

- 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 such actions, shall notify the Board of same. Such notification shall be recorded in the Board minutes.

The Superintendent shall determine, pursuant to state law, when vacancies exist and shall post such staff vacancies as necessary to recruit applicants for positions.

When a vacancy occurs, 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 school 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 not be made until the person selected by the Superintendent 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 preceding the beginning of the next 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. In all cases, the most qualified candidate shall be hired.

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

Teachers of core academic subjects shall be "highly qualified," as defined by state and federal regulation.³

PRE-EMPLOYMENT INQUIRIES

Pre-employment inquiries may include, but are not limited to, requests for licensure/certification, conviction and criminal history records, references, job attendance data, traffic/accident records, and physical examinations, where applicable. Information obtained from pre-employment inquiries concerning an applicant's conviction and criminal history record, toxicology screens, results of job-related competency/skills assessments and other pre-employment inquiry information shall be confidential to the extent permitted by law, but shall be considered in determining employment status.

Hiring

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 to 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

Employment shall be contingent on receipt of records documenting that the individual does not have a conviction for a sexual offense, a drug offense, **an alcohol offense**, a violent offense as defined in [KRS 17.165](#), any felony offense 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 an offense listed above, **unless the superintendent, or his/her designee, determines, after receiving any necessary additional information from the applicant or other sources and in his/her sole discretion, that a drug or alcohol conviction is so removed in time and/or circumstance that the applicant should still be offered employment.** ~~Employees shall immediately notify their supervisor if they are arrested for or charged with one of the offenses listed above. The supervisor shall immediately notify employee relations.~~

Reporting of Arrest, Charge, or Conviction

If an applicant is arrested for, charged with, or convicted of one of the offenses listed above, the applicant shall immediately notify the JCPS Department of Labor Management and Employee Relations. If an employee, at any time, whether on or off-duty, is arrested for, charged with, or convicted of one of the offenses listed in the preceding paragraph, the employee shall immediately notify his or her supervisor of the arrest, charge, or conviction. The supervisor shall immediately notify the JCPS Department of Labor Management and Employee Relations. An employee's failure to report may result in disciplinary action, up to and including discharge.

VACANCIES POSTED

A job register listing vacancies to be filled shall be posted on the District's website.

Vacancies may also be posted and advertised outside the District. All central office administrative positions and all principal positions shall be advertised nationally.

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

Under procedures developed by the Superintendent, each application shall be reviewed. Applications for candidates not employed shall be retained for three (3) years.

References are required on applicants for all positions and will be carefully reviewed as part of the employment decision.

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RELATIONSHIPS

All applications shall require a response concerning the relationship as defined in [KRS 160.180](#) and KRS 160.380 of each applicant to the Superintendent, other District employees or a Board member. The hiring of relatives of the Superintendent, Board members and principals of the District is subject to the restrictions provided in KRS 160.180 and KRS 160.380.

The Superintendent shall not employ a relative of a Board member as defined in KRS 160.380 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](#).

No employee may use his/her employment status to influence the employment in the District of a relative which is defined as the employee's father, mother, brother, sister, husband, wife, son, daughter, grandparent, aunt, uncle, niece, nephew, son-in-law, daughter-in-law, mother-in-law, father-in-law, sister-in-law, or brother-in-law.

No employee shall be assigned to a school, office, work group or other unit if the assignment would cause a relative of such employee to be a supervisor of such employee. For purposes of this policy, a supervisor is defined as a person who has authority to oversee and direct work assignments, assign tasks, schedule hours of work, evaluate work performance, or recommend the hiring, discipline or termination of an employee. This policy shall apply even if the status of relative results from a marriage after an initial assignment, or if the supervision authority results from a promotion, reorganization or other administrative action after an initial assignment. It is the responsibility of the employees having the relationship to notify the Human Resources Department as soon as an assignment or employment status covered by this policy exists or may exist. Any failure to give such notice shall result in disciplinary action. The Superintendent shall develop procedures to implement this policy for all personnel assignments and shall make a final determination as to the appropriate action to implement this policy.

Contract

Except for 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.

REASONABLE ASSURANCE OF CONTINUED EMPLOYMENT

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

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Certified employees assigned extra duties such as coaching shall be notified in writing by the last day of that assigned duty if they have reasonable assurance of continued employment in that or a similar capacity for the following school year.

JOB SHARING

District employees may be permitted to participate in a job sharing program in accordance with procedures established by the Superintendent. However, initial probationary, temporary, seasonal and substitute employees and student workers are not eligible for the job sharing program.

EXCHANGE OF TEACHERS

The Superintendent may approve the exchange of teachers with other countries, states, and programs outside the District. All arrangements for such exchanges shall adhere to state laws and regulations.

REFERENCES:

¹[KRS 160.380](#)

²[KRS 161.605](#); [702 KAR 001:150](#)

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

[34 CFR 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](#), [704 KAR 007:130](#)

[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/Public School District Schedule](#)

RELATED POLICIES:

01.11

02.4244

03.132