if written minutes are taken in addition to the electronic recording as required by law.

2.10.3 The Board may hold an executive session for any purpose authorized by law. Pursuant to C.R.S. § 24-6-402(4), the following matters currently may be considered in executive session:

- Purchase, acquisition, lease, transfer or sale of any real, personal or other property. However, no executive session shall be held to conceal the fact that a member of the Board has a personal interest in such property transaction. C.R.S. § 24-6-402(4)(a)
- Conferences with an attorney for the purpose of receiving legal advice on specific legal questions. The mere presence or participation of an attorney at an executive session shall not be sufficient to satisfy this requirement. C.R.S. § 24-6-402(4)(b)
- Matters required to be kept confidential by federal or state law or regulations. An announcement will be made indicating the specific citation to state or federal law which is the reason the matter must remain confidential. C.R.S. § 24-6-402(4)(c)
- Specialized details of security arrangements or investigations. C.R.S. § 24-6-402(4)(d)
- Determination of positions relative to matters that may be subject to negotiations, development of strategy for negotiations and instruction of negotiators. C.R.S. § 24-6-402(4)(e)
- Personnel matters except if an employee who is the subject of an executive session requests an open meeting. If the personnel matter involves more than one employee, all of the employees must request an open meeting. Discussion of personnel policies that do not require discussion of matters specific to particular employees are not considered "personnel matters." C.R.S. § 24-6-402(4)(f)(I). C.R.S. § 24-6-402(4)(f)(II)
  - With respect to the "Teacher Employment, Compensation and Dismissal Act," C.R.S. 22-63-302(7) of the Act shall govern in teacher dismissal hearings. (The Act provides that a dismissal hearing shall be open to the public unless either the administration or employee requests that the hearing be closed.)
  - Discussions concerning a member of the Board, any elected official or the appointment of a Board member are not considered personnel matters. C.R.S. § 24-6-402(4)(f)(II)
- Consideration of any documents protected under the mandatory nondisclosure provision of the Open Records Act, except that consideration of work product documents and documents subject to the governmental or deliberative process privilege must occur in a public meeting, unless an executive session is otherwise allowed. C.R.S. § 24-6-402(4)(g)
- Discussion of individual students where public disclosure would adversely affect the person or persons involved. C.R.S. § 24-6-402(4)(h)

2.10.4 The Board may enter executive session by motion made and seconded and passed by two-thirds of the quorum present. The motion should include the topic of the executive session which shall be reflected in the minutes, and should include as much detail as possible without compromising the purpose for which the executive session is authorized. The motion should also recite the specific citation to statute authorizing it (as set forth above) to meet in executive session. In the event the motion is deficient in either requirement, the Board President shall make a statement meeting both requirements before the Board enters executive session.

2.10.5 Only those persons invited by the Board may be present during any executive session regardless of the topic of the session (including personnel matters).

2.10.6 The Board shall cause an electronic record to be made of the executive session which

shall be retained by the Board for 90 days following the session. No electronic record shall be made of an executive session held for the purpose of discussing an individual student matter or a session in which the discussion involves a privileged attorney-client communication. The electronic record must include the specific statutory citation to the executive session law that allows the Board to meet in executive session; therefore, the Board President shall make a statement including the date and time of day, the purpose of the executive session as announced in the motion or otherwise, and the statutory authorization. Such statement shall be made immediately after the recording is activated and before the commencement of the discussion.

**2.11 Minutes:**

The secretary or some person designated by him/her, shall send out, following each meeting, a copy of the minutes of said meeting to each Board, member including associate members, and to the superintendents of schools of each participating district.

**SECTION III: AMENDMENTS**

**3.0 Amendments:**

These bylaws may be amended or repealed by a 4/5 vote of the entire Board at any regular or special meeting, provided that such change shall not violate provisions of the Boards of Cooperative Services Act of 1965, as amended, and provided written notice of the proposed amendment has been provided to the Board by the means regularly and customarily used for such notices at least 30 days prior to action. If the Board votes unanimously in favor of any amendment, notice as provided herein shall be deemed waived.

**Section IV: Ratification**

**4.0 Know All Men By These Presents:**

That the undersigned, being all members of the Board of Cooperative Services, hereby assent to the foregoing Bylaws as adopted by them as the Bylaws of the San Juan Board of Cooperative Educational Services.

President

Vice-President

Secretary

Treasurer

Member

**4.1 Know All Men By These Presents:**

that the undersigned secretary and/or treasurer of the Board of Cooperative Educational

Services, known as a non-profit board, does hereby certify that the above and foregoing Bylaws, adopted by the Board of Cooperative Educational Services as the Bylaws of said Board on the 18th day of March, 1991, were amended and updated with an effective date of June 4, 2007, and that they do now and hereafter constitute the Bylaws of said Board of Cooperative Educational Services.

ATTESTED:

**Secretary and/or Treasurer**

## Part III

# **Operational Policies**

# **SECTION A: GENERAL POLICIES**

## 1.0 General Policies

1.1 The San Juan Board of Cooperative Educational Services (hereinafter referred to as the BOCES) was initially organized under the provisions of the Boards of Cooperative Services Act of 1965, and shall maintain all the powers and duties granted by those provisions, as the same may be amended from time to time. The BOCES shall be a regional educational service unit designed to provide supporting instructional, administrative, faculty services, community and other services contracted by participating members. Without limiting the generality of the foregoing, it is expressly noted that the BOCES is designated as the "Administrative Unit," with all powers and duties pertaining thereto, for special education purposes under the Rules implementing the Colorado Exceptional Children's Education Act.

1.2 Organizational Chart. The BOCES Organizational Chart is set forth in Appendix \_\_\_.

1.3 The BOCES shall employ a chief executive officer to administer the affairs and programs of the BOCES. The position shall be designated as Executive Director.

1.3.1 Generally, the Executive Director shall have the authority and responsibility for the implementation of the orders and directions of the Board, for supervising and directing all personnel of the BOCES, and for advising the Board on all BOCES matters.

1.3.2 The Executive Director shall act in accordance with appropriate BOCES policy and procedures, Board directives, job descriptions, contract requirements, and similar proper directives. In the absence of directives, the Executive Director shall have the authority to act in the best interest of the BOCES, subject to the ultimate discretion of the Board.

1.4 The BOCES Board shall annually adopt a calendar no later than 30 July for the succeeding school year. Such a calendar will be prepared and recommended by the Executive Director, after taking into consideration the various adopted calendars of the member districts.

1.5 The maintenance and release of records by the BOCES shall be in accordance with current federal and state law.

1.6 The BOCES office is open from 7:30 A.M. to 4:30 P.M. during the school year. Summer hours and days will vary. Working hours for individual employees will be established and reviewed annually in order that they remain consistent with those established for certified and non-certified employees of member districts.

## **2.0 Superintendent Advisory Council**

2.1 The Superintendent Advisory Council (SAC) shall be comprised of the superintendents of the member districts. The SAC serves as an unofficial "cabinet" to the Executive Director of the BOCES and may provide advice and recommendations to the BOCES Board as it deems appropriate.

2.2 In addition to any meetings the SAC may hold at its discretion, it is expected that the SAC will meet and confer with the Executive Director as reasonably requested.

2.2.1 Such meetings are in the nature of administrative staff meetings and are not subject to the Open Meetings Law.

2.3 Superintendents are encouraged to attend BOCES Board meetings and to assist the BOCES Board member from their respective district in reviewing relevant BOCES business at local board meetings such that local boards may be kept adequately informed regarding BOCES activities.

2.4 The SAC has no governmental decision-making functions and no official duties on behalf of the BOCES.

### **3.0 Formulation of Board Policies**

3.1 It is the responsibility of the BOCES Board to formulate and determine policies for the BOCES.

3.2 Procedurally, any policy change, addition, and/or deletion shall require two meetings for passage.

3.2.1 The first meeting shall include a reading consisting of a review of the proposed policy or policy change.

3.2.2 The second meeting shall include a second reading of the policy at which time acceptance of the new or modified policy may occur.

3.2 Proposed policy changes from BOCES staff members shall be submitted in writing to the Executive Director for review. The Executive Director may then schedule a first reading of such policy suggestions at the next Board meeting.

3.3 The Board of Directors shall have final discretion and authority in policy development and adoption.

3.4 The Board of Directors, individual Board members, the Executive Director or the SAC may propose the adoption of policies.

3.5 The Board may direct specific procedures for policy development and adoption; however, the Board shall have the discretion to modify or disregard such procedures as it may determine appropriate.

3.6 The Executive Director shall

3.6.1 recommend to the Board such policies as may be necessary from time to time;

3.6.2 refer existing or proposed policies to legal counsel or other consultants for review, input or drafting when deemed appropriate;

3.6.3 develop procedures to ensure that BOCES policies are published, circulated and made available; and

3.6.4 develop, adopt and implement administrative procedures, guidelines or similar processes as necessary and appropriate to implement policies adopted by the Board.

3.7 Such administrative procedures, guidelines or similar processes shall be subject to review and revision by the Board. In the absence of other direction, the Executive Director and the Board may, but are not required to, be guided by prior administrative procedures of prior policies, provided such are not inconsistent with current policies.

3.8 The Board reserves the right to review regulations, administrative procedures, guidelines, and/or similar processes issued by the Executive Director. At its discretion, the Board may revise or veto such regulations, administrative procedures, guidelines or similar processes. The Board shall be provided with copies of all BOCES-wide regulations, administrative procedures, guidelines or similar processes issued by the Executive Director.

3.9 The Board itself may adopt regulations when specific state or federal laws require the Board to do so, or when the Board or Executive Director considers such adoption desirable.

3.10 The Board may suspend any policy upon determining that an emergency situation requires such suspension.

**Comment [BO1]:** Double Click on the word "Calendar" to get to the BOCS 2000-2001 calendar.

## **4.0 News Releases**

### **4.1 Policy**

Because the BOCES is a public institution endeavoring to serve the educational needs of the community, it is important that information be disseminated concerning programs, activities and accomplishments of the organization. Publicity should be given wide coverage and be coordinated into a common effort and purpose. The following procedures shall be followed in giving official information to the news media.

- 4.1.1 News releases pertaining to Board actions and concerns must be cleared by the President of the Board, his designee, or the Executive Director, and
- 4.1.2 News releases which are of a BOCES-wide nature or pertain to BOCES programs and policy must be cleared by the Executive Director.

4.2 Efforts should be made to obtain coverage of BOCES programs and activities which create and maintain a dignified and professionally responsible image for the BOCES and its member districts.

**SECTION B:  
FINANCIAL POLICIES**

## **1.0 Financial Policies**

### **1.1 Policy**

Financing of the services performed under the direction of the BOCES shall be by contributions from the participating member districts on the basis of a proportionality of the average daily membership of member districts for the prior year, and through funding received from grants, reimbursements, donations, and contracts.

### **1.2 Contracts**

The Board may by resolution authorize any officer or officers, agent or agents of the Board, in addition to the officers so authorized by these bylaws, to enter into any contract or execute and deliver any instrument in the name of and on behalf of the Board and such authority may be general or confined to specific instances.

### **1.3 Checks, Drafts, etc.**

All checks, drafts, or orders for the payment of money, notes, or other evidence of indebtedness issued in the name of the Board shall be signed by the Executive Director and secretary and/or treasurer.

### **1.4 Program Planning and Budgeting**

The BOCES shall use a system of budgeting and accounting which ties all funds and expenses to programs maintained by the organization.

### **1.5 Annual Operating Budget**

The BOCES budget is a written document which presents the Board's plan for the allocation of the available financial resources into an explicit expenditure plan to support the educational programs of member districts. The budget will be based upon the needs and financial abilities of the member districts as identified by the BOCES Board and taking into account recommendations, if any, from the Superintendents Advisory Council. The Board shall provide for the preparation and adoption of the annual budget. This budget shall be considered a controlled spending plan to implement the approved educational and supporting programs of the BOCES. The Executive Director is authorized to make expenditures and commitments according to and in harmony with the policies of the Board and State Statutes. It is the desire of the Board that staff members participate in budget planning processes as much as is practicable.

### **1.6 Budget Adoption Procedures**

The following constitutes the procedure for budget adoption:

- 1.6.1 After receipt of the preliminary budget, the Board members will review the budget provisions and suggest changes or revisions as deemed necessary for subsequent administrative consideration and Board approval.
- 1.6.2 Within ten days after submission of the preliminary budget, the Board shall cause to be published, in one or more newspapers having general circulation throughout the territory of the BOCES, a notice stating that the proposed budget is on file in the BOCES office and is available for inspection during regular business hours.
  - o Any person may register comments in writing or verbally at a scheduled Board meeting to the proposed budget at any time prior to its adoption.
- 1.6.3 The Board will specify the date, time and place when the Board will consider adoption of the proposed budget.

- 1.6.4 No later than June 30th of the year prior to the beginning of the fiscal year for which the budget has been prepared, the BOCES Board shall adopt the budget and an appropriation resolution for the fiscal year (July 1 to June 30).

**2.0 Policy Regarding Authority to Transfer Monies**

The BOCES Executive Director shall have authority to transfer monies from one object to another within a particular function or program as prescribed by statute. Transfers involving different funds must be approved by the Board.

### **3.0 District Contribution Distribution Policy**

For all programs of the BOCES involving member district contributions, except for administration, member districts shall be responsible to fund the BOCES on a basis proportionate to their Average Daily Membership (ADM) preceding year's October count. For the administration portion of the BOCES budget, member districts will share half of these costs equally; the other half based on their ADM percentage. The San Juan BOCES shall bill member districts for quarterly payments of their respective local contributions. Nothing in the policy shall preclude less than all member districts from pursuing a project cooperatively.

#### **4.0 State and Federal Aid Policy**

State and federal aid to the BOCES and/or the BOCES special education administrative unit may be either categorical or general. It shall be the responsibility of the Executive Director and/or the Director of Exceptional Student Services to insure that correct procedures to obtain these funds are followed annually. Such procedures may include the filing of the proper applications, forms, and reports in addition to the proper maintenance of records to insure the BOCES receives those funds to which it is entitled.

**5.0 Policy Regarding Fees, Payments, and Rentals**

All monies collected by the BOCES from any source shall be remitted to the Director of Business Services as received. These monies shall be credited to the proper accounts and deposited according to standard accounting practices.

**6.0 Investments Policy**

Pursuant to section 22-5-108(g), C.R.S., the BOCES shall select a depository for moneys belonging to the BOCES, and shall invest any funds on hand which are not then needed in the conduct of its affairs in any securities which are legal investments for the state and its political subdivisions, pursuant to part 6 of article 75 of title 24, C.R.S. See Appendix \_\_\_ for additional investment guidelines.

**7.0 Policy Regarding Bonded Employees**

All employees who, in the course of their duties, are required to be responsible for money shall be bonded. The Board shall authorize a blanket Honesty and Fidelity Bond to adequately cover these employees. A Fidelity Bond in excess of the blanket Bond amount may be increased by the Board, if deemed necessary.

## **8.0 Inventory Policy**

### **8.1 Fixed Asset Inventories**

The BOCES shall maintain a system for the inventory of all individual items costing \$5,000 or more and having a life expectancy of two or more years with the exception of equipment permanently fixed in the building. This inventory will also be maintained for the purposes of capitalization and tracking of fixed assets and depreciation.

The equipment inventory shall serve both the function of control and conservation.

Responsibility for the system shall lie with the Executive Director or designee.

### **8.2 General Inventories**

The Executive Director shall designate a BOCES employee who shall be responsible for maintaining an office inventory system for individual items valued at \$500.00 or more, most specifically technological equipment and accessories. Items shall be checked-in and logged per the inventory system. The system will track the date of acquisition, purchase price and current disposition.

## **9.0 Reporting Policies**

### **9.1 Financial Reports and Statements**

All financial transactions shall be recorded in financial records. The financial records shall be kept in accordance with generally accepted principles of governmental accounting. Separate accounts shall be maintained for each of the several funds prescribed in the Colorado School Law

### **9.2 Accounting and Reporting**

The Director of Business Services shall be responsible for maintaining adequate records of all expenditures and incomes, managing the major budget categories, and providing the information required for annual budget preparation and long range fiscal planning. Funds shall be classified in accordance with the chart of accounts established by the business office, and in accordance with State Law and the regulations of the State Board of Education. The Administration will provide the Board with financial statements on an ongoing basis to keep them fully informed about the BOCES financial condition.

## **10.0 Compensation Policy**

### **10.1 Compensation Guidelines**

Annually it shall be the responsibility of the BOCES Executive Director to submit, with the proposed budget, the procedures and guidelines upon which the distribution of salary for the year covered by the budget shall be based. Final compensation, recommendations and salary schedules shall be presented to the Board by the last scheduled meeting of the current fiscal year and no later than the next school year.

Although the specifics of the guidelines may vary from year to year, such guidelines shall take into consideration such factors as:

- compensation guides for member districts,
- education and experience backgrounds of employees,
- duration of employment at the BOCES, and
- working days and/or hours per year.

### **10.2 Payroll**

Payroll will be distributed on the 25th of each month except where the 25th falls on a weekend or holiday in which case payroll will be distributed on the work day preceding.

### **10.3 Salary Deductions**

In addition to those deductions from employee salary which are required by law, deductions of other sums for specific purposes are authorized providing there is consent from the individual employees for such deductions in writing.

## **11.0 Procurement Policy**

### **11.1 Purpose**

This policy provides standards for buying goods and services in a manner that promotes the prudent use of funds, quality control, accurate recordkeeping and reporting, sound business practices, and efficiency. This policy is also designed to reduce opportunities for unauthorized spending, waste, fraud, and conflicts of interest.

### **11.2 Applicability**

Both board and staff must abide by this policy. Violators are subject to disciplinary action as defined by the BOCES and board policies on discipline and dismissal.

### **11.3 General Standards**

All purchases made on behalf of the BOCES shall be both necessary and reasonable, and purchase decisions should be made both conservatively and with prudence.

### **11.4 General Provisions**

It is the BOCES policy to purchase the most competitively priced goods and services that are sound in quality. However, staff should temper "price shopping" with good judgment so that, for example, the staff does not spend excessive time price shopping small, low cost items such as pens and paper clips.

When comparing products and services of similar quality, the lower priced product or service should be chosen unless there is a compelling reason to do otherwise.

All procurement transactions shall be completely documented in writing either on forms designed for that purpose or by memo and filed promptly in the BOCES' business office. Government and other fund providers and auditors shall be given access to the appropriate files with reasonable advance notice to the executive director.

All supplies and equipment, invoices, contract-related correspondence, and bid packages shall be delivered to the BOCES main administrative office at 201 East 12<sup>th</sup> Street, Durango, CO 81301.

### **11.5 Controls**

Purchase Orders or Purchase Requisitions are required for all purchases except routine monthly bills such as utilities, phones, water & coffee, copier, etc.

### **11.6 Authority to Purchase**

Subject to the provisions hereof, the Board's authority for the purchase of supplies, equipment, and services is extended to the Executive Director through the submitting of such items compiled as part of the budget making process and approved by the Board through its adoption of the annual operating budget. The Executive Director shall direct the purchase of such supplies, equipment, and other materials or services as required and permitted within the limits of the budget provided the following conditions are met:

11.6.1 The expenditure is clearly allowed by the current board-approved budget;

11.6.2 Funds are currently available to make the purchase;

11.6.3 There is appropriate written documentation demonstrating the need for and the prudence of the purchase; and

11.6.4 All procurement procedures (Purchase requisition or Purchase Order approval, bidding requirements as applicable, and all other requirements hereof) are followed during the purchase.

11.7 The Executive Director may extend authorization of such purchases to his/her designee as may be deemed appropriate within their respective areas of responsibility consistent with the intent of the Board as reflected in approved budgets.

11.8 The Business Director should be consulted prior to any purchase to verify the availability of funds. Approved purchase orders and purchase requisitions must be submitted to the business office.

11.9 Each month, the Executive Director and Business Director shall review all organizational purchases to ensure the following:

- 11.9.1 That each purchase was properly authorized,
- 11.9.2 That each purchase fell within budget limits,
- 11.9.3 That there was no abuse or misuse of purchase authority, and
- 11.9.4 That the staff followed procurement policy procedures.

NOTE: In the case of any unusual expenditure request, the Board should always be consulted.

## **12.0 Bidding Requirements**

### **12.1 Policy Regarding Supplies, Equipment, and Furnishings**

All contracts and open market orders shall be awarded to the lowest responsible qualified supplier, taking into consideration the quality of materials (services) desired and their contribution to program goals.

### **12.2 Procedure for Purchase of Materials**

Except as otherwise authorized by BOCES policy, the following process shall be followed in BOCES purchasing activities.

12.2.1 Purchases less than \$200 require prior authorization and a Purchase Requisition. In some instances where incidental purchases are necessary and are submitted for expense reimbursement such purchases will be subject to review and approval or denial based on the purpose and validity of such purchase.

12.2.2 A total purchase over \$200 and under \$ 2,500 may be authorized by the Administration, based upon the best obtainable price and quality, without soliciting bids or quotations. An approved Purchase Requisition is required before purchase may be made.

12.2.3 A total purchase over \$2,500 and up to \$10,000 may be made on the basis of three (3) separate verbal quotations. (exceptions may apply – see NOTE below) An approved Purchase Order is required before purchase may be made.

12.2.4 A total purchase over \$10,000 requires the presentation of at least three (3) separate written bids to the Executive Director. (exceptions may apply – see NOTE below) An approved Purchase Order is required before purchase may be made.

12.2.5 NOTE: The bidding requirements herein do not apply when it is impractical to secure three (3) quotations or formal bids. In such event, the administrator shall make every effort to secure the best price and shall document the basis for his/her action.

### **12.3 Procedure for Professional Service Contracts**

Board approval is required before the execution of any professional services contract with a term longer than six calendar months or a total compensation amount greater than \$5,000 and also for any contract extension that results in such a term or compensation amount.

12.3.1 The executive director may execute a professional services contract with total compensation up to and including \$5,000 and a term up to and including six calendar months without prior written board authorization, provided that all conditions outlined in the “controls” section are met.

12.3.2 An extension of the original contract which increases the compensation or the term so that either exceeds the limit stated in the paragraph above requires prior written board approval.

12.3.4 Request for a professional services contract should at a minimum specify the following:

- Tasks to be completed,
- Location of the work,
- Product to be delivered or service to be performed,
- Schedule of deliverables,
- Need for contract services, and
- Expected source of funds.

### **13.0 Authority**

#### 13.1 Policy

The Executive Director or his/her designee shall be authorized to sign purchase orders for the purchase of goods and services consistent with the intent of the Board as reflected in approved budgets.

13.2 The Board reserves the right to reject any or all bids and to accept the bid which appears to be in the best interest of the agency. The bidder to whom an award is made may be required to enter into a written contract with the agency.

## **14.0 Reimbursements**

### **14.1 Policy for Travel Reimbursement**

For travel to member districts, no travel request shall be necessary. It is expected that BOCES staff members will coordinate travel schedules to the maximum extent practicable.

14.2 For travel out of the BOCES area, a travel request must be submitted for approval to the Executive Director in advance of the scheduled departure.

14.3 Reimbursement for allowable expenses shall be made to BOCES employees and Board members under the following conditions:

14.3.1 Allowable expenses may include transportation, lodging, meals, and other expenses approved by the Executive Director which are directly related to the fulfillment of BOCES responsibilities.

14.3.2 BOCES employees involved in local travel shall not be eligible for mileage reimbursement unless the nature of the particular assignment requires the individual to attend particular special meetings or to work beyond the normal working day.

14.3.3 Reimbursement of allowed expenses shall be dependent upon the employee submitting an expense report in the month subsequent to when the expenses were incurred. Such expense reports must be approved by the Executive Director.

14.4 Mileage reimbursement rates will not exceed the rates established by the IRS.

14.5 Reimbursement for other transportation will be on an actual cost basis with receipts required.

14.6 Reimbursement for meals will be on the basis of an established schedule.

14.7 Lodging expenses will be reimbursed at the actual cost with receipts required. Costs for lodging considered excessive by the Executive Director may be partly or entirely disallowed.

### **14.8 Policy for Special Education Reimbursements**

A variable percentage of reimbursement is annually received by the BOCES from the state for allowable special education costs resulting from the operation of the program during the year.

## 15.0 Legal Expenses Policy

### 15.1 Defense Costs

In the event of a due process hearing or state-level federal complaint, the BOCES will handle the defense of such claim and the costs of such defense will be borne by the BOCES from its special education service budget. In the event of such legal proceeding, the Member District from which the claim originated shall give its full cooperation to and follow the advice and instructions of the BOCES and assigned defense counsel in the course of such proceeding.

### 15.2 Payment of Claims, Awards or Damages

The payment of any claims, awards, or damages, including parents' attorneys' fees, resulting from a finding of violation of any applicable law or regulation pertaining to the education of students with disabilities who are enrolled in a Member District, shall be allocated according to the following criteria:

15.2.1 If the award or damages resulted from a decision made by the BOCES or the act or directive of a BOCES employee without consulting the Member District from which the claim originated or in contravention of such Member District's stated opinion or request then the BOCES will pay the full amount of such cost.

15.2.2 If the award or damages resulted from a decision made by the particular Member District or the act or directive of a District employee, without consulting the BOCES or in contravention of a BOCES stated opinion or advice, then the District will pay the full amount of such cost; and

15.2.3 If the award or damages resulted from a decision jointly made, or made by the particular Member District with the stated agreement of the BOCES, or by the BOCES with the stated agreement of the Member District, then the District and BOCES will share the full amount of such costs on an equal basis.

15.3 If there is a dispute as to which of the above three possibilities applies, the BOCES Board of Directors shall make the decision by majority vote, after review of the facts and circumstances of the specific case, and the Board's decision shall be final.

## **16.0 Audits**

### **16.1 Internal Control Procedures**

The BOCES shall utilize the following procedures for accounting, purchasing, warrant and check writing to provide necessary internal controls.

16.1.1 The Board shall hire an independent accounting firm, to annually audit the records and transactions of the BOCES, as required by CRS 22-32-109(1)(k). An independent accounting firm shall be retained prior to the end of the fiscal year for which the audit is to be performed.

16.1.2 The auditor shall submit copies of the annual audit report as requested by the Board.

16.2.3 The Board, within sixty days after receipt of the audit report, shall review the auditor's report in a regular board meeting. A copy shall also be filed with the State Auditor and another with the State Commissioner of Education.

16.2.4 Each annual audit shall include an audit of the books, accounts and monies, and a verification of all cash and bank balances of the Board and of all monies derived from activities conducted under the auspices of the BOCES for the entire fiscal year.

## **17.0 Board of Directors Member Conflicts of Interest**

### **17.1 Policies**

17.2 The Board determines that a conflict of interest can arise when a member of the Board is unable to devote himself/herself with complete loyalty and singleness of purpose to the general public interest required of his/her position.

17.3 For purposes of the policy, the Board declares that a conflict of interest is a personal, pecuniary interest that is immediate, definite, demonstrable and which is or may be in conflict with the public interest. A conflict of interest may also exist where a member of the Board also serves the public as a fiduciary in a secondary capacity.

17.4 A Board of Directors member who has a personal or private interest in a matter pending before the Board, or who has a conflicting interest as a result of his/her other fiduciary obligations and responsibilities shall disclose such interest to the Board, in writing, shall not vote on the matter, and shall not attempt to influence the decisions of the other Board of Directors members in voting on the matter.

17.5 If, however, a Board of Directors member has complied with statutory disclosure requirements by notifying the Secretary of State, in writing, of his/her interest in the matter at least seventy-two (72) hours in advance of any action with respect to the matter, he/she may vote if his/her participation is necessary to obtain a quorum or otherwise enable the Board of Directors to act. If a member votes under these circumstances, he/she shall state for the record the fact and summary nature of the potential conflict of interest.

17.6 The written disclosure to the Secretary of State shall list the amount of member's financial interest, the purpose and duration of any services rendered, compensation received for services or such other information necessary to describe the interest.

17.7 The Board of Directors shall not hire or renew an employment contract of any of its members or any of their spouses as administrators in the BOCES unless such action is approved by the Board.

17.8 The Board of Directors shall not enter into any contract with any of its members or with a firm or corporation in which a member has a financial interest unless one or more of the following apply:

17.8.1 The contract is awarded to the lowest responsible bidder based on competitive bidding procedures.

17.8.2 The merchandise is sold to the highest bidder at a public auction.

17.8.3 The transaction involves investing or depositing money in a financial institution which is in the business of loaning or receiving money.

17.8.4 Due to geographic restrictions, the BOCES could not otherwise reasonably afford the contract because the additional cost to the BOCES would be greater than ten (10) percent of the contract with the interested member, or if the contract is for services that must be performed within a limited time period and no other contractor can perform the services.

17.8.5 If the contract is one in which the Board of Directors member has disclosed a personal interest and is one on which he/she has not voted or has voted as allowed by the state law following disclosure to the Secretary of State and to the Board of Directors.

17.9 Except as described above, a Board of Directors member shall not be a purchaser at any sale or a vendor for any purchase made by the BOCES.

17.10 A member of the Board may request an advisory opinion from the Secretary of State concerning issues relating to his/her conduct and potential conflict of interest.

17.11 The Executive Director is directed to file, or cause to be filed, this conflict of interest policy with the Colorado Department of Education.

**SECTION C:  
EMPLOYMENT POLICIES AND  
PROCEDURES**

## **1.0 General Policies**

### **1.1 Equal Opportunity**

In accordance with the laws of the United States and the State of Colorado and the established practices and policies of the BOCES Board, there shall be no discrimination against any employee on the basis of race, creed, color, age, sex, national origin, marital status, or membership or participation in organizations which are not in themselves illegal

### **1.2 Positions**

All positions in the BOCES are established initially by the BOCES Board. The Board will employ all personnel required to maintain the operations and carry out the educational programs of the BOCES. Job descriptions will be developed and maintained as needed to promote efficiency and economy in the staff's operations.

### **1.3 Compliance With Directives**

All BOCES employees shall comply with federal and state statutes, BOCES by-laws and policies, and administrative and Board directives.

## **2.0 Recruitment Policy**

The objective of recruitment shall be to obtain the best possible professional personnel without consideration as to age, gender, marital status, race, national origin, political or religious beliefs in determining qualifications for employment.

2.0.1 Recruitment of professional personnel is the responsibility of the Executive Director and/or Director of Special Education.

2.0.2 All applications for licensed positions shall be made to the Executive Director and/or the Director of Special Education. All applicants seriously considered for employment shall be interviewed by the Executive Director or by such other person or persons designated by the Executive Director. No licensed person shall be employed without such an interview.

2.0.3 It shall be the responsibility of the Executive Director to recommend candidates for BOCES positions to the Board. It shall also be the responsibility of the Executive Director to conduct a thorough background check on prospective employees pursuant to Colorado law.

### **3.0 Salary Schedule**

#### **3.1 Policy**

New staff may bring in up to seven years (for 2006-07, nine years) of verified and relevant experience. Relevancy of past experience shall be determined by the Executive Director. The highest vertical step for new staff shall be step 8. (for 2006-07 Step 9) Vertical increments will be awarded only in September of each school year. All requests for movement on the salary scale shall be submitted by September 15 following appropriate procedures.

#### **4.0 Assignment**

##### **4.1 Policy**

The Executive Director is authorized to assign all employees to their duties in the BOCES subject to review by the Board. Personnel will be assigned to positions where they can best contribute to the programs of the BOCES and where they are qualified, in the judgment of the administration or the Board, by training and experience to serve.

## **5.0 Contracts**

### **5.1 Policy**

Full-time licensed staff are required to execute a written contract with the BOCES. Contracts must be returned to the Executive Director by the date specified upon issuance of the contract. Contracts shall be issued on a July to June basis.

### **5.2 Tenure/Employment at Will**

Colorado School Law makes no provision for tenure of BOCES personnel, and no tenure or similar entitlement is established by BOCES policy or procedure. Except as may be provided by an individual's employment contract, all employees of the BOCES are employees "at will" and serve at the pleasure of the Board.

## **6.0 Promotion**

### **6.1 Policy**

Employees currently employed by the BOCES are to be given first consideration for promotion providing their qualifications for the position are equal to or greater than those of available non-employees. Job descriptions will be published with the list of job openings. Qualification for the position shall be the primary consideration under such circumstances.

## **7.0 Working Conditions**

### **7.1 Policy**

The Board recognizes its responsibility to maintain policies governing the working conditions of personnel which permit them to exercise their professional skills to the greatest advantage to the students enrolled in member districts. The Board is desirous of establishing means of effective communication with the professional staff to determine what are the optimum conditions required to operate the BOCES programs.

## **8.0 Staff Meetings**

### **8.1 Policy**

Regular meetings of the BOCES staff shall be considered necessary to the optimal operation of the organization. Dates and times for those meetings shall be included in the BOCES annual calendar by the Executive Director. Staff members shall be required to participate in such meetings.

## **9.0 Committees Policies**

9.1 The Executive Director may establish committees of BOCES personnel from time to time to assist with special activities or projects. Assignment to any such committee shall be at the Executive Director's discretion; however, a staff member may request to serve on any committee, and the Executive Director shall give such request due consideration. One or more staff members may request the formation of a new committee at any time, and the Executive Director will have discretion to approve or deny such request.

9.2 Results of all committee work affecting BOCES operations shall be summarized and reported in writing to the Executive Director with appropriate supporting documentation in a timely manner in order to be considered for action. It is expected that any recommendations submitted by committees be thoroughly thought-out particularly with respect to their implications to the overall BOCES operation and in terms of equity to all BOCES member districts and staff members.

9.3 Recommendations so presented and deemed by the Executive Director to be appropriate for further consideration will be taken by the Executive Director and/or the committee chairperson to the Superintendent Advisory Council for consideration prior to any recommendation to the Board.

## **10.0 Supervision and Evaluation Policies**

### **10.1 Supervision**

The basic purpose of supervision is to maximize the effectiveness of the BOCES organization in fulfilling its role as a support service unit to member districts.

10.0.1 The basic responsibility for supervision rests with the Executive Director for the BOCES as a whole and with the Director of Exceptional Student Services for special education support staff hired by the BOCES.

10.0.2 Generally, supervision shall be performed routinely to aid staff members to attain and maintain maximum effectiveness in skills and attitudes in performing their functions, to promote improved understanding among personnel in their professional roles, and to assist staff members in the performance of their functions.

10.0.3 Supervision should be separated from the formal evaluation procedures used in decisions involving the promotion, retention, or dismissal of staff.

### **10.2 Evaluation**

Evaluation of staff shall be the responsibility of the Executive Director, and/or Director of Exceptional Student Services and/or the Director of Business Services with the support and assistance of other staff members designated by them. Written, formal reviews will be performed annually. The employees will be notified of any upcoming formal evaluations.

## **11.0 Suspension and/or Termination of Employment Policies**

### **11.1 Suspension**

The Board and/or Executive Director reserves the authority to immediately suspend temporarily any employee of the BOCES. Suspensions may be without pay for a maximum period of 14 working days. Grounds for suspension include those specified for dismissal.

### **11.2 Dismissal of Employees**

The Board may dismiss a non-contract employee for any reason or no reason, or if the employee has a contract, terminate such contract in accordance with the terms thereof.

11.2.1 If any such contract specifies that dismissal may be for "cause" only, but does not specify the meaning of that term, then the grounds for dismissal shall include the following:

- physical or mental disability rendering the person unqualified for the position, with or without reasonable accommodations,
- incompetence,
- neglect of duty,
- conviction of a felony,
- insubordination,
- lack of productivity,
- misconduct, and
- other good and just cause.

#### **11.2.2 Procedure**

Any contract employee for whom the Executive Director is considering a recommendation for dismissal shall be advised in writing of the recommendation and the reason for it not less than 5 days prior to a Board meeting. At the Board meeting, the employee shall have the opportunity for a hearing to present his/her version of the situation, to question those presenting the information against him/her, and to examine evidence against him/her. The employee has the right to be accompanied by, and confer with, counsel if desired.

11.2.3 The decision of the Board shall be final.

### **11.3 Resignation**

Resignation from the BOCES may be effected by an employee by submitting a written letter of resignation to the Executive Director. Such a resignation becomes effective only upon acceptance by the Board at a regular meeting. Resignations occurring during the academic year are generally discouraged.

### **11.4 Re-employment**

BOCES personnel who have resigned their positions are eligible for re-employment, contingent upon the availability of a position and upon qualifications equal or superior to other candidates for the position. If rehired, the employee shall be placed on not higher than the 9th vertical step in accordance with BOCES policies on compensation guidelines for new employees.

## **12.0 Public Appearances Policy**

12.1 It is anticipated that participation in community affairs will require public appearances in a variety of capacities. All employees are encouraged to make it clear that in such appearances they are acting as individual private citizens and not as a representative of the BOCES.

12.2 There may also be a number of instances in which employees will be asked to appear as representatives of the San Juan BOCES. If practicable, all such appearances must be cleared officially with the Executive Director or, if the employee is a special education staff member, by the Director of Exceptional Student Services. Employees are expected to exercise professional judgment to assure that the public appearance is consistent with the purposes and operation of the BOCES.

### **13.0 Policy Regarding Participation in Non-BOCES Activities**

#### **13.1 Political Activities**

Employees shall not engage in political activities while on duty or involve students in instruction, activities or purposes in support of the employee's political views or agenda.

#### **13.2 Non-school Employment**

Maintaining quality in the San Juan BOCES instructional program requires the services of competent personnel who are in good physical and mental health and whose primary concerns during the working day are those of the school. Nothing in this policy statement shall deny individual employees the freedom to manage that portion of their time not dedicated to fulfillment of their BOCES responsibilities.

#### **13.3 Professional Publishing**

The publications of articles and books, including constructive commentary about the BOCES and education in general is encouraged. Articles which include information about pupil progress, socio-economic information about individual schools or children, and such other information as may potentially be interpreted as an infringement on the privacy of student, staff, or parents must be consistent with laws, regulations, and the policies of the BOCES and its members.

#### **13.4 Professional Organizations**

Individual membership in professional organizations is encouraged. However, membership in any specific organization, or in any organization shall not be required as a condition of employment either at the time of recruitment or in subsequent evaluations. Neither shall membership in any legal organization be prohibited for any employee of the BOCES.

13.4.1 Membership in professional organizations remains the financial responsibility of the individual employee. The Board retains the discretion of providing financial support for membership in particular organizations which benefit the BOCES as a whole.

13.4.2 The BOCES will pay the cost of Liability Insurance for \$1,000,000 in coverage per certified employee per invoice amount. The BOCES will consider paying for 1 membership dues and fees per discipline upon request, most likely the Department Head, expecting information to be shared among the group. An exception will be made for the Speech Department employees who are not on Federal funds and are Medicaid billable. The BOCES will pay for ASHA dues in order for those individuals to obtain the required credentials to qualify as Medicaid billable as this has offsetting benefit to the school districts that we serve.

#### **13.5 Tutoring for Pay**

No BOCES staff member shall accept additional reimbursement for providing special education services to any school age child in the schools to which they are assigned unless all of the following exist:

- . • Such service is requested by a parent or guardian in writing.
- . • The instruction is given outside of normal working hours.
- . • The approval of the Director of Exceptional Student Services is obtained in writing.

13.5.1 A written request, outlining the rationale for the proposed tutoring, shall be made to the Director of Exceptional Student Services by the staff member who wishes to accept a pupil for such private instruction.

13.5.2 BOCES facilities and/or equipment shall not be used by employees for tutoring or other private instruction for which the individual receives reimbursement from any

source other than the BOCES except under such circumstances as approved specifically in writing by the Executive Director.

#### 13.6 Employee Conflicts of Interest

All employees of the San Juan BOCES shall maintain personal integrity in their relationships with the BOCES. In the event that any circumstances exist to permit the conclusion that conflict of interest may be present, employees shall disclose the nature of the conflict to the Executive Director and the Board. The Board will then determine if the employee shall disassociate themselves from the conflicting activity or from the BOCES.

#### **14.0 Employee Grievance Policy**

The purpose of this policy is to secure, at the lowest level possible, equitable solutions to BOCES employee complaints and grievances.

#### **14.1 Employee Grievance Procedure**

All grievances concerning any of the aforementioned policies shall be resolved as outlined below.

##### 14.1.1 Level 1

- The grievant will first discuss the matter with employee's immediate supervisor with the objective of resolving it.
- The grievant may informally elect to be accompanied by an additional person with whom they may confer to receive counsel. The third party may only become a direct participant in the discussion at the request of the supervisor.
- If these conditions are not met, then the discussion may be suspended by the supervisor and the matter becomes a Level II grievance.

##### 14.1.2 Level II

- If the grievance is not resolved at Level I, the grievant shall reduce the grievance to a written and signed statement explaining the nature of the grievance.
- This document to be submitted to the Executive Director, who shall, within 10 days, respond to the grievant in writing about his/her decision on the matter.

##### 14.1.3 Level III

- If the grievance is not resolved at Level II, the grievant may request that the written grievance be reviewed by the Superintendent's Advisory Council at the next regular meeting, at which the grievant shall be present, accompanied if desired.
- At this point, the grievant also has the right to request the formation of a grievance committee which will consist of one person chosen by the grievant, one person chosen by the Executive Director and a third person agreed upon by both.
- Findings of that committee will be presented in written form to the Superintendents.
- A written decision of the Superintendents will be given to the grievant within 10 days following council meeting.

##### 14.1.4 Level IV

- Should the grievant desire to appeal the decision of the Superintendents to the Board, he shall prepare a written statement specifying the actions complained of and the results desired and submit the same to the Executive Director.
- That statement, together with all findings of the Advisory Council and the grievance committee will be forwarded to Board members for study. If the Board desires to take action reversing or modifying the decision reached by the council, it shall do so at a regularly scheduled Board meeting.

14.2 The Board decision shall be final.

14.3 At no state of the procedure should any grievant, BOCES staff member, or Advisory Council member make public any of the information relating to the grievance unless and until it is presented to the Board.

## **SECTION D: EMPLOYEE BENEFITS**

## **1.0 Eligibility Policy**

1.1 Employees of .6 FTE or more will be eligible for benefits. The benefits listed below shall be proportionate to the percent of a full time contract worked.. Full time employment shall be in accordance with policy of current benefits vendor . No consultants or independent contracted service positions are eligible for the benefits cited below:

- Medical Insurance
- Dental Insurance
- Life Insurance
- Long Term Disability Insurance

## **2.0 Insurance Policies**

### **2.1 Automobile Insurance**

Due to the extended use of employees' personal automobiles in providing the services of the BOCES, the BOCES shall maintain a special automobile insurance policy covering liability.

### **2.2 Employee Medical, Dental, Life, and Disability Insurance**

The BOCES shall make a contribution toward insurance benefits for staff members. The amount of BOCES contribution shall be revised annually to approximate the average contribution made by member districts for their employees and shall be presented in each year's BOCES budget. Eligibility for a BOCES contribution shall be restricted to those employees participating in group plans offered through the BOCES. Families of BOCES staff members may also be covered by such policies at the expense of the employee.

### **2.3 Workers' Compensation**

Employees are covered under Workmen's Compensation Insurance. Any accidental injury incurred during the performance of duties should be reported on the proper form to the Executive Director or his/her representative within twenty-four hours after the accident. Failure to do so will jeopardize the employee's chances for coverage should medical expenses or loss of work time be necessary.

2.4 The staff and Board of San Juan BOCES shall be covered for errors and omissions insurance provided by the BOCES. This shall cover individuals and/or organization in the event of suit for any actual or alleged negligent act, error, omission, or breach of duty by the insured while acting individually or in a collective capacity in the discharge of BOCES duties.

### **3.0 Retirement**

#### **3.1 Policy**

BOCES staff members do not contribute to Social Security but are covered by the Public Employee's Retirement Association. Employees contributions are made by monthly payroll deductions. PERA is a statutorily created association of public employees, and retirement funds in trust for PERA members and are held separately from State funds.

# **SECTION E: EMPLOYEE LEAVE**

## 1.0 Policies

It is the intent of the BOCES Board to provide some time for employees to be away from their assignments when a genuine need is present. Simultaneously, the Board fully expects employees to fulfill their assignments as the usual matter of course, and any abuse of leave privileges shall be considered as grounds for dismissal. Therefore, decisions about matters of leave shall be left to the discretion of the Executive Director subject to these basic principles.

**Comment [BO2]:** Click on the highlighted "leave" to get to the Leave Request Form.

### 1.1 Sick Leave

Full time employees shall accrue one day of sick leave per month to a maximum of 60 days. Two of the annual allocation of sick days may be used for personal days. If these two days are not used in the year of allocation they will be transferred back to the sick leave balance at the end of the year. Sick leave may be taken when the employee is unable to work because of illness, or when the employee needs to care for an immediate family member who is ill. "Immediate family member" means the spouse, child, stepchild, stepparent, mother-in-law, father-in-law, grandparent or grandchild of the employee.

### 1.2 FMLA Leave

The BOCES will grant an eligible employee up to a total of 12 workweeks of unpaid leave during any 12-month period under the Family Medical Leave Act for one or more of the following reasons:

- for the birth and care of the newborn child of the employee;
- for placement with the employee of a son or daughter for adoption or foster care;
- to care for an immediate family member (spouse, child, or parent) with a serious health condition; or
- to take medical leave when the employee is unable to work because of a serious health condition.

1.2.1 The employee is required to exhaust available sick leave before going on unpaid status, and such available paid sick leave is included in the computation of the 12 weeks of FMLA leave.

### 1.3 Personal Leave

Full time personnel will be granted an additional 2 days per year personal leave. Arrangements for leave are to be made with the employee's supervisor at least 5 working days in advance.

1.3.1 Unused personal leave will be transferred to sick leave at the end of each contract year.

1.3.2 Employees working less than full time will receive personal days on a pro-rated basis.

### 1.4 Maternity Leave

1.4.1 If the employee desires to take an extended unpaid maternity leave after the time that she is medically able to return to work, she may be permitted to do so if a temporary qualified replacement can be hired. The latest date that the employee shall return from the extended unpaid maternity leave shall be ten (10) months from the time that she commenced the unpaid part of her maternity leave. The employee and the Executive Director shall mutually agree upon the departure date and the date the employee shall resume her duties. If mutual agreement of a date of return cannot be reached, the BOCES shall have the final discretion in determining the date of return.

1.4.2 The employee, when returning from the extended unpaid maternity leave, shall be returned to any available position for which the Executive Director determines she is qualified if her former position no longer exists. However, nothing herein shall be construed to limit or modify the "at will" employment policy of the BOCES, or the authority and discretion of the Board of Directors and the Executive Director as otherwise conferred by policy or statute including, but not limited to, the authority to effect transfers, terminations or other matters.

1.4.3 Experience credit on the salary schedule shall be awarded, if otherwise applicable, to an employee on maternity leave for any year in which she has accumulated ninety (90) days of continuous and uninterrupted service for that school year.

1.4.4 If the employee fails to return to work on the scheduled date, she shall be deemed to have resigned and shall forfeit her right to continued employment with the BOCES.

#### 1.5 Parental Leave

Unpaid parental leave, not to exceed ten (10) months, may, at the discretion of the Board of Directors, be granted to an employee for the purpose of adoption or carrying out parental responsibilities contingent on completion of an Extended Unpaid Leave Contract, which has been approved by the Board of Directors.

1.5.1 The date of beginning of the parental leave shall be determined by the Executive Director and the employee.

1.5.2 Experience credit on the salary schedule shall be awarded, if otherwise applicable, to an employee on parental leave for any year in which he/she has accumulated ninety (90) days of continuous and uninterrupted service for that school year.

1.5.3 While on parental leave, the employee shall be allowed to participate in any BOCES insurance or other similar program at his/her own cost, subject to the terms of any applicable policies, unless such insurance is being paid pursuant to the requirements of the Family and Medical Leave Act (FMLA).

1.5.4 An employee who has been granted a parental leave shall be returned to his/her former position. If the position is no longer vacant and the employee was on leave for twelve (12) weeks or fewer, he/she shall be returned to an equivalent position. If that position is no longer vacant and the employee has taken leave of more than twelve (12) weeks, the employee shall be placed in any available position for which the Executive Director determines that such employee is qualified. However, nothing herein shall be construed to limit or modify the "at will" employment policy of the BOCES, or the authority and discretion of the Board of Directors and the Executive Director, as otherwise conferred by policy or statute, including, but not limited to, the authority to effect transfers, terminations or other similar matters.

1.5.5 If the employee fails to return to work on the scheduled date, he/she shall be deemed to have resigned and shall forfeit his/her right to continued employment with the BOCES.

#### 1.6 Bereavement Leave

Employees may be granted three days leave for the death of an immediate family member as defined in sick leave provisions. An additional two days may be allowed for travel or other extenuating circumstances when such additional time is specifically approved. Prior approval for bereavement leave from the Executive Director is required.

### 1.7 Jury Duty and Witness Leave

Employees shall be excused for jury duty and witness duty with no jeopardy to their employment or compensation. Any compensation for time during regular work days shall be endorsed to the BOCES or an equal amount shall be deducted from the employee's pay.

1.7.1 Leave for witness or jury duty shall be cleared with the supervisor and/or Executive Director as soon as the employee receives notice to serve. If leave for jury duty should request an undue hardship on BOCES activities, the Executive Director may request an excuse from jury duty on behalf of the employee.

### 1.8 Professional Leave

When an employee is required to be absent from his/her duties to carry out assignments requested by the Administration, such absence shall be with full pay. Days so used shall not be deducted from any other type of allowable leave. Expenses shall be reimbursed in accordance with the current BOCES policy/procedure on reimbursement of expenses. Professional leave shall be approved by the employee's immediate supervisor.

### 1.9 Emergency Leave

Up to 4 days of paid emergency leave may be granted to an employee upon the employee's notification of the Executive Director of the genuine need.

### 1.10 Vacation Leave

All full-time twelve month employees shall be entitled to annual paid vacation.

1.10.1 Classified personnel employed on a full-time, twelve-month basis shall be granted one-and-one-quarter days of paid vacation for each calendar month of employment for the first five years. Beyond five years, the employee shall be entitled to one-and-one-half days of vacation per month.

1.10.2 Vacation shall not be accrued beyond a total of 18 days. Vacation must be taken during the current year, and shall be subject to the approval of the Executive Director.

1.10.3 Full-time licensed personnel under contract for less than twelve months do not earn vacation, but will be provided with at least five weekdays off during the Winter Break and five weekdays off in the Spring in accordance with the approved BOCES calendar.

### 1.11 Other Leave

All other forms of leave shall be determined by the Executive Director upon receipt of a written request from the employee specifying the purpose or need for the leave and its anticipated duration.

### 1.12 Insurance

The BOCES will continue to pay for the employee's share of insurance for any month for which the employee provides regular services or is compensated for leave days. In months in which neither of these conditions exist but the employee is on an authorized unpaid leave in accordance with this policy, the employee will need to make arrangement to pay for all of his/her insurance coverage.

## **2.0 Accrued Sick Leave Compensation and Sick Leave Bank Policies**

2.1 The purpose of the Accrued Sick Leave Compensation policy is to provide the employees with an additional incentive for consistent workday attendance and the BOCES administration with guidelines for annual compensation. The annual compensation format allows for accurate budget forecasting and a timely reward schedule.

2.1.1 In June, the business staff will calculate the number of unused sick days accrued by each BOCES employee. For any day(s) greater than 60, the employee will be compensated at 50% of the average of the substitute pay offered by the member school districts.

2.2 The purpose of the Sick Leave Bank is to provide participating employees with a reserve of sick leave days. The reasons for which the bank may be used are limited to serious illness or injury to the employee or continuing treatment of a serious illness or injury that prevents the employee from working.

2.3 Enrollment in the Bank will be mandatory. Participants will be required to allocate at least one day of their accrued sick leave to the bank. Additional days may be donated to the bank at the employee's discretion. Days donated to the Bank will be used for Bank distribution and cannot be returned to the employee. A minimum of ten (10) days will be in the Bank's reserve. Should the number of days drop below ten days, participants will be required to make a supplementary contribution. Enrollment will be available to all employees each September.

2.4 A governing committee consisting of three employees shall administer the Bank. The committee membership shall be comprised of one administrator, one member from the licensed staff, and one member from the support staff. The committee will govern the Bank in accordance with the following principles:

- 2.4.1 The Bank is for absences due to employee injury or illness. It cannot be used for absence due to injury or illness of the employees' immediate family who need medical care from the employee.
- 2.4.2 Bank days may not be granted until the employee has used up all of his or her sick leave days.
- 2.4.3 No more than sixty (60) working days may be used by an employee in one school year.
- 2.4.4 No more than sixty (60) working days may be used by an employee for the same injury or illness.
- 2.4.5 Since the Bank days are to be used only for serious illness or injury to the employee, medical evidence of such illness or injury shall be required.
- 2.4.6 Because maternity leave is covered under other BOCES policies, employees may not use Bank days for maternity leave. However, if there are complications beyond those involving a normal delivery, Bank days may be considered.
- 2.4.7 If an employee is receiving compensation from the BOCES Workers' Compensation Insurance, BOCES long-term disability insurance or PERA disability fund, no Bank days may be awarded for the same period of time.
- 2.4.8 Less than full time employees may join the Bank. Donations and days awarded will be commensurate with the percentage of full time employment.

2.5 In the event of disagreement with the Executive Director in decisions relating to leave, employees may elect to go through the grievance procedure.

**SECTION F:  
INSTRUCTIONAL MEDIA AND VIDEO  
LIBRARY**

## **1.0 BOCES Media**

### **1.1 Policies**

1.2 Instructional media and videos housed at the BOCES offices have been purchased and maintained through a cooperative effort of its five member public school districts, and are intended primarily for use by students, faculty, and administrators within these districts. Each school will receive a catalogue of media and videos housed at the BOCES.

1.3 Although the materials are primarily for use by member districts, the BOCES permits the loan of these materials to non-member districts under the following conditions:

1.3.1 All resources will be loaned on a preferential basis, with member school districts receiving first priority.

1.3.2 Any costs for damage or replacement of borrowed materials by non-member agencies is payable to the San Juan BOCES.

1.3.3 No materials will be loaned to either BOCES employees and/or non-employees, for use in a setting where charges result in personal gain.

1.4 Preview media will be circulated among schools with a media evaluation form. These forms will be maintained at the BOCES.

## **2.0 Use of BOCES Media**

### **2.1 Policies**

#### 2.2 Loan Period

All schools will be given 14 days in which to use and return videos belonging to BOCES . . . Some schools will be given extra time depending on their location, weather conditions, and delivery and pickup days. Schools are responsible for having instructional videos and/or media returned to the BOCES office in a timely manner.

#### 2.3 Damage Charges

The school will be charged for replacement costs due to damage to any Instructional Media and/or Video Library returned to the BOCES. Bills will be sent to school principals.

### **3.0 Challenge Regarding Instructional Appropriateness**

#### **3.1 Policies**

3.2 If an item in the BOCES instructional media collection receives a challenge regarding instructional appropriateness, the challenge will be dealt with by the School Board of the district where the challenge originated. The local School Board will exercise its existing challenge policy to determine if the item should be used in its curriculum.

3.3 If the local Board determines an item should not be used in its curriculum, that item will be made unavailable for the instructional staff of that district, and the BOCES Executive Director will be notified in writing of the decision.

3.4 A local Board's decision to remove an item from its curriculum is not binding on any other BOCES member district. Each district will make its own determination regarding instructional appropriateness. If all member districts School Boards agree that an item should no longer be included in the BOCES collection, it will be removed.

#### **4.0 Knowledge Bowl Machines**

##### **4.1 Policy**

4.2 The BOCES will maintain sufficient Knowledge Bowl machines for use in regional and state meets by member districts.

4.3 Such equipment may be rented to non-member districts.

4.3.1 Rental charges for the equipment shall be \$25 per week, and the rental agreement shall include a provision allowing recovery of repair/replacement costs in the event of damage.

4.3.2 The Executive Director may waive the charges for sites with reciprocal loan arrangements.

**SECTION G:  
INFECTIOUS DISEASE**

## 1.0 Policy

1.1 The purpose of this policy is to establish policy and procedures for the San Juan BOCES regarding the education of students who have Acquired Immune Deficiency Syndrome (AIDS), hepatitis B, or other infectious diseases. The education of students who have an infectious disease shall be determined on an individual basis and in accordance with the procedures in this policy.

### 1.2 Definitions

1.2.1 Infectious disease shall mean any contagious sickness or condition that substantially impairs vital functioning and which poses a substantial risk to the health and welfare of other students and staff. The term shall include, without limitation, AIDS and hepatitis B.

1.2.2 Employee shall mean an individual who receives compensation from the BOCES other than those under an independent service agreement.

1.2.3 Parents shall mean the natural parent, legal guardian, or individual or institution acting as the parent or legal guardian of a student.

### 1.3 Confidentiality

All reasonable precautions shall be taken to keep the identity of a student having an infectious disease confidential. District staff who work with a student having an infectious disease shall be told about the student's condition and shall be advised of the requirements of this policy.

## 2.0 Procedures

2.0.1 Any BOCES employee who learns that a student may have an infectious disease shall immediately report that information to the building principal and superintendent in the member district in which the child is enrolled, and to the Executive Director and to the Director of Special Services of the BOCES.

2.0.2 In the event the BOCES or the district concludes that the health, safety and/or welfare of other students or staff members is immediately in danger, the School District may immediately suspend the student. The suspension shall be temporary and as quickly as possible the district shall comply with the procedures in this policy for temporary and permanent placement of the student.

2.0.3 All subsequent actions shall be in accordance with the following procedures.

- The building principal or the appropriate BOCES staff person shall consult, as soon as possible, with the student's parents to determine if their child has an infectious disease.
  - If the parents have no knowledge of their child's condition or deny that their child has an infectious disease, a physician's statement may be required by the member district as a condition of the student remaining in his/her current educational placement. The statement must contain a specific finding that the student has been clinically determined not to have an infectious disease. The cost of the medical examination shall be the responsibility of the district.
- If the district determines that the student does not have an infectious disease, the record of the inquiry shall be sealed and shall not be a part of the student's regular educational record, but the parents, or an eligible student as defined in 20 U.S.C., §1232g, shall have the right to inspect the record.
- If it is determined that the student does have an infectious disease, the student will be referred for a 504 evaluation by a qualified team of professionals, who shall determine the student's placement and any necessary restrictions and accommodations. If the student has previously been determined eligible for special education, then the referral shall be to the BOCES which shall convene a duly constituted staffing team, which shall determine whether a change of placement or modification of the student's IEP is necessary.
  - If the district or BOCES determines that a temporary placement is necessary in order to protect the safety and welfare of the student or other students and staff, the student shall be temporarily placed in a safe setting, subject to legal restrictions and requirements. A temporary placement may include a home bound placement with appropriate services so that the child may receive general curriculum instruction and services in accordance with his/her IEP, if any.
- In any placement decision, the 504 team or IEP team, as the case may be, shall take into account:

Current information relative to the transmission and prognosis of the infectious disease which the student has.

Hygienic practices of the student..

Expected type of interactions with others in the District.

Risks and benefits to both the infected student and to others in the District, including other students and employees.

2.1 The employees of the BOCES shall be informed annually of the contents of this policy and the procedures.

### **3.0 References**

IDEA 2994 as amended  
Section 504 of Public Law 93-380 (29 U.S.C., S794)  
Family Education Rights and Privacy Act (20 U.S.C., §1232g)  
Colorado Rules for the Administration of the Exceptional Children's Education Act  
Federal Center for Disease Control, Atlanta, Georgia

**SECTION H:  
ALCOHOL USE/DRUG ABUSE BY  
STAFF MEMBERS**

## **1.0 Policy**

1.1 The unlawful manufacture, distribution, dispensing, possession or use of alcohol or a controlled substance is prohibited in the San Juan BOCES. This policy shall apply to all BOCES employees although at times district personnel may certify that a particular federal grant may apply only to specific work sites.

1.1.1 The definition of a controlled substance shall be the same as that found in the policy regarding student alcohol use/drug abuse.

1.2 Observance of this policy is a condition of employment. A violation shall subject the employee to appropriate disciplinary action, which may include termination and referral for prosecution. Alternatively, the employee may be allowed to participate in an approved drug or alcohol abuse assistance or rehabilitation program in appropriate circumstances in accordance with Board policy.

## **2.0 Violation of Policy**

2.1 An employee knowingly in the possession of or under the influence of alcohol or any controlled substance shall be suspended immediately by the Executive Director if such use or possession is:

- 2.1.1 On school grounds, whether or not school is in session.
- 2.1.2 At any school-sponsored or sanctioned activity or event off school property or en route thereto.
- 2.1.3 On the way to school.

### **3.0 Arrest**

#### **3.1 Policy**

3.2 An employee may be suspended immediately after arrest for possession of or for being under the influence of a controlled substance.

3.3 After investigation, the Executive Director may reinstate the employee if it appears to be in the best interests of the individual and the BOCES. The matter must be reported in full to the BOCES Board.

3.4 If the investigation causes the Executive Director to continue the suspension in excess of 10 working days, the employee may request a hearing by the Executive Director or his designee to be conducted in a manner to insure that the individual suspended receives a fair, impartial hearing.

3.5 Pursuant to law, any employee who is convicted or pleads no contender under any criminal drug statute for a violation occurring in the workplace shall notify the Executive Director no later than five days after the conviction. The BOCES has an obligation under federal law to notify the appropriate federal agency within 10 days after receiving notice of such conviction if there is a relationship between federal funds received by the district and the convicted employee's work site.

## **4.0 Employee Awareness**

### **4.1 Policy**

4.2 The Executive Director shall establish an awareness program to inform employees about:

- 4.2.1 The dangers of drug and alcohol abuse.
- 4.3.2 The Board's policy of maintaining a drug-free workplace.
- 4.2.3 Available drug and alcohol counseling, rehabilitation and employee assistance programs.
- 4.2.4 Penalties that may be imposed upon employees for drug and alcohol abuse violations occurring in the workplace.

4.3 Furthermore, information about the standards of conduct required by this policy and a statement of disciplinary sanctions shall be communicated to employees in an appropriate manner on an annual basis. All employees who specifically work under a contract or grant which is federally funded shall acknowledge receipt of this policy and related information.

4.4 The Board shall conduct a biennial review of its drug and alcohol abuse prevention program to determine its effectiveness, to implement required changes and to insure that disciplinary sanctions are consistently enforced.

## 5.0 References

20 U.S.C. 3224a, Drug Free Schools and Communities Act of 1986, as amended in 1989  
41 U.S.C. §701 and 702  
21 U.S.C. 812 (definition of controlled substance)

**SECTION I:  
TOBACCO-FREE BOCES**

## 1.0 Policy

1.1 In order to promote the general health, wealth, and well being of students and staff, smoking, chewing or any other use of any tobacco products by staff, students and members of the public shall be banned on all BOCES property.

### 1.2 Definitions

For purposes of this Policy, the following definitions shall apply:

- 1.2.1 "BOCES property" shall mean all property owned, leased, rented or otherwise used, including but not limited to the following:
- 1.2.2 All interior portions of any building or other structure used for instruction, administration, support services, maintenance or storage owned or controlled by the BOCES.
- 1.2.3 All property over which the BOCES exercises control including areas surrounding any buildings, playgrounds, athletic fields, recreation areas and parking areas.
- 1.2.4 All vehicles used by the BOCES for transporting students, staff, visitors, or other persons.
- 1.2.5 "Tobacco" shall include cigarettes, cigars, pipe tobacco, snuff, chewing tobacco and all other kinds and forms of tobacco prepared in such manner as to be suitable for chewing, smoking or both. "Tobacco" shall include cloves or other products package for smoking.
- 1.2.6 "Use" shall mean lighting, chewing, inhaling, or smoking any tobacco product.

## **2.0 Violations of Policy**

2.1 Students and employees found in violation of this policy shall be subject to appropriate disciplinary action. Any member of the general public considered by the Executive Director to be in violation of this policy shall be instructed to leave BOCES property.

2.2 Exclusion or expulsion of a student shall not be based solely on tobacco use in violation of this policy. However, repeated or flagrant use of tobacco may be grounds for exclusion or expulsion.

2.3 The Board of Directors may consider requests for exemptions from this policy, which demonstrate that extraordinary circumstances exist to warrant such an exemption.

**SECTION K:  
NONDISCRIMINATION ON THE BASIS  
OF GENDER OR DISABILITY**

## **1.0 Compliance Officers**

1.1 The Board shall designate an individual as the responsible employee to coordinate BOCES compliance with Section 504 of the Rehabilitation Act of 1973, its administrative regulations, and the Americans with Disabilities Act (ADA). This person shall be referred to as the Section 504 Compliance Officer.

1.2 The Board shall designate an individual as the responsible employee to coordinate BOCES compliance with Title IX. This person shall be referred to as the Title IX Compliance Officer.

### **1.3 Duties Compliance Officers**

1.3.1 The Section 504 and Title IX Compliance Officers shall formulate procedures for carrying out the policies in this statement and shall be responsible for continuing surveillance of BOCES educational programs and activities with regard to compliance with Section 504 and its administrative regulations, the ADA and its administrative regulations, and with Title IX and its administrative regulations.

1.3.2 The Section 504 and Title IX Compliance Officers shall, upon adoption of these policies and once each academic year thereafter, notify all students and employees of the BOCES of the name, office, address, and telephone number of the Compliance Officers. Notification shall be by posting and/or other means sufficient to reasonably advise all students and employees.

## **2.0 Grievance Policy**

2.1 Any student or employee shall have a ready means of resolving any claim of discrimination on the basis of gender or disability in the educational programs or activities of the BOCES.

2.2 In the event a student or employee believes that there has been a violation of Title IX or of Section 504 or ADA or their administrative regulations, he/she shall mail or deliver to the appropriate Compliance Officer a written statement setting out the alleged violations in specific terms, describing the incident of activity involved, the individuals involved, and the dates, times, and locations involved.

2.3 The Compliance Officer shall provide the individual filing a written statement an opportunity to discuss the matter personally, if requested within five days after the date such written statement was received by the Compliance Officer.

2.4 The Compliance Officer shall make such additional investigation as is necessary to determine the complete facts involved and shall report in writing to the Executive Director his/her findings and recommendations regarding resolution of the matter within 15 days of the date on which the initial meeting was held with the person submitting the statement, or, if no meeting was requested, within 20 days after the date such written statement was received by the Compliance Officer received the written statement.

2.5 After reviewing the findings and recommendations of the Compliance Officer, the Executive Director or designee may attempt to gather additional evidence deemed necessary, or may accept the findings and recommendations of the Compliance Officer as submitted, and may thereafter impose any sanctions deemed appropriate, including a recommendation to the Board for disciplinary action. The Executive Director or designee shall notify the parties by certified mail or hand delivery of the final outcome of the situation. All actions of the Executive Director or designee will be completed within 20 days of receipt of the Compliance Officer's written report and recommendations.

2.6 The matter shall be reported to the Board at its next regular meeting occurring after the notification of the Executive Director's final decision, for the Board's review and action if it deems further action necessary. If the student or employee submitting the written statement of an alleged violation is not satisfied with the handling of the matter by the Executive Director, he/she may appear before the Board at such meeting and present the matter directly to the Board of Directors.

### **3.0 Gender Discrimination Grievance Procedure**

3.1 Members of the BOCES community who believe that they have been subject to discrimination on the basis of gender may report the incident in writing to the designated Title IX Compliance Officer, which shall be the Executive Director unless otherwise designated by the Executive Director.

3.2 The Title IX Compliance Officer shall attempt to resolve the problem, if warranted, in an informal manner through the following process:

- 3.2.1 The Title IX Compliance Officer shall confer with the charging party in order to obtain a clear understanding of the basis of the complaint.
- 3.2.2 The Title IX Compliance Officer shall then attempt to meet with the charged party in order to obtain a response to the complaint.
- 3.2.3 The Title IX Compliance Officer may hold as many meetings with the parties as is necessary to gather facts and obtain statements from witnesses if available.

3.3 On the basis of the Title IX Compliance Officer's perception of the situation, the grievance officer may:

- 3.3.1 Attempt to resolve the matter informally through conciliation or
- 3.3.2 Report the incident and transfer the record to the Executive Director or his/her designee, and so notify the parties by certified mail.

3.4 After reviewing the record made by the Title IX Compliance Officer, the Executive Director or designee may attempt to gather any more evidence necessary to decide the case and thereafter impose any sanctions deemed appropriate including a recommendation to the Board of Directors for disciplinary action.

#### **4.0 General Discrimination Grievance Procedure**

4.1 Members of the BOCES community who believe that they have been subject to discrimination based on age or race/ethnicity may report the incident in writing to the Executive Director or his/her designee.

4.2 The Executive Director shall attempt to resolve the problem, if warranted, in an informal manner through the following process:

4.2.1 The Executive Director shall confer with the charging party in order to obtain a clear understanding of the basis of the complaint.

4.2.2 The Executive Director shall then attempt to meet with the charged party in order to obtain a response to the complaint.

4.2.3 The Executive Director may hold as many meetings with the parties as is necessary to gather facts and obtain statements from witnesses if available.

4.3 On the basis of the Executive Director's perception of the situation, the Executive Director may:

4.3.1 Attempt to resolve the matter informally through conciliation and/or

4.3.2 Report the incident and make a recommendation to the Board for disciplinary action.

## 5.0 References

Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e *et seq.*  
Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 *et seq.*  
C.R.S. 24-34-401 *et. seq.*

# **SECTION L: SEXUAL HARASSMENT**

## 1.0 Sexual Harassment

### 1.1 Policy

1.2 A working and learning environment that is free from sexual harassment shall be maintained. Staff members or students who harass other staff members or students shall be subject to disciplinary action.

1.3 The BOCES shall follow, to the extent feasible, the guidelines set forth in Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972.

### 1.4 Definitions

Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature may constitute sexual harassment when:

- 1.4.1 Submission is made either explicitly or implicitly a term or condition of a person's employment or educational development.
- 1.4.2 Submission to or rejection by an individual is used as the basis for employment or education decisions affecting such individual.
- 1.4.3 It has the purpose or effect of unreasonably interfering with an individual's employment or educational performance or creates an intimidating, hostile or offensive work and/or educational environment.
- 1.4.4 Sexual harassment may include but is not limited to:
  - Sex-oriented verbal "kidding," abuse or harassment,
  - Pressure for sexual activity,
  - Repeated remarks to a person with sexual or demeaning implications,
  - Unwelcome touching, such as patting, pinching or constant brushing against another's body, and/or
  - Suggesting or demanding sexual involvement, accompanied by implied or explicit threats concerning one's job, grades or similar personal concerns.

1.5 Sexual harassment is recognized as a form of sex discrimination and is, thus, a violation of the laws, which prohibit sex discrimination.

## **2.0 Sexual Harassment Grievance Policy**

2.1 Employees and students may file a grievance of sexual harassment through use of the following grievance procedure. The grievance shall be filed with the designated Title IX Compliance Officer.

2.1.1 All matters involving sexual harassment complaints shall remain confidential to the extent possible.

2.1.2 Filing of a grievance or otherwise reporting sexual harassment shall not reflect upon the individual's status, employment, or affect grades.

2.2 Notice of these guidelines be circulated to all district schools and departments and incorporated in student and employee handbooks.

### **3.0 Sexual Harassment Grievance Procedure**

3.1 Members of the BOCES community who believe that they have been subject to sexual harassment may report the incident to the designated Title IX Compliance Officer.

3.2 The Compliance Officer shall resolve the problem, if warranted, in an informal manner through the following process:

3.2.1 The Compliance Officer shall confer with the charging party in order to obtain a clear understanding of the basis of the complaint.

3.2.2 The Compliance Officer shall then attempt to meet with the charged party in order to obtain a response to the complaint.

3.2.3 The Compliance Officer may hold as many meetings with the parties as is necessary to gather facts and obtain statements from witnesses if available.

3.3 On the basis of the Compliance Officer's perception of the situation, the Compliance Officer may:

3.3.1 Attempt to resolve the matter informally through conciliation and/or

3.3.2 Report the incident and transfer the records to the Executive Director, and so notify the parties by certified mail.

3.4 After reviewing the record made by the Compliance Officer, the Executive Director may attempt to gather any more evidence necessary to decide the case and thereafter impose any sanctions deemed appropriate including a recommendation to the Board of Directors for disciplinary action.