

DATE:

September 22, 2021

AGENDA ITEM (ACTION ITEM):

Consider/Approve waiving the 1st Reading of revisions to Policy 03.11 – Hiring (Certified) and Policy 03.21 – Hiring (Classified) and approve upon this reading under the emergency situation stated in Policy 01.5.

APPLICABLE BOARD POLICY:

01.5 – School Board Policies

HISTORY/BACKGROUND:

On September 9, 2021, the Kentucky General Assembly passed Senate Bill 1, allowing for more flexibility in the hiring of certified and classified retirees given the current staffing needs and critical shortages in certain positions throughout the state. With these proposed adjustments to Policies 03.11/ 03.21, Kenton County School District would be able to hire using the same guidelines as those approved for use across the Commonwealth. It is our belief that this adjustment will help fill open positions. This adjustment will impact those retirees who are employed by KCSD in the 2021-22 school year, and we will continue to follow all KTRS and KPPA/CERS applicable legal requirements as they are subject to change going forward.

FISCAL/BUDGETARY IMPACT:

None

RECOMMENDATION:

Approval to waive the 1st Reading of revisions to Policy 03.11 – Hiring (Certified) and Policy 03.21 – Hiring (Classified) and approve upon this reading under the emergency situation stated in Policy 01.5.

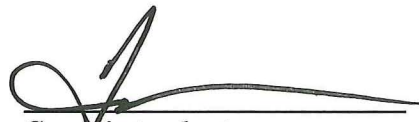
CONTACT PERSON:

Malina Owens

Principal/Administrator



District Administrator



Superintendent

Use this form to submit your request to the Superintendent for items to be added to the Board Meeting Agenda.
Principal –complete, print, sign and send to your Director. Director –if approved, sign and put in the Superintendent's mailbox.

- 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.

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 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.

All teachers shall meet applicable certification or licensure requirements 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 form provided by the employer to an applicant 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 AND A LETTER, PROVIDED BY THE INDIVIDUAL, FROM THE CABINET FOR HEALTH AND FAMILY SERVICES STATING THE APPLICANT HAS NO ADMINISTRATIVE FINDINGS OF CHILD ABUSE OR NEGLECT FOUND THROUGH A BACKGROUND CHECK OF CHILD ABUSE AND NEGLECT RECORDS MAINTAINED BY THE CABINET FOR HEALTH AND FAMILY SERVICES."

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

"Administrative finding of child abuse or neglect" means a substantiated finding of child abuse or neglect issued by the Cabinet for Health and Family Services that is:

1. Not appealed through an administrative hearing conducted in accordance with KRS Chapter 13B;
2. Upheld at an administrative hearing conducted in accordance with KRS Chapter 13B and not appealed to a Circuit Court; or

Hiring

CRIMINAL BACKGROUND CHECK AND TESTING (CONTINUED)

3. Upheld by a Circuit Court in an appeal of the results of an administrative hearing conducted in accordance with KRS Chapter 13B.¹

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.

Link to DPP-156 Central Registry Check and more information on the required CA/N check:

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

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.

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

All vacancies, as they occur, shall be listed in the central office directory and posted in all school buildings and updated on the Kenton County webpage.

No vacancy shall be filled until it has been posted for fifteen (15) calendar days, unless a waiver has been granted by the Kentucky Department of Education in order to prevent disruption of the instructional program. Waivers shall be requested within fifteen (15) calendar days prior to the beginning of the school year and, as they occur, during the school year. In those instances where a vacancy occurs during the school year, the position shall be filled on a one (1) year contract basis.

Any teacher who was involuntarily transferred during the past three (3) years from one building to another will be notified by the central office staff if a vacancy occurs in the building from which the teacher was transferred.

The Superintendent shall conduct a search to locate minority candidates to be considered for a vacant position.

REVIEW OF APPLICATIONS

Each application shall be reviewed and each applicant so notified upon initial application. Applications shall be kept on file for three (3) years.

RELATIONSHIPS

The Superintendent shall not employ a relative of a member of the Board.

A relative of the Superintendent shall not be employed. No Principal's relative shall be employed in the Principal's school.

Relatives of current District employees may be employed. They shall not be assigned to positions wherein they are directly responsible to or would directly supervise a relative.

Hiring

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.

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 school if they have reasonable assurance of continued employment for the following school year.

Certified employees assigned extra duties such as coaching, but are not otherwise employed by the District on a full-time basis, 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.

EMPLOYMENT OF RETIREES

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

~~Full-time employment is defined as employment in a position that requires service on a continuing basis equal to seventy percent (70%) or more of normal full-time service for that position as established by the Kenton County Board of Education.~~

~~Part-time employment is defined as less than seventy percent (70%) of the time established by the Kenton county Board of Education for each position.~~

~~PART-TIME EMPLOYMENT AND SUBSTITUTE POSITIONS~~

~~All part-time employees and substitutes filling Kentucky Teachers Retirement System eligible positions will require regular employee contributions to the Kentucky Teachers Retirement System. Part-time and substitute employees filling Kentucky Teachers Retirement System eligible positions will no longer contribute social security contributions from these wages.~~

~~Retirees employed on a part-time basis that have thirty (30) or more years of service credit to the Kentucky Teachers Retirement System or any state teachers retirement system or retired prior to July 1, 2002, can earn seventy-five percent (75%) of their last annual compensation measured on a daily rate increased by the CPI index established by the Kentucky Teachers Retirement System or the current Rank two (2) with fifteen (15) years experience level on the Kenton County Board of Education certified salary schedule, measured on a daily rate, whichever is less.~~

Hiring

FULL-TIME EMPLOYMENT

~~All retirees employed full time in Kentucky Teachers Retirement System eligible positions are required to make regular employee contributions to the Kentucky Teachers Retirement System. Retirees employed full time will not make employee contributions to social security from these wages.~~

~~Retirees employed on a full time basis that have thirty (30) or more years of service credit in the Kentucky Teachers Retirement System or any state teacher retirement system or retired prior to July 1, 2002, can earn seventy five percent (75%) of their last annual compensation measured on a daily rate increased by the CPI index established by the Kentucky Teachers Retirement System or the current Rank two (2) with fifteen (15) years experience level on the Kenton County Board of Education certified salary schedule, measured on a daily rate, whichever is less. This provision does not apply to out of state retirees hired prior to July 1, 2002.~~

~~Retirees employed on a full time basis that have less than thirty (30) years service credit with the Kentucky Teachers Retirement System or any state teacher retirement system or retired prior to July 1, 2002, can earn sixty five percent (65%) of their last annual compensation measured on a daily rate increased by the CPI index established by the Kentucky Teachers Retirement System or the current Rank two (2) with twelve (12) years experience level on the Kenton County Board of Education certified salary schedule, measured on a daily rate, whichever is less.~~

~~The Kentucky Teachers Retirement System must approve each of these positions annually. Retirees employed full time must have medical insurance coverage through the Kenton County Board of Education.~~

REQUIRED BREAK IN SERVICE

~~Retirees are eligible for full time employment after a one (1) year break in service if returning to the same employer. Retirees are eligible for full time employment after a ninety (90) day break in service if returning to a different employer.~~

~~Retirees are eligible for part time and substitute employment after a ninety (90) day break in service regardless of the employer.~~

~~There is no break in service required for employees retired prior to July 1, 2001.~~

WAIVER OF ANNUITY

~~Retired members may freeze their annuity with the Kentucky Teachers Retirement System and return to work full time at the Kenton County Board of Education's established salary schedule level. The member will no longer receive their Kentucky Teachers Retirement System annuity and medical insurance.~~

Hiring

REFERENCES:

¹KRS 160.380

²KRS 161.605; 702 KAR 1:150

³P. L. 114-95, (Every Student Succeeds Act of 2015)

20 U.S.C. § 7926; 42 U.S.C. § 9843a(g)

45 C.F.R. § 1302.90

KRS Chapter 13B

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; 702 KAR 3:320; 704 KAR 7:130

OAG 18-017; 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

- 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.

RECRUITMENT/SELECTION

The recruitment and recommendation of candidates for school-based classified positions shall be the responsibility of each principal. The appropriate central office administrator or supervisor shall be responsible for recruiting and recommending candidates for District-wide positions.

CRIMINAL BACKGROUND CHECK AND TESTING

Applicants and employees shall undergo records checks and testing as required by applicable statutes and regulations and the District.^{1 & 2} Bus drivers and applicants requiring a Commercial Driver's License (CDL) must undergo additional background and substance use checks per Board Policy 06.221.

Each application form provided by the employer to an applicant 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 A LETTER, PROVIDED BY THE INDIVIDUAL, FROM THE CABINET FOR HEALTH AND FAMILY SERVICES STATING THE APPLICANT HAS NO ADMINISTRATIVE FINDINGS OF CHILD ABUSE OR NEGLECT FOUND THROUGH A BACKGROUND CHECK OF CHILD ABUSE AND NEGLECT RECORDS MAINTAINED BY THE CABINET FOR HEALTH AND FAMILY SERVICES."

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

"Administrative finding of child abuse or neglect" means a substantiated finding of child abuse or neglect issued by the Cabinet for Health and Family Services that is:

1. Not appealed through an administrative hearing conducted in accordance with KRS Chapter 13B;

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

2. Upheld at an administrative hearing conducted in accordance with KRS Chapter 13B and not appealed to a Circuit Court; or
3. Upheld by a Circuit Court in an appeal of the results of an administrative hearing conducted in accordance with KRS Chapter 13B.¹

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.

Link to DPP-156 Central Registry Check and more information on the required CA/N check:

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

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

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.

JOB PLACEMENT ASSESSMENT (JPA)

Applicants for the positions listed below will be required to undergo and pass job placement assessment (JPA) protocol. The cost of the JPA shall be borne by the District. Positions requiring JPA: transportation department employees, cafeteria employees, maintenance employees, custodial employees and special education instructional assistants.

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 Applicants possessing regular or emergency teaching certification shall be given preference in the employment process.

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.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.

Hiring**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

Each application shall be reviewed and each applicant so notified. Applications for candidates not employed shall be retained for three (3) years.

HIRING RELATIONSHIPS

The Superintendent shall not employ a relative of a member of the Board.

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

A relative of the Superintendent shall not be employed except as provided by KRS 160.380.¹

Relatives of current District employees may be employed. They shall not be assigned to positions wherein they are directly responsible to, or would directly supervise, a relative. Exception is the section on substitute personnel above.

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 classified employees shall enter into annual written contracts with the District.

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 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**REASONABLE ASSURANCE OF CONTINUED EMPLOYMENT (CONTINUED)**

Classified employees assigned extra duties such as coaching, but are not otherwise employed by the District on a full-time basis, 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.

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.

EMPLOYMENT OF RETIREES

Hiring of classified personnel who have previously retired under KPPA/CERS shall be in compliance with applicable legal requirements.

When the District hires full-time classified employees previously retired under KPPA the Kentucky Retirement System, those employees shall participate in the District's health insurance program.

~~Employed retirees that have an initial retirement date after June 30, 2002 and have thirty (30) or more years of service credit in the County Employees Retirement System or any state or federal retirement system, can earn up to the fifteen (15) year experience level for the position that they are rehired as established by the Kenton County Board of Education.~~

~~Employed retirees that have an initial retirement date after June 30, 2002 and have less than thirty (30) years of service credit in the County Employees Retirement System or any state or federal retirement system, can earn up to the twelve (12) year experience level for the position that they are rehired as established by the Kenton County Board of Education.~~

~~REQUIRED BREAK IN SERVICE~~

~~Retired employees under the age sixty-five (65) may return to work in a different position after a break in service of at least one (1) month.~~

~~Retired employees under age sixty-five (65) may not be re-employed, including substitute, in the same position or a position with the same principal duties until there has been a consecutive six (6) month break in service.~~

~~Retired employees age sixty-five (65) or older may return to the same position after a break in service of at least one (1) month.~~

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Hiring

REFERENCES:

¹KRS 160.380

²702 KAR 5:080

³KRS 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; 45 C.F.R. § 1302.90

49 C.F.R. § 382.701; 49 C.F.R. § 382.703

KRS Chapter 13B

KRS 17.160; KRS 17.165; KRS 156.070

KRS 160.345; KRS 160.390; KRS 335B.020; KRS 405.435

OAG 18-017; 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; 13 KAR 3:030; 702 KAR 3:320

Records Retention Schedule, Public School District

RELATED POLICIES:

01.11; 02.4244; 03.232; 03.27; 03.5; 06.221