

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to Education Law sections 101, 207 and 305, Retirement and Social Security Law sections 211 and 212 and Section 1 of Part Y of Chapter 55 of the Laws of 2013.

1 Subdivision (b) of section 80-5.5 of the Regulations of the Commissioner of Education is amended, effective July 1, 2013, to read as follows:

(b) Applicability.

(1) The approval of the commissioner to the employment of a retired person by any school district (other than the city school district of the City of New York), or by any board of cooperative educational services (BOCES) or any county vocational education and extension board, in the unclassified service pursuant to section 211 of the Retirement and Social Security Law, or to the employment by any school district of a retired person as a school resource officer in the classified service as authorized by section 212(3) of the Retirement and Social Security Law, shall be obtained in accordance with the requirements prescribed in this section.

(2) . . .

(c) Written request for approval.

(1) . . .

(2) The written request shall also include satisfactory documentation to establish either of the following:

(i) that the district or board has undertaken an extensive and good faith recruitment search for a certified_and qualified candidate , or in the case of a school resource officer a qualified candidate_and determined that there are no available non retired persons qualified to perform the duties of such position. Satisfactory

documentation of an extensive and good faith recruitment search shall include, but not be limited to, evidence that the district or board:

(a) considered all certified and qualified non retired candidates , or in the case of a school resource officer all qualified non retired candidates, before requesting approval from the commissioner under this section; and

(b) advertised for the particular position in a sufficiently broad manner appropriate for that position, based on the geographic location of the district or board and on any prior historical shortages for that position in the district or board; or

(ii) . . .

(3) Each written request for approval of employment of a retired person shall be accompanied by:

(i) a copy of the resolution of the board authorizing such employment, subject to the approval of the commissioner;

(ii) a recruitment plan, detailing how the prospective employer plans to replace the retired person with a certified, and qualified person, or in the case of a school resource officer a qualified person, by the conclusion of the approved temporary employment period. The recruitment plan shall specify the selection criteria, the media outlets the district or board will utilize to recruit a candidate and contingency plans for expanded recruitment if the initial recruitment procedures do not yield sufficient, certified non retired candidates; and

(iii)

(4) . . .

(d) . . .

(e)