



# Bullitt County Public Schools

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## MEMO

**To:** Jesse Bacon

**From:** Althea Hurt, BCPS Human Resources Director

**Date:** October 19, 2022

**RE:** Hiring Policies Revision

Requested is a policy revision to Hiring Policy 03.11 (Certified) and 03.21 (Classified). The request is to delete the words **“and in the Central Office”** and **“shall refer interested persons to the Central Office job register for additional information”** from under the **Vacancies Posted** subheading. This update is necessary to reflect the current, updated process for posting vacancies for the district. Vacancies for both certified and classified positions are posted and advertised electronically through the TalentEd Recruit and Hire system. This system is available for the public to access and view 24 hours a day, 7 days a week.

*Proposed revision: Under procedures developed by the Superintendent, a listing of all District job openings shall be posted online for public viewing. Posting of vacancies may be made with other agencies, as appropriate.*

**- 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 vacancy occurs, the Superintendent shall notify the Chief State School office 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 Chief State School Officer. If the waiver is approved, the appointment shall not be made until the person selected by the Superintendent has been approved by the Chief State School Officer.

**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. Qualifications established by Bullitt County Board of Education are listed as General Selection Factors in Procedure 03.11 AP.1.

Hiring of certified personnel who have previously retired under TRS shall be in compliance with applicable legal requirements.<sup>2</sup>

All teachers shall meet applicable certification or licensure requirements as defined by state and federal regulation.<sup>3</sup>

**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.<sup>1</sup>

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."

## **Hiring**

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

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

Alcohol and drug convictions and pending charges, within five (5) years of application, shall disqualify applicants.

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 REGISTER**

The Superintendent or the Superintendent's designee shall maintain in the Central Office an online 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 online ~~and in the Central Office~~ for public viewing ~~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.

## **Hiring**

### **VACANCIES POSTED (CONTINUED)**

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 and each applicant so notified upon initial application. 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.

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.<sup>1</sup>

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 annual 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.

### **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:**

<sup>1</sup>[KRS 160.380](#)

<sup>2</sup>[KRS 161.605](#); [702 KAR 001:150](#)

<sup>3</sup>P. 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: 7/27/2020

Order #: 2020-128

## **Hiring**

### **CRIMINAL BACKGROUND CHECK AND TESTING AND PROBATIONARY EMPLOYMENT (CONT.)**

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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.<sup>1</sup>

Alcohol and drug convictions and pending charges, within five (5) years of application, shall disqualify applicants. 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 or, if within ninety (90) days of employment, the employee receives an unsatisfactory review by his/her immediate supervisor, the Superintendent, or Superintendent’s designee.

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