

**- CLASSIFIED PERSONNEL -****Hiring****SUPERINTENDENT'S RESPONSIBILITIES**

All appointments, promotions, and transfers of classified personnel for positions authorized by the Board shall be made by the Superintendent who, at the first meeting following the actions, shall notify the Board of same. Such notification shall be recorded in the Board minutes.

**EFFECTIVE DATE**

Personnel actions shall not be effective until the employee receives written notice of such action from the Superintendent.

**QUALIFICATIONS**

Board employees shall be chosen with reference to their certification and their personal, educational, physical, moral and emotional fitness for the position. Other factors which shall be considered include educational level, prior experience, and strength of references.

Employees who are terminated and/or non-renewed by a school district for cause or for loss of required certification or licensure, or who resigned in lieu of termination, shall not be considered for future employment by the District.

**EDUCATIONAL REQUIREMENTS**

No person shall be initially hired unless s/he holds at least a high school diploma or high school certificate of completion or High School Equivalency Diploma or unless s/he shows progress, as defined by Administrative Regulations of the State Board for Adult, and Technical Education, toward obtaining a High School Equivalency Diploma. Employees shall hold the qualifications for the position as established by the Commissioner of Education.<sup>2</sup>

Existing and new paraprofessionals who provide instructional service or support in programs supported by Title I funds shall satisfy educational requirements specified by federal law.<sup>4</sup>

**CRIMINAL BACKGROUND CHECK AND TESTING**

Applicants and employees shall undergo records checks and testing as required by applicable statutes and regulations.<sup>1 & 2</sup>

Each application or renewal form provided to applicants for a classified position shall conspicuously state the following:

"FOR THIS TYPE OF EMPLOYMENT, STATE LAW REQUIRES A NATIONAL AND STATE CRIMINAL HISTORY BACKGROUND CHECK AND HAVE A LETTER, PROVIDED BY THE INDIVIDUAL, FROM THE CABINET FOR HEALTH AND FAMILY SERVICES STATING THE EMPLOYEE IS CLEAR TO HIRE BASED ON NO FINDINGS OF SUBSTANTIATED CHILD ABUSE OR NEGLECT FOUND THROUGH A BACKGROUND CHECK OF CHILD ABUSE AND NEGLECT RECORDS MAINTAINED BY THE CABINET FOR HEALTH AND FAMILY SERVICES AS A CONDITION OF EMPLOYMENT."

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### **CRIMINAL BACKGROUND CHECK AND TESTING (CONTINUED)**

Employment shall be contingent on receipt of records documenting that the individual does not have a conviction for a felony sex crime or as a violent offender as defined in [KRS 17.165](#) or other conviction determined by the Superintendent to bear a reasonable relationship to the ability of the individual to perform the job. Probationary employment shall terminate on receipt of a criminal history background check documenting a conviction for a felony sex crime or as a violent offender.

Employment shall also be contingent on receipt of a letter from the Cabinet provided by the individual documenting that the individual does not have a substantiated finding of child abuse or neglect in records maintained by the Cabinet.

Criminal records checks on persons employed in Head Start programs shall be conducted in conformity with 45 C.F.R. § 1302.90.

Link to DPP-156 Central Registry Check and more information on the required Cabinet Letter:

<http://manuals.sp.chfs.ky.gov/chapter30/33/Pages/3013RequestfromthePublicforCANCChecksandCentralRegistryChecks.aspx>

In the event an emergency exists whereby a position must be filled before the criminal records check has been completed, the Superintendent is authorized to fill the position on a probationary basis until the criminal records report has been completed. Final disposition of employment status shall be determined once the criminal records report has been completed.

Each application shall contain a completed "Release Authorization" form and a check made payable to Ft. Thomas Independent Schools for the fee charged by the Justice Cabinet for processing the criminal records report.

### **REPORT TO SUPERINTENDENT**

An employee shall report to the Superintendent if the employee has been found by the Cabinet for Health and Family Services to have abused or neglected a child, and if the employee has waived the right to appeal such a substantiated finding or the finding has been upheld upon appeal.

### **BUS DRIVERS**

Prior to the employees' initial employment or upon return from any break in service (excluding summers), the Superintendent shall perform a criminal records and driving history check on all school bus drivers. No person shall be employed as a school bus driver who has been convicted of driving any motor vehicle under the influence of alcohol or any illegal drug within the last five (5) years.

### **JOB REGISTER**

The Superintendent or the Superintendent's designee shall maintain in the Central Office a job register listing all current job openings in the District. The register shall describe the duties and qualifications for each opening, and District employment policies shall be attached to the register. The job register shall be open to public inspection during Central Office business hours.

### **VACANCIES POSTED**

Under procedures developed by the Superintendent, a listing of all District job openings shall be posted in the Central Office ~~and in each school building~~ on a timely basis and shall refer interested persons to the Central Office job register for additional information.

Notices of all job openings shall be sent to each school for posting in appropriate locations.

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### **REVIEW OF APPLICATIONS**

Under procedures developed by the Superintendent, each application shall be reviewed and each applicant so notified. Applications shall be kept on file for three (3) years.

### **RELATIONSHIPS**

The Superintendent shall not employ a relative of a member of the Board unless the relative was initially employed by the District prior to the tenure of the Board member and the member was seated on the Board prior to July 13, 1990.

A relative may be employed as a substitute for a certified or classified employee if the relative is not:

1. A regular full-time or part-time employee of the District;
2. Accruing continuing contract status or any other right to continuous employment;
3. Receiving fringe benefits other than those provided other substitutes; or
4. Receiving preference in employment or assignment over other substitutes.<sup>1</sup>

A relative of the Superintendent shall not be employed except as provided by [KRS 160.380](#).<sup>1</sup>

### **EMERGENCY HIRING**

During emergency situations, job openings may be filled without listing in the job register or posting in District buildings.

### **JOB DESCRIPTION**

All employees shall receive a copy of their job description and responsibilities.

### **PROBATIONARY PERIOD**

Upon initial employment in the District, a classified employee shall be on probationary status for a period of sixty (60) calendar days. During this period, the employee shall ~~not~~ be covered by the school system's sick leave, personal leave, emergency and maternity leave policies.

~~At the end of the probationary period, the Superintendent shall take one (1) of the following actions:~~

- ~~1. Notify the employee that their probationary period has been satisfactorily completed; or~~
- ~~2. Terminate the employee.~~

### **CONTRACT**

All regular full-time and part-time employees shall receive a contract.

### **REASONABLE ASSURANCE OF CONTINUED EMPLOYMENT**

Each year, all full-time and part-time classified employees, including substitutes, shall be notified in writing by the last day of school if they have reasonable assurance of continued employment for the following school year.

**Hiring****EMPLOYEES SEEKING A JOB CHANGE**

Other than the routine transmission of administrative and personnel files, District employees are prohibited from assisting a school employee, contractor, or agent in obtaining a new job if the individual knows, or has probable cause to believe, that such school employee, contractor, or agent engaged in sexual misconduct regarding a minor or student in violation of the law and such school employee, contractor, or agent does not meet the exceptions outlined in 20 U.S.C. 7926.

**REFERENCES:**

<sup>1</sup>[KRS 160.380](#)

<sup>2</sup>[702 KAR 005:080](#)

<sup>3</sup>[KRS 161.011](#)

<sup>4</sup>P.L. 114-95, (Every Student Succeeds Act of 2015)

20 U.S.C. 7926; 42 U.S.C. § 9843a(g)

34 C.F.R. 200.58-200.59; 45 C.F.R. § 1302.90

[KRS 17.160](#); [KRS 17.165](#); [KRS 156.070](#)

[KRS 160.345](#); [KRS 160.390](#); [KRS 335B.020](#); [KRS 405.435](#)

[OAG 91-10](#); [OAG 91-149](#); [OAG 91-206](#)

[OAG 92-1](#); [OAG 92-59](#); [OAG 92-78](#); [OAG 92-131](#); [OAG 97-6](#)

Kentucky Local District Classification Plan; [013 KAR 003:030](#); [702 KAR 003:320](#)

Records Retention Schedule, Public School District

**RELATED POLICIES:**

01.11; 02.4244; 03.232; 03.27; 03.5; 06.221

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