

CONDITIONAL OR EMERGENCY CONDITIONAL APPOINTED EMPLOYEES AND SCHOOL SAFETY

I. Criminal History Checks Required

Questar III is committed to the safety of all students on school premises or participating in school sponsored activities. This commitment to safety is reinforced by the requirement that employees who have direct contact with students must undergo a criminal background check prior to employment in accordance with State law and regulations. Employees having direct contact with students include those that can reasonably be expected to have face-to-face communication or interaction with students during the course of their employment; and

Questar III will, when possible and practicable, appoint prospective school employees only after the New York State Education Department has granted clearance for employment, following fingerprinting and the Department's review of the prospective employee's criminal history record, if any. New York State Law provides for certain circumstances under which prospective employees may be hired by Boards of Cooperative Education, pending review by the State Education Department of the prospective employee's criminal history record, if any.

II. Conditional and Emergency Conditional Appointments

Under certain circumstances provided by law, and upon recommendation of the Superintendent of Schools, the Board may appoint on a conditional or emergency conditional basis without the prior clearance for employment granted by the State Education Department.

Employees subject to a conditional appointment may commence work only after receipt by Questar III of a conditional clearance for employment from the State Education Department. The conditional nature of such employment shall end immediately upon notification of Questar III by the State Education Department of clearance of the criminal background check, without further action by the Board. Applicants for such appointment shall be required to sign a statement 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 of New York.

Emergency conditional appointments may be made only where there is an emergency vacancy, as provided by Commissioner's regulations, 8 NYCRR §1950(4)(II), and such appointments shall be effective for no more than 20 days for each prospective employee so appointed, unless otherwise provided by law, regulation or the State Education Department. Employees subject to an emergency conditional appointment may commence work immediately. Such employees automatically advance to the status of conditional employment upon notice of conditional clearance from the State Education Department to the School District. The 20-day time period for emergency conditional employment begins upon the date of actual commencement of employment. Applicants for such appointment shall be required to sign a statement indicating whether, to the best of his or her knowledge, he or she has a pending criminal charge or a criminal conviction in any jurisdiction; and that the applicants fingerprints have been sent to the State Education Department for a conditional clearance.

Employment of those appointed on a conditional or emergency conditional basis who are denied clearance for employment by the State Education Department shall terminate immediately upon such notification to Questar III, unless otherwise provided by law, regulation or the State Education Department.

III. Need for Conditional and Emergency Conditional Appointments

Questar III recognizes that there will be a need to employ persons who have not been given full clearance by the State Education Department on a conditional or emergency conditional basis, in order for Questar III to provide services without interruption. The following rules shall apply to the employment of such persons:

1. Questar III shall only make conditional appointments or emergency conditional appointments as permitted by law.
2. Questar III, its administrators and employees shall take all reasonable and practicable steps to secure and expedite final clearance for employment in an effort to minimize the duration of conditional appointments and emergency conditional appointments.
3. Questar III and its administrators will determine, on a case by case basis, whether it is necessary or possible to provide additional supervision of conditionally appointed or emergency conditionally appointed individuals.
4. Questar III shall prescribe a list of positions that are necessary to maintain services which Questar III is legally required to provide, or services necessary to protect the health, education or safety of students or staff.
5. Questar III schools may take such actions as are necessary and appropriate to safeguard the safety of the school community in relation to conditionally appointed or emergency conditionally appointed individuals.

