

CONDITIONAL APPOINTMENT AND EMERGENCY CONDITIONAL APPOINTMENT OF STAFF MEMBERS SUBJECT TO SUCH APPOINTMENTS

The Board of Education recognizes that there will 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, as well as ensuring that the school district is protected from civil liability, the Board has adopted several procedures.

All employees to be employed on a conditional or emergency conditional appointment will sign an affidavit assuring the district that they have not been convicted of any criminal offense and that there are no criminal actions pending against them. Further, the district will verify credentials and conduct reference checks of such employees in the same manner and to the same extent such verification is conducted of all prospective employees, whether to be employed on a conditional, emergency conditional or regular appointment basis. Such checking includes but is not necessarily limited to a review and confirmation of paper documents, including certification and licenses, transcripts, and other documents where such references may include both names of those provided by the prospective employee as well as names of persons with possible relevant information not so provided.

At the building level, administrators at each site shall ensure that conditional appointees, including coaches and chaperones:

1. are consistent with the nature of employment, limit one-on-one contact with students to the extent practical;
2. must adhere to the regular schedule and shall not be given before- or after-school assignments with students on an individual basis; and
3. 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, school administrators shall take deliberate steps to advise conditional appointees regarding appropriate conduct and monitor their activities to insure the safety of students in the district.

A request for conditional clearance shall be forwarded to the commissioner 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 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. Such appointment 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, provided that if clearance is granted the appointment shall continue and the conditional status shall be removed.

**Conditional Appointment and Emergency Conditional Appointment
of Staff Members Subject to Such Appointments (Continued)**

When an emergency conditional appointment is made, the process for conditional appointment must also be initiated. Emergency conditional appointment may commence prior to notification from the commissioner on conditional clearance but shall terminate twenty business days from the date such appointment commences or when the prospective employer is notified by the commissioner regarding conditional clearance, whichever occurs earlier, provided that if conditional clearance is granted the appointment shall continue as a conditional appointment.

An unforeseen emergency vacancy shall be defined as:

- (i) a vacancy that occurred less than ten 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.

The provisions this paragraph shall not apply if the board finds that the district has been unable to fill the vacancy despite good faith efforts to fill such vacancy in a manner which would have allowed sufficient time for clearance or conditional clearance.

Policy Adopted:
September 24, 2001
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March 22, 2021