

Policies for Review
Staff/Board Recommendation
Board Policy Committee Meeting
November 20, 2021

Human Resources

Change	03.11	Hiring (Certified)
Change	03.21	Hiring (Classified)

- 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 fifteen (15) days before the position is to be filled.

When a vacancy needs to be filled in less than fifteen (15) days to prevent disruption of necessary instructional or support services of the school District, the Superintendent may seek a waiver of the fifteen (15)-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 TRS shall be in compliance with applicable legal requirements.²

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.

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

Hiring

CRIMINAL BACKGROUND CHECK AND TESTING (CONTINUED)

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, a conviction as a violent offender as defined in KRS 17.165, or other conviction, including a drug offense, 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 offense is a misdemeanor drug offense over five (5) years ago or a non-support felony offense. 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.

Employment shall also be contingent on receipt of a clear CA/N check, defined in [KRS 160.380](#) as "a letter from the Cabinet for Health & Family Services indicating that there are no substantiated findings of child abuse or neglect relating to a specific individual." Employment shall terminate upon receipt of a letter from the Cabinet documenting an administrative finding of child abuse or neglect.

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

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>

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

Hiring

REPORT TO SUPERINTENDENT (CONTINUED)

the right to appeal such a substantiated finding or the finding has been upheld upon appeal. Any failure to report this finding shall result in the employee being subject to dismissal or termination.

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.

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, any Principal of the District, any 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 member of the Board.

A relative of the Superintendent or any Principal of the District shall not be employed except as provided by [KRS 160.380](#).

A relative of the Superintendent or any principal of the District who is otherwise ineligible for employment may be employed as a substitute for a certified or classified employee if the relative is not:

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

No employee may use his/her employment status to influence the employment in the District of a relative which is defined for the purposes of this paragraph of this policy as the employee's father, mother, brother, sister, husband, wife, son, and daughter.

Hiring**RELATIONSHIPS (CONTINUED)**

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 paragraph of this policy, a relative is defined as the employee's father, mother, brother, sister, husband, wife, son, and daughter; and 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. For purposes of this paragraph of this policy, the Principal and each assistant principal of a school shall be considered to be the supervisor of each employee in the school building. This paragraph of 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 paragraph of 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 paragraph of this policy for all personnel assignments and shall make a final determination as to the appropriate action to implement this paragraph of this policy.

A relative that is ineligible for employment under this 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.

Exception to the above is substitute personnel.

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.

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

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.

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.

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. 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](#)

[016 KAR 009:080](#); [702 KAR 003:320](#); [704 KAR 007:130](#)

[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

Adopted/Amended: 2/2/2021

Order #: 2021-28

- 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 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.

EFFECTIVE DATE

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

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. 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.

CRIMINAL BACKGROUND CHECK AND TESTING

Applicants and employees shall undergo records checks and testing as required by applicable statutes and regulations.^{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, a conviction as a violent offender as defined in [KRS 17.165](#), or other conviction, including a drug offense, 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 offense is a misdemeanor drug offense over five (5) years ago or

Hiring

CRIMINAL BACKGROUND CHECK AND TESTING (CONTINUED)

a non-support felony offense. 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.

Employment shall also be contingent on receipt of a clear CA/N check, defined in [KRS 160.380](#) as “a letter from the Cabinet for Health & Family Services indicating that there are no administrative findings of child abuse or neglect relating to a specific individual.” Employment shall terminate upon receipt of a letter from the Cabinet documenting an administrative finding of child abuse or neglect.

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

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>

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. Any failure to report this finding shall result in the employee being subject to dismissal or termination.

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 GED certificate or unless s/he shows progress, as defined by Administrative Regulations of the State Board for Adult, and Technical Education, toward obtaining a certificate of high school equivalency. 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

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.

Hiring

REVIEW OF APPLICATIONS (CONTINUED)

The Superintendent shall implement procedures for emergency hiring of staff to prevent disruption of necessary instructional or support services.

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

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](#).

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

The Superintendent shall not employ a relative of a Board member. No employee may use his/her employment status to influence the employment in the Jefferson County School District of a relative which is defined for the purposes of this paragraph of this policy as the employee's father, mother, brother, sister, husband, wife, son, and daughter.

No employee shall be assigned to a school, office, or unit if the assignment would cause a relative of such an employee to be a supervisor of such employee. For purposes of this paragraph of this policy, a relative is defined as the employee's father, mother, brother, sister, husband, wife, son, and daughter; and 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 paragraph of 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 paragraph of 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 paragraph of this policy for all personnel assignments and shall make a final determination as to the appropriate action to implement this paragraph of this policy.

A relative that is ineligible for employment under this may be employed as a substitute for a 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

Hiring**RELATIONSHIPS (CONTINUED)**

4. Receiving preference in employment or assignment over other substitutes.

EMERGENCY HIRING

The Superintendent shall implement procedures for emergency hiring of staff to prevent disruption of necessary instructional or support services.

JOB DESCRIPTION

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

CONTRACT

The District shall enter into written contracts with all full-time and part-time classified staff.

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.

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

Classified 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.

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:

¹[KRS 160.380](#)

²[702 KAR 005:080](#)

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; 45 C.F.R. § 1302.90

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

Hiring

REFERENCES (CONTINUED)

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; [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

Adopted/Amended: 2/2/2021

Order #: 2021-28