

- 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 the 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 **in accordance with [KRS 160.390](#)**.

CRIMINAL BACKGROUND CHECK/INVESTIGATION AND TESTING

Applicants and employees shall undergo records checks and testing as required by applicable statutes and regulations.^{1&2} The Superintendent shall complete additional criminal records checks and/or background investigations, as appropriate. 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:

1. Not appealed through an administrative hearing conducted in accordance with KRS Chapter 13B; or
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 13B¹.

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CRIMINAL BACKGROUND CHECK/INVESTIGATION AND TESTING (CONTINUED)

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.

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.

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 in [KRS 161.011](#).³

Existing and new paraprofessionals who provide instructional services or support in programs supported by Title I shall satisfy educational requirements specified by federal law.⁴

RECRUITMENT AND SELECTION

Recruitment and selection to fill vacant classified positions is the responsibility of the Superintendent. All classified employees shall be chosen with reference to educational, moral, and emotional fitness for the particular position, as well as demonstrated ability to fill the position.

PROBATIONARY PERIOD

All regular full-time and part-time classified employees shall enter into written contracts with the District. No candidate for a classified position shall begin employment until all required credentials have been filed with the District, unless a written exception is provided by the Superintendent. All initial appointments of full-time classified employees shall be made on a probationary basis which shall not be less than one-hundred twenty (120) working days. During this period, employees are eligible for benefits required by law or provided by Board policy.

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 the 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 so notified. Applications for candidates not employed shall be retained for two (2) years.

RELATIONSHIPS

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

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RELATIONSHIPS (CONTINUED)

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 1650.380](#).¹

EMERGENCY HIRING

During emergency situations, job openings may be filled without listing in the job register or posting in the school.

JOB DESCRIPTION

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

CONTRACT

All regular full-time and part-time classified personnel, including coaches, shall enter into annual written contracts with the District. Annual contracts shall be signed and dated by the parties indicating an offer and acceptance of the terms prior to commencement of duties. Copies shall be maintained in the District Office.

INTENT

All classified employees shall complete and submit to the Superintendent by May 1 of each year a form which declares the employee's intent to continue employment for the following year. Failure to comply with this requirement shall indicate that the employee does not desire to be considered for reemployment for the next school year.

Classified employees shall be notified by their supervising administrator no later than May 15 of each year as to the District's intent to reemploy.

~~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.

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.

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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

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; [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

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Order #: 5.B.