

SUBJECT: PROBATION AND TENURE**Probation**

Certified staff members ~~shall~~will be appointed to a probationary period by a majority vote of the Board ~~of Education~~ upon recommendation of the Superintendent ~~of Schools~~.

Full-time certified staff members ~~shall~~will be appointed to a probationary period of ~~three (3)~~four years. ~~However, the~~probationary period ~~shall~~will not exceed ~~two (2)~~three years for teachers previously appointed to tenure in this or another school district or BOCES within the state, provided ~~that~~ the teacher was not dismissed from the ~~former~~prior district or BOCES and met the required annual professional performance review (APPR) rating in his/her final year of service there. Additionally, up to two ~~(2)~~years of service as a regular substitute teacher may be applied towards probationary service. (This is sometimes referred to as Jarema Credit.)

During the probationary period, a staff member ~~shall~~will be given assistance in adjusting to the new position, but the essential qualifications for acceptable performance ~~shall~~will be assumed because ~~of the possession by~~the staff member ~~of~~attained the required certification or license.

A staff member's appointment may be discontinued at any time during his/her probationary period upon the recommendation of the Superintendent and by majority vote of the Board. Any person not recommended for tenure appointment will be notified in writing by the Superintendent no later than 60 days before his/her probationary period expires.

Tenure

The Board will follow all applicable ~~statutes~~laws and regulations regarding tenure.

At the expiration of the probationary period or within six months prior ~~thereto~~, the Superintendent ~~shall~~will make a written report to the Board recommending for appointment to tenure those certified staff members ~~successfully completing a probationary period in the Base School District~~who have been found competent, efficient, and satisfactory, and who have received the APPR rating of effective or highly effective in three of the preceding four years. If a teacher or principal receive an APPR rating of ineffective in their final probationary year, the Board may not award tenure, but may extend that teacher's or principal's probationary time by an additional year. The teacher or principal may be eligible for immediate tenure if he/she successfully appeals the ineffective rating. The Board may then—by a majority vote—appoint ~~on~~to tenure any or all of the persons recommended by the Superintendent.

When their initial probationary period expires, the teacher or principal will remain on probationary status until the end of the school year in which he/she received APPR ratings of effective or highly effective. The Board may also grant tenure contingent upon a teacher's or principal's receipt of a minimum APPR rating in the final year of the probationary period.

(Continued)

SUBJECT: PROBATION AND TENURE (Cont'd.)**Resolutions Making Appointments**

Each Board resolution making a probationary appointment or an appointment on tenure will specify:

- a) The name of the appointee;
- b) The tenure area or areas in which the professional ~~educator~~ will devote a substantial portion of his/her time;
- c) The date of commencement of probationary service or service on tenure in each such area;
and
- ~~d) The expiration date of the appointment, if made on a probationary basis; and~~
- ed) The certification status of the appointee in reference to the position to which the individual is appointed.

In addition, resolutions confirming a probationary appointment must include a statement that:

- a) The probationary expiration date will depend on the individual's APPR ratings.
- b) To receive tenure, the individual must receive overall APPR ratings of effective or highly effective in at least three of four preceding years.
- c) If the teacher or principal receive an ineffective composite or overall APPR rating in their final year of probation, they will not be eligible for tenure at that time.

Education Law ~~Sections~~ §§ 2509, 3012, 3012-c, 3012-d, and 3031
8 NYCRR ~~Part 30~~ §§ 30-1.3, 80-3.6, 80-3.9, and 80-3.10

Adoption Date

Personnel

SUBJECT: DISCIPLINING OF A TENURED TEACHER OR CERTIFIED PERSONNEL

~~Tenured teachers and certain certified personnel may be subject to disciplinary charges that are set forth in Education Law Section 3012.~~

~~Procedures for a hearing regarding these disciplinary measures will be in accordance with Education Law Section 3020-a and/or in accordance with applicable contractual provisions.~~

The District may discipline tenured teachers and certain certified personnel in accordance with applicable law, including, without limitation, Education Law §§ 3012, 3020-a, and 3020-b; Commissioner's regulations; or applicable contract provisions.

Ineffective Personnel

The District or Board may bring incompetence charges against a teacher or building principal who receives two or more consecutive ineffective ratings under the APPR; the District or Board must bring incompetence charges against anyone who receives three consecutive ineffective APPR ratings. A single hearing officer from the American Arbitration Association's labor arbitration panel will govern the competency hearing. The hearing may be public or private, at the employee's discretion. The employee will have a reasonable opportunity to defend himself/herself, but will not be required to testify. Each party has the right to be represented by counsel, to subpoena witnesses, to cross-examine witnesses, and to make motions or applications. There will be a full and fair disclosure of witnesses and evidence to be offered by both the District and the employee. A record of the proceeding will be kept.

Allegations of Abuse

The Board may suspend, without pay, an employee charged with physically or sexually abusing a student pending an expedited probable-cause hearing. A single hearing officer will conduct the probable-cause hearing.

Child Witnesses

A child under 14 may be allowed to testify through live, two-way, closed-circuit television if the hearing officer determines by clear and convincing evidence that the child would suffer serious mental or emotional harm that would substantially impair his/her ability to communicate if required to testify live, and that using closed-circuit television would diminish the likelihood or extent of the child suffering serious mental or emotional harm. In making this decision, the hearing officer will consider applicable factors listed in Criminal Procedure Law § 65.20, including: whether the offense was particularly heinous, the child's age and vulnerability, the child's susceptibility to psychological harm due to an underlying physical or mental condition, whether the accused occupied a position of authority over the child, if the offense charged was part of an ongoing course of conduct committed by the accused against the child over an extended period of time, use of a dangerous or deadly weapon, whether the child suffered serious physical injury, threats made against the child, the accused's access to the child, and expert testimony that the child would be particularly susceptible to psychological harm if required to testify in open court or to be in the physical presence of the accused.

(Continued)

**SUBJECT: DISCIPLINING OF A TENURED TEACHER OR CERTIFIED PERSONNEL
(Cont'd.)****Automatic Revocation of Teacher and Administrative Certificates by the Commissioner of Education**

The Commissioner ~~of Education shall~~ will revoke and annul the certificate of a teacher, teaching assistant, pupil personnel services professional, school administrator or supervisor, or superintendent ~~of schools~~ convicted of:

- a) A sex offense for which registration as a sex offender is required under the Sex Offender Registration Act; or
- b) Any other violent felony offense committed against a child when the child was the intended victim of the offense.

These offenses include, but are not limited to, sexual misconduct, sexual abuse, rape, statutory rape, assault, various other criminal sexual acts, and certain kidnapping offenses. Annulment and revocation ~~shall~~ will be conducted in accordance with Education Law § 305(7-a).

In addition, the Commissioner ~~of Education shall~~ will revoke and annul the certificate of a school district administrator, school administrator or supervisor, or school business administrator convicted of fraud under Penal Law § 195.20 which makes it a Class E felony to obtain governmental property, services, or other resources in excess of ~~one thousand dollars~~ (\$1,000):

- a) Through a systemic ongoing course of conduct with the intent to defraud; or
- b) ~~or obtain property~~ By false or fraudulent pretenses, representations, or promises; or
- c) To make use of the property, services, or other resources for private business or other compensable nongovernment purposes.

Annulment and revocation ~~shall~~ will be conducted in accordance with Education Law § 305(7-b).

Criminal Procedure Law ~~Section~~ §§ 65.00, 65.20, 65.30, and 380.95

Education Law ~~Sections~~ §§ 305(7-a), 305(7-b), 2573(8), 2590-j(7), 3012 ~~and~~ 3020-a, and 3020-b

Penal Law ~~Section~~ § 195.20

8 NYCRR Subpart 82-~~13~~

Correction Law Article 6-C

Adoption Date