



FLOYD COUNTY BOARD OF EDUCATION
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Sherry Robinson- Chair - District 5
Dr. Chandra Varia, Vice-Chair - District 2
Linda C. Gearheart, Member - District 1
William Newsome, Jr., Member - District 3
Rhonda Meade, Member - District 4

Action/Discussion Item: First reading for recommended changes to KSBA Policy 03.21 and Procedure 03.21 AP.21

Applicable Statutes or Regulations: BOE Policy 0.11 Powers and Duties of the Local Board of Education.

Background and major Policy Implications: The process for hiring classified employees and the accompanying procedure have recommended changes attached and noted in red. The recommended changes will streamline the process; aiding in placing qualified employees in positions more quickly. SB 101 reduced the vacancy notice for certified employees from 30 to 15 days; therefore, it is appropriate to reduce the timeline for classified vacancy posts from 10 to 5 days. All policies and procedures will be reviewed with appropriate board staff and the attorney.

Fiscal Budgetary Impact: none

Alternatives: None proposed.

Recommended Action: To approve the policy update.

Contact Person: Angela Duncan, Director of District Wide Services (Human Resources)
606.886.5525

Date: October 8, 2018


Superintendent


Director

- 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 and, if a school-based position is to be filled, shall be submitted with a certified statement reflecting the school's entitlement, current staffing, the reason(s) why the position was vacant, and the financial impact of the employment.

EFFECTIVE DATE

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

HIRING OF RETIRED PERSONS

The Superintendent may rehire at full pay classified personnel (62 years of age or older) who have retired from the District and are receiving Social Security and County retirement benefits.

CRIMINAL BACKGROUND CHECK AND TESTING

Applicants and employees shall undergo records checks and testing as required by applicable statutes and regulations.^{1 & 2}

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."

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.

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>

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

Hiring

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.

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.³

All paraprofessionals shall satisfy educational requirements specified by federal law.⁴

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. Postings of vacancies may be made with other agencies, as appropriate.

REVIEW OF APPLICATIONS

~~The District Position Screening Committee shall review and screen all applications for District positions. ("District positions" are positions that serve two (2) or more schools or that provide services to the District at large.) This Committee shall represent five (5) groups of employees, consisting of one (1) building Principal, who shall serve as chair, one (1) member of the local teachers' organization, one (1) bus driver, one (1) member of the Central Office certified staff, and one (1) member of the Central Office classified staff. Selection of a representative of the local teachers' organization shall be made to minimize disruption to student learning. A majority of Committee members present shall be deemed as sufficient to conduct business. The Screening Committee shall rank applicants using the adopted point system. The Committee shall then recommend the highest ranking applicants to the Superintendent for interviews.~~

Applications for candidates not employed shall be retained for three (3) years.

~~The Superintendent shall waive the District Position Screening Committee if five (5) or fewer qualified applicants have been received for a position. If the screening process is waived, all qualified applicants for the position shall be interviewed. The Superintendent shall appoint members of an Interview Committee. The Superintendent shall release all applications to the District Program Director. The Director will select no fewer than five (5) qualified applicants to interview.~~ The Interview Committee, which may include the Superintendent, shall be composed of at least three (3) members, one (1) of whom shall be a building Principal. All applicant interviews shall be arranged through the Office of Human Resources.

Hiring**REVIEW OF APPLICATIONS (CONTINUED)**

To be considered an applicant for a position, the person must have the following information on file in the Office of Human Resources:

1. Completed application form;
2. Current license, if required, by position;
3. Official transcript of all college work and/or a copy of the person's high school diploma or High School Equivalency Diploma; and
4. Three (3) letters of recommendation on the required form.

HIRING 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.¹

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.

CONTRACT

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

REASONABLE ASSURANCE OF CONTINUED EMPLOYMENT FOR SUBSTITUTE CLASSIFIED EMPLOYEES

Substitute classified employees shall be notified in writing by April 30 of each year as to whether they have reasonable assurance of continued employment for the following year.

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.

Hiring

REFERENCES:

¹[KRS 160.380](#)

²[702 KAR 005:080, KRS 160.345, KRS 160.390](#)

³[KRS 161.011](#)

⁴P. 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 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](#)

[013 KAR 003:030; 702 KAR 003:320](#)

Kentucky Local District Classification Plan

Records Retention Schedule, Public School District

RELATED POLICIES:

01.11; 02.4244; 03.232; 03.27; 03.5; 06.221

Adopted/Amended: 7/23/2018

Order #: 19360

Floyd County Schools Posting Request Form**Human Resource Only**

Date Received:

Date Posted:

Date Closed:

Hold:

HR 001

Date:

TITLE OF POSITION:

LOCATION:

CERTIFIED:

(Posted for 10 days or until filled)

CLASSIFIED:

(Posted for 5 days or until filled)

PLEASE LIST POSITION CONTROL # FOR POSITION BEING POSTED:

IS THIS A NEWLY CREATED POSITION?

☐

YES

☐

NO

IF YES, YOU MUST LIST THE DATE THIS POSITION GAINED BOARD APPROVAL:

THE POSITION BEING POSTED IS DUE TO: CHECK ALL THAT APPLY

☐

RESIGNATION

☐

NEW POSITION

☐

LEAVE

☐

OTHER

☐

RETIREMENT

☐

TRANSFER

☐

DISMISSAL

ENTER THE NAME OF THE INDIVIDUAL WHO PREVIOUSLY HELD THIS POSITION:

NEW LOCATION (IF KNOWN) OF THIS EMPLOYEE:

LIST THE FUNDING SOURCE FOR THIS POSITION:

PERSON REQUESTING POSTING/DATE:

HUMAN RESOURCES APPROVAL/DATE:

The Floyd County Board of Education does not discriminate on the basis of race, color, national origin, age, religion, sex, genetic information, or disability in employment, educational programs, or activities.

Review/Revised:9/27/10