

CONDITIONAL AND EMERGENCY CONDITIONAL APPOINTMENTS OF SCHOOL DISTRICT PERSONNEL

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 make a conditional appointment or 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:

Conditional Appointments

Conditional appointments may be made for any employee who has not been cleared for employment by the Commissioner of Education following a criminal records check completed in accordance with Chapter 147 of the Laws of 2001. Pursuant to any conditional appointment, the staff member may commence work only after all forms required by the State Education Department have been completed and notification has been received from the Commissioner of Education that such staff member has been conditionally cleared for employment.

Upon receipt of a final determination from the Commissioner following the required criminal records check, the conditional nature of the appointment shall be removed and the appointment shall be converted into a regular appointment without further action by the Board of Education provided that final clearance for employment is granted by the Commissioner. If final clearance for employment is not granted by the Commissioner, the Board of Education upon the recommendation of the Superintendent shall make a determination whether to terminate the conditional appointment immediately or continue the conditional appointment pending further investigation.

Emergency Conditional Appointments

Emergency conditional appointments are made for any employee who has not been cleared for employment by the Commissioner of Education following a criminal records check completed in accordance with applicable provisions of the Education Law. An emergency conditional appointment can only be made when an unforeseen emergency vacancy has occurred. An emergency vacancy is defined as:

1. A vacancy that occurred less than (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; or
2. When no other qualified person meeting the criteria established by the school or district for the position is available to fill the vacancy temporarily; or

3. When emergency conditional appointment is necessary to maintain services which the school district is legally required to provide, to protect the health, education of students or staff.

Pursuant to any emergency conditional appointment, a staff member may commence work only after all forms required by the State Education Department have been completed and reviewed by the Superintendent, or his/her designee. Any emergency conditional appointment shall terminate twenty (20) business days after the effective date of appointment or upon receipt of notification from the Commissioner that such staff member has been conditionally cleared for employment, whichever comes first. If conditional clearance is received from the Commissioner, such appointment shall be immediately converted into a conditional appointment.

If no conditional clearance has been received within twenty (20) business days, or notice is received from the Commissioner that the conditional appointment has not been approved, the emergency conditional appointment shall be terminated.

If the conditional clearance has been granted, thereafter upon receipt of a final determination from the Commissioner following the required criminal records check, indicating that final clearance has been granted, the conditional appointment shall be converted into a regular appointment without further action by the Board of Education. If final clearance for employment is not granted by the Commissioner, the Board of Education upon recommendation of the Superintendent shall make a determination whether to terminate the conditional appointment immediately or continue the conditional appointment pending further investigation.

Supervision of Staff Members during the Period of Conditional or Emergency Conditional Appointments

During the period of any staff member's conditional appointment or emergency conditional appointment, the Superintendent or his/her designee shall advise the staff member's immediate supervisor or building principal of the status of such staff member's appointment. The immediate supervisor or building principal shall, upon the commencement of the staff member's employment, meet with the staff member to review safety considerations and expectations for any contact such staff member will have with students. The superintendent shall promptly notify the immediate supervisor or building principal of any changes in the staff member's appointment status, including any change which removes the conditional nature of the appointment.

The Building Principal or his/her designee shall 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.