

- 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 submit the job posting to the statewide job posting system 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.

ELIGIBILITY

In determining the eligibility of a particular candidate for appointment to a position, the priority of the Superintendent shall be to employ that person, who by reasons of preparation, experience and ability to work effectively with students, other staff members, and citizens of the school community, will render the highest possible level of service.

Employees who are terminated and/or non-renewed for cause by the District, or who resigned and are not eligible for a position, shall not be considered for any future employment by the District without written authorization by the Superintendent.

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.

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

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."

Hiring

CRIMINAL BACKGROUND CHECK AND TESTING (CONTINUED)

Employment shall be contingent on receipt of records documenting that the individual has not been convicted of an offense that would classify a person as a violent offender under KRS 439.3401, a sex crime defined by KRS 17.500 or a misdemeanor offense under KRS Chapter 510, is required to register as a sex offender, 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.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.

~~The form for requesting a CA/N check is available on the Cabinet for Health and Family Services website. The program and user instructions are on the Kentucky Online Gateway (KOG): <https://kog.chfs.ky.gov/home/>.~~

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 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.

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.

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Hiring**REVIEW OF APPLICATIONS**

Under procedures developed by the Superintendent, each application shall be reviewed and each applicant who is interviewed will be notified of employment action. Applications for candidates not employed shall be retained for two (2) years.

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 a relative of the Superintendent, a Board member or principal 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 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.

No employee may use his/her/their 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 the employee to be a supervisor of the 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 Division 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/designee 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.

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.

PERSONNEL

03.11
(CONTINUED)

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 17.500 to KRS 17.580
KRS 156.106; KRS 160.345; KRS 160.390; KRS 161.042; KRS 161.611
KRS 161.750; KRS 335B.020; KRS 405.435
KRS 439.3401
KRS Chapter 510
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.

QUALIFICATIONS

The Superintendent shall employ only individuals who possess qualifications established by law, regulation, and Board policy except in the case where no individual applies who meets established qualifications.

ELIGIBILITY

In determining the eligibility of a particular candidate for appointment to a classified position, the sole concern of the Superintendent shall be to employ that person who, by reasons of preparation, experience and ability to work effectively, will render the highest possible level of service.

Employees who are terminated and/or non-renewed for cause by the District, or who resigned and are not eligible for a position, shall not be considered for any future employment by the District without written authorization by the Superintendent.

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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 is provided an opportunity by the District upon employment to obtain a High School Equivalency Diploma at no cost to the employee. Licenses or credentials issued by a government entity that require specialized skill or training may also substitute for this requirement. 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

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."

Employment shall be contingent on receipt of records documenting that the individual has not been convicted of an offense that would classify a person as a violent offender under KRS 439.3401, a

sex crime defined by KRS 17.500 or a misdemeanor offense under KRS Chapter 510, is required to register as a sex offender, 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:

Hiring

CRIMINAL BACKGROUND CHECK AND TESTING (CONTINUED)

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

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.

The form for requesting a CA/N check is available on the Cabinet for Health and Family Services website. The program and user instructions are on the Kentucky Online Gateway (KOG): <https://kog.chfs.ky.gov/home/>.

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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 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

Under procedures developed by the Superintendent, each application shall be reviewed and each applicant who is interviewed will be notified of employment action. Applications for candidates not employed shall be retained for two (2) years.

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 a relative of the Superintendent, a Board member or a principal 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.

No employee may use his/her/their employment status to influence the employment in the Powell 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 the employee to be a supervisor of the 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 Division 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/designee 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 may be employed as a substitute for a certified or classified employee if the relative is not:

Hiring**RELATIONSHIPS (CONTINUED)**

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

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.

INTENT

Under procedures developed by the Superintendent, employees may be requested to indicate their availability for employment for the next school year.

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.

PERSONNEL

03.21
(CONTINUED)

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 17.500 to KRS 17.580

KRS 156.070; KRS 160.345; KRS 160.390

KRS 335B.020; KRS 405.435

KRS 439.3401

KRS Chapter 510

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