

CONDITIONAL APPOINTMENT STUDENT SAFETY POLICY

The Board of Education recognizes that there may be instances in which it is necessary, upon recommendation of the Superintendent of Schools, for the Board to conditionally appoint or to make an emergency conditional appointment of a prospective employee. To provide for the safety of students who have contact with an employee holding a conditional appointment or an emergency conditional appointment, the Board adopts the following policy.

Upon the recommendation of the Superintendent of Schools, the Board may conditionally appoint a prospective employee. A request for conditional clearance shall be forwarded to the Commissioner of Education along with the prospective employee's fingerprints. Such appointment shall not commence until notification by the Commissioner that the prospective employee has been conditionally cleared for employment and shall terminate forty-five (45) days after such notification of conditional clearance or when the prospective employer is notified of a determination by the Commissioner to grant or deny clearance, whichever occurs earlier, and may not be extended or renewed unless the Commissioner issues a new conditional clearance after finding that there was good cause for failing to obtain clearance within such period. Prior to commencement of such conditional appointment, the Board shall obtain a signed statement for conditional appointment from the prospective employee, indicating whether, to the best of his or her knowledge, he or she has a pending criminal charge or criminal conviction in any jurisdiction outside the state.

Upon the recommendation of the Superintendent of Schools, the Board may make an emergency conditional appointment when an unforeseen emergency vacancy has occurred. When such appointment is made, the process for conditional appointment pursuant to the above paragraph must be initiated. Emergency conditional appointment may commence prior to notification from the Commissioner on conditional clearance, but shall terminate twenty (20) business days from the date such appointment commences or when the Board is notified by the Commissioner regarding conditional clearance, whichever occurs earlier. Prior to the commencement of such appointment, the Board must obtain a signed statement for emergency conditional appointment from the prospective employee, indicating whether, to the best of his or her knowledge, he or she has a pending criminal charge or criminal conviction in any jurisdiction.

For purposes of this policy, the terms "conditionally appointed" and "emergency conditional appointment" shall refer to any employee holding conditional or emergency conditional appointment, as defined in Section 1709 of the Education Law.

An unforeseen emergency vacancy shall be defined as:

- i. a vacancy that occurred less than ten (10) business days before the start of any school session, including summer school, or during any school session, including summer school, without sufficient notice to allow for clearance or conditional clearance;
- ii. when no other qualified person is available to fill the vacancy temporarily; and
- iii. when emergency conditional appointment is necessary to maintain services which the District is legally required to provide or services necessary to protect the health, education or safety of students or staff.

Further, the District will conduct credential and reference checking of such employees in the same manner and to the same extent such checking is conducted of all prospective employees, whether to be employed on a conditional, emergency conditional or regular appointment basis.

School administrators shall take deliberate steps to advise conditional appointees and/or emergency conditional appointees regarding appropriate conduct and monitor their activities to ensure the safety of students in the District. At the building level, administrators at each site shall ensure that conditional and emergency conditional appointees:

- i. consistent with the nature of employment, limit one-on-one contact with students to the extent practical;
- ii. must adhere to the regular schedule and shall not be given before or after-school assignments with students on an individual basis;
- iii. may not transport students in their private vehicles or be in contact with students in their professional capacity off school property.

In addition to the above, no District employee who holds a conditional or emergency conditional appointment shall be in contact with students other than to provide instruction and/or other required services.

No District employee who holds a conditional or emergency conditional appointment shall teach a class or provide services to students with his/her/their classroom or office door closed unless the Building Principal has provided express prior permission to do otherwise.

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

In addition, the District will ensure that all conditional and emergency conditional appointed employees are aware of and receive training regarding the prohibition against child abuse in an educational setting and of their responsibility for reporting any such abuse. All conditionally appointed and emergency conditionally appointed employees shall receive this training at the time of their initial contingency appointment.

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

Ref: Education Law §§1125 – 1133; 1709; 2554
8 NYCRR §§87.1 – 87.10; 100.2(hh)

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