

## Personnel

**SUBJECT: RESIDENCY POLICY FOR PROBATIONARY TEACHERS AND ADMINISTRATORS OF THE BUFFALO BOARD OF EDUCATION**

It shall be the policy of the Buffalo Board of Education in keeping with New York State Education law, the following:

1. Only certified candidates shall be hired or promoted except as provided in Paragraph 10 below.
2. Certified means:
  - a. Teachers: Those candidates who provide a copy of certification of qualification, provisional certification, or permanent certification. Individuals recently graduated from college and who are in the process of obtaining certification from the New York State Education Department shall provide, in writing as proof of completion of requirements for certification, one of the following: an official document from the college verifying completion of requirements for certification or an official document from the local certification office verifying completion of requirements for certification.
  - b. Administrators: Those candidates who provide a copy of School Administrator and Supervisor, School District Administrator, or School Business Administrator certification.
3. Each candidate for a position as administrator or teacher in the Buffalo Public School District who is eligible to be hired or promoted as applicable in paragraph 2 shall be assigned to one of two pools of candidates:
  - a. The first pool shall consist of those domiciled within the City of Buffalo or agree as a condition precedent to employment that they establish and maintain such residency throughout employment with the Board of Education within six months of appointment.
  - b. The second pool of candidates shall consist of Non-City of Buffalo residents.

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4. Candidates to be hired or promoted by the Buffalo Public School District who require certification for the position shall be hired or promoted in this order:
  - a. Pool number one: City of Buffalo residents;
  - b. Pool number two: Non-City of Buffalo residents.
5. Pool number two (Non-City of Buffalo residents) shall not be utilized until the pool of those domiciled within the City of Buffalo and certified has been exhausted.
6. Residency shall mean the domicile of the person being appointed. Such domicile shall be within the corporate limits of the City of Buffalo. No other domicile shall be acceptable. Residence once established must be maintained under this policy and Board regulation.
7. At the time of receipt of notice of appointment to a position requiring residency, an individual will be advised what evidence will be required to establish residency for the purpose of appointment.
8. An employee required by this policy and Board regulation to be a resident domiciled in the City of Buffalo has the obligation to inform the Board of Education of any change in his or her residence. The Board of Education retains the right to investigate the residency of its employees and an employee may be required to submit additional proof of residency to the Human Resource Department during his or her employment.
9. Failure to meet this residency requirement shall be sufficient cause for summary dismissal subject to the provisions of current collective bargaining agreements and state law.
10. Only four exceptions to this policy shall exist:
  - a. Short or long-term substitutes as allowed by New York State Education Law.
  - b. Temporary teachers in accordance with New York State Education Law and the Buffalo Teachers Federation contract.
  - c. A candidate who is certified and who possesses unique qualifications for the position and whose application is reviewed by the Superintendent and Board of Education before the decision is made to hire or promote.

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- d. Board policy in place at the time of hire shall determine the rule under which any previously hired or rehired employee is examined for compliance with Board of Education residency rules.
11. Compliance and random checks will be conducted by the Human Resources Department consistent with Board regulations.
12. This policy is amended and in effect June 26, 2002.

Administrative regulations shall be developed and approved by the Board of Education.

Adopted: 4/24/02  
Amended: 6/26/02  
Amended: 10/9/02

## Residency Q & A

**Q: What is the BTF's position on Residency?**

**A: The BTF has long opposed Residency.**

- Our students should have the best teacher regardless of where the teacher lives.
- A BTF survey of Education majors at Buffalo State College showed overwhelmingly that if a student had the choice between teaching in a district with or without a residency policy, he or she would choose the district without a residency policy.
- I challenge anyone to walk down the halls of our schools and based upon the teaching determine who lives in Buffalo and who does not.
- You can live in Kenmore across the street from a Buffalo Public School and not be permitted to teach there; however, you can live in North Buffalo and be allowed to teach miles away in South Buffalo.
- There is not one study that demonstrates that residency is a positive factor in student achievement.
- What would happen if all school districts and communities had a residency rule?
- Teachers are not indentured servants. If I hire a painter for my house, I don't require that he or she live in my house and pay rent to me. There are many more reasons.

**Q: Is a residency rule legal?**

**A: Yes, residency rules have been challenged all the way up to the Supreme Court and have been found to be legal.**

**Q: Has the BTF had any success in lessening the impact of the residency policy?**

**A: Yes. The policy used to be either you live or move into the City or you do not receive a probationary appointment – no exceptions.**

In 2002 we were successful in having it changed. It allows teachers, by tenure area, who do not live in the City to receive probationary appointments after City residents have been offered positions. This usually referred to a shortage area or waiver.

**Q: How many members of the Board currently oppose the residency policy?**

**A: While you can never really tell, it appears that three would vote to repeal it.**

**Q: Who are the Board Members who are opposed to the residency policy?**

**A: Since there is a Board election coming up in May it would be better to not make that public as it would be used against them. An overwhelming majority of the public supports residency.**

**Q: Does the Superintendent support residency?**

**A: I don't believe he does; however, there are not enough votes to reject the policy.**

**Q: Does the BTF ask School Board candidates their position on residency?**

**A: Yes.**

**Q: Will the BTF support candidates that support residency?**

**A: No, unless the other candidate is so bad on our issues that either supporting that candidate or staying out of the race would severely impact our teachers e.g. the other candidate would become part of a majority that was anti-teacher, etc.**

**Q: Who supports residency for teachers?**

**A: The overwhelming majority of the public and Common Council.**

**Q: Can residency be part of negotiations?**

**A: It is one of our proposals; however, the District has said absolutely not to its elimination.**

**Q: Can there be a compromise, i.e. permitting a teacher to move out after 5 years? And can the BTF request that the Board revisit the issue?**

**A: The issue is being discussed currently with Board Members. Any further approach until after the May Board election would produce no change.**