# Draft (02/29/16)

# PERSONNEL EH03.11

‑ Certified Personnel ‑

Hiring

Superintendent's Responsibilities

All appointments, promotions, and transfers of certified 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.

When a certified vacancy is created, the Superintendent shall notify the Commissioner of Education thirty (30) days before the position is to be filled.

When a vacancy needs to be filled in less than thirty (30) days to prevent disruption of necessary instructional or support services of the District, the Superintendent may seek a waiver of the thirty (30) day advance notice requirement from the Commissioner of Education. If the waiver is approved, the appointment shall be made only after the person recommended for the position has been approved by the Commissioner of Education.

Effective Date

Personnel actions shall not be effective until the employee receives written notice of such action from the Superintendent. Certified employees may be appointed by the Superintendent for any school year at any time after February 1 next preceding the beginning of the school year.

Qualifications

The Superintendent shall employ only individuals who are certified for the positions they will hold and who possess qualifications established by law, regulation and Board policy, except in the case where no individual applies who is properly certified and/or who meets established qualifications set by Board policy.

Hiring of certified personnel who have previously retired under KTRS shall be in compliance with applicable legal requirements.2

All teachers of core academic subjects shall be “highly qualified,” as defined by state and federal regulation.3

Criminal Background Check and Testing

Applicants, employees, and student teachers assigned within the District shall undergo records checks and testing as required by applicable statutes and regulations.1

Each application or renewal form provided applicants for a certified position shall conspicuously state the following: "FOR THIS TYPE OF EMPLOYMENT, STATE LAW REQUIRES A NATIONAL AND STATE CRIMINAL HISTORY BACKGROUND CHECK AS A CONDITION OF EMPLOYMENT".1

As permitted by KRS 160.380, 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. Employment shall terminate on receipt of a criminal history background check documenting a conviction for a felony sex crime or as a violent offender.

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#  (Continued)

Hiring

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

The Superintendent shall post a list of all District job openings 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. Postings of vacancies may be made with other agencies, as appropriate.

When a vacancy for a teaching position occurs in the District, the Superintendent shall conduct a search to locate minority candidates to be considered for the position.

Review of Applications

Upon initial receipt, the Superintendent/designee shall review each application. Each applicant shall receive notice that his/her application has been reviewed. Applications for candidates not employed shall be retained for three (3) years and shall remain active for one (1) year.

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 of the Superintendent shall not be employed except as provided by KRS 160.380.

Contract

Except for noncontracted substitute teachers, all certified personnel shall enter into written contracts with the District.

Job Description

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

Intent

Under procedures developed by the Superintendent, employees may be requested to indicate their availability for employment for the next school year.

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#  (Continued)

Hiring

References:

1KRS 160.380

2KRS 161.605; 702 KAR 1:150

3P. L. 107-110 (No Child Left Behind Act of 2001)

 34 C.F.R. 200.55-200.56; KRS 17.160; KRS 17.165

 KRS 156.106; KRS 160.345; KRS 160.390; KRS 161.042; KRS 161.611

 KRS 161.750; KRS 335B.020; KRS 405.435; 16 KAR 9:080;704 KAR 7:130

 OAG 73-333; OAG 91-10; OAG 91-149; OAG 91-206

 OAG 92-1; OAG 92-59; OAG 92-78; OAG 92-131; OAG 97-6

 Records Retention Schedule, Public School District

Related Policies:

01.11; 02.4244; 03.132