

INCIDENTAL TEACHING

Pursuant to the Regulations of the Commissioner of Education, the Superintendent of Schools, when in the interest of the District, may assign a teacher to a subject area not included within that teacher's degree, certificate, or license. Such appointment shall be limited to no more than five (5) classroom hours per week.

Requirements of District Application

Assignment, pursuant to this policy, may occur only after satisfaction of the following:

1. No certified or qualified teacher is available after extensive and documented recruitment.
2. Approval of the Commissioner of Education is obtained in accordance with the requirements set forth below:
 - a. No later than twenty (20) business days after an assignment, the Superintendent shall provide the Commissioner of Education:
 - i. evidence of extensive recruitment of a teacher certified in the subject area;
 - ii. the name and certification status of the teacher given such an assignment;
 - iii. subject which the teacher is being assigned to teach and the total number of classes in such subject;
 - iv. qualifications of the appointed teacher;
 - v. reasons why incidental teacher is necessary;
 - vi. anticipated duration of such instruction; and
 - vii. number of applications, approved or pending, for authorization to make incidental teaching assignments in the same certification area for which current authorization is being sought.
3. The application to the Commissioner of Education shall be drafted in a manner which demonstrates that the incidental teaching assignment is required, that the assigned teacher is the highest qualified employee to instruct the subject matter, and that the requirements of Paragraph Two (2) have been satisfied.

Effect of Commissioner's Decision

The Commissioner of Education, pursuant to the Department's Regulations, will issue a determination within twenty (20) business days of receipt of the application discussed within this policy.

Should the Commissioner deny the application provided by the District, the Superintendent shall have no more than seven (7) days to terminate the assignment of the subject teacher.

Should the Commissioner of Education approve the application provided by the District, approval shall be deemed to have commenced on the date of the incidental teaching assignment, and shall terminate on the final day of school for the year in which it was granted.

Responsibility of the Superintendent of Schools

The Superintendent of Schools shall ensure that the District provides parents with sufficient notice of such assignment. Notice shall be provided by way of public discussion at a Board meeting, publication by District-wide newsletter, or written notice. Notice shall include the qualifications of the assigned teacher so as to assure parents of continued educational enhancement.

Appellate Process

Parent(s) is disagreement with the assignment of a specific teacher may utilize an appeal with the school district. The appeal shall commence upon a written complaint to the principal of the school in which the teacher has been assigned. Should the parents and Principal not reach a resolution, the parent(s) may appeal to the Superintendent of Schools. At the parent(s) discretion, a further appeal to the Board of Education may be filed for final determination.

The Board of Education may meet in Executive Session when such appeal concerns the qualifications of the assigned teacher.

Renewal of Incidental Teaching Assignments

Upon learning of the continued assignment, the Superintendent, in a time which is reasonable, shall submit to the Commissioner of Education, an application which sets forth the following:

1. Satisfaction of the initial application requirements set forth in this policy;
2. The teacher serving in the incidental assignment has been given an offer to continue such assignment, or has not been offered continuation.
 - a. Assignments shall not continue where instruction by the subject teacher has been unsatisfactory. The Superintendent shall have evidence thereof when discontinuing the incidental teacher assignment.
3. The teacher who is assigned as incidental shall have completed, or agreed to complete, no less than three (3) semester hours of credit, or the satisfactory equivalent, leading to certification in the assigned subject;
4. The teacher who is assigned shall be reimbursed by the school district for costs of the three (3) semester hours of tuition, or the equivalent thereof.

Reference: 8 NYCRR § 80-5.3

Revised: November 20, 2001