

North Country Supervisory Union
Common Board Policy Manual

PERSONNEL

D. 1 RECRUITMENT, SELECTION, APPOINTMENT AND BACKGROUND CHECKS FOR STAFF

Policy

It is the policy of the North Country Supervisory Union **[and member districts?]** to select for employment only persons of good character who have the skills and other qualifications necessary to fulfill job requirements while complying with the provisions of state law regarding the recruitment, selection and employment of school district employees**[NCSU and member districts]** and contractors.

Definitions

Persons subject to criminal records and abuse and sexual offender registry checks under this policy include all those recommended for full-time, part-time or temporary employment in a school district, including student teachers, and those contractors and employees of contractors (unless otherwise exempt from such checks by law) who may have unsupervised contact with students.

[Member districts] The term “**criminal record**” as used in this policy shall have the same meaning as defined in 16 V.S.A. § 252 (1) **[“the record of: (A) convictions in Vermont, including whether any of the convictions listed in 13 V.S.A. § 5401(10) (sex offender definition for registration purposes); and (B) convictions in other jurisdictions recorded in other state repositories or by the Federal Bureau of Investigation (FBI).”]**

The term “**unsupervised**” as used in this policy shall have the same meaning as defined in 16 V.S.A. § 252(4) **[“not in the presence of a responsible adult in the employ of or under the direction of the independent school or school district. 16 V.S.A. § 252(2).”]**

The term “**abuse registry**” as used in this policy shall include the Vermont Child Protection Registry maintained by the Vermont Department for Children and Families and the Vulnerable Adult Abuse Registry maintained by the Vermont Department of Disabilities, Aging and Independent Living.

The terms “**employ**” or “**employment**” as used in this policy shall, as the context requires, apply to individuals who are, or are being considered for, full-time, part-time or temporary employment in the school district, including student teachers and those contractors and employees of contractors who may have unsupervised contact with students.

[FROM FOOTNOTE] “The term “Pre-employment screening processes” as used in this model policy is intended to refer to background checks other than required criminal record and abuse registry checks, interviewing processes or other methods of assessing a candidate’s qualifications prior to appointment by the Superintendent. Pre-employment screening processes involving participation by employee groups, board members or other interest groups are not required, but are frequently used.”

Recruitment

1. The board is committed to securing the services of the best personnel available. For certified staff only individuals who meet applicable state licensing requirements will be employed. For paraeducator positions only individuals that meet the State or Federal requirements will be employed.
2. The board seeks minority applicants in accordance with its policy pertaining to non-discrimination. The district will attempt to provide an educational experience enhanced by the professional contributions of representatives of different races, physical conditions, sexes, ethnic backgrounds and age groups.
1. All personnel will be recruited by the administrative staff under the immediate direction of the superintendent.
2. Written or electronic applications will be required of candidates for employment. The application will include a statement to be signed by the candidate listing the dates, locations and dispositions of any convictions, including findings of guilt, pleas of nolo contendere or guilty, for criminal violations. The application will also include a warning to the applicant that falsification of information on the application or during the application process will be grounds for dismissal if the applicant is hired.

Selection

1. It is the policy of the board to select employees solely on the basis of character, professional qualifications, and critical job requirements. Employees will be selected in a manner that does not unlawfully discriminate on the basis of race, age, marital status, color, sex, sexual orientation, gender identity, religion (creed), disability, ancestry or national origin or place of birth. The use of seniority or years of experience as a selection criterion is permissible and does not constitute age discrimination.. The superintendent shall require that all applicants, as a condition of employment consideration, cooperate fully with background investigations, supplying references and releases so the district can contact previous employers. Applicants the superintendent is prepared to recommend for employment will be expected to provide fingerprints, releases and other information necessary to conduct criminal record background investigations and abuse and sexual offender registry checks. The costs of such checks will be borne by the prospective employee. All offers of employment will be conditioned upon completion of the background investigation and registry checks and a finding that the information provided by the application during the pre-employment process was accurate, complete and truthful.
2. The superintendent will request a criminal records' check through the Vermont Crime Information Center (VCIC) on any candidate he or she is prepared to recommend for appointment. Requests will be made for fingerprint-supported criminal records from the state of Vermont and any state in which the superintendent has reason to believe the applicant has resided or been employed. The superintendent shall maintain such records in accordance with state law.
3. The superintendent shall also request information through any available abuse registry to determine whether there are any substantiated abuse/neglect charges or sex offense convictions against an applicant before appointing or nominating a candidate for employment. The superintendent shall maintain such records in accordance with state law.
4. Employment conditioned on the completion of a background check may be terminated if it is determined that the employee failed to respond truthfully to questions about criminal activity or prior employment. In any event the superintendent shall forward the information received from VCIC to the person about whom the request was made and inform the person of their rights to challenge the accuracy of the record and to determine the disposition of the record under 16 V.S.A. §§255(f), (g).
5. Providing a safe learning environment for students is a primary consideration in district employment decisions. The district will base such decisions on all relevant information, qualifications, and

circumstances. Unfavorable background check information is not an automatic bar to employment, nor is a background check with no unfavorable information a guarantee of employment. However, no person convicted of a sexual offense requiring registration on the Vermont comprehensive sex offender registry check shall be employed by the school district or supervisory union.

6. The board will interview candidates for those administrative positions that report directly to the board.

Appointment

1. The appointment of licensed employees will be made by the board upon the nomination of the superintendent of schools. Appointment of non-licensed employees will be made by the superintendent of schools.
2. Subject to any pre-employment screening processes approved by the board,^[1] the superintendent shall appoint all. Dismissal of licensed and non-licensed employees of a school district or supervisory union will be made by the superintendent of schools, subject to all procedural and other protections by contract, collective bargaining agreement, policies, or provision of state and federal law. (Title 16 § 242(3)(A-C))
3. Contracts of employment or other notification of employment will be conditional pending receipt of criminal records' check and Abuse/Neglect Registry check information and evaluation of that information.
4. Upon completion of a criminal records' check, the superintendent/principal or director shall:
 - notify the person subject to the check about the district's protocol for maintenance of criminal history files, and
 - ask the person subject to the check to indicate if his or her record should be maintained or destroyed after the retention period specified in the district's user agreement with VCIC.
5. Licensed professionals who have been employed for fewer than two years are considered probationary teachers.
6. All offers of employment may be withdrawn based on the criminal records' check report; abuse or sexual offender registry check; or upon a finding that the information provided by the applicant during the pre-employment process was inaccurate, incomplete or untruthful.

Cross Reference: C.9 Notice of Non-Discrimination
D.4 Educator Supervision and Evaluation
D.5 Personnel Files
B.4 Board Member Conflict of Interest
Teachers' **[Support Staff?]** Collective Bargaining Agreement

Date Adopted

Brighton	8/15/00
Charleston	8/10/00
Coventry	9/6/00
Derby	8/28/00
Holland	11/13/00

Date Revised

Brighton	6/9/10
Charleston	6/10/10
Coventry	10/13/10
Derby	5/17/10
Holland	5/24/10

Jay/Westfield	9/12/00	Jay/Westfield	6/8/10
Lowell	7/13/00	Lowell	6/10/10
Morgan	4/8/00	Morgan	6/3/10
Newport City	8/7/00	Newport City	6/7/10
Newport Town	9/12/00	Newport Town	10/27/10
Troy	10/17/00	Troy	6/9/10
NCUHS	7/19/00 — Revised for NCUHS 6/3/03	NCUHS	10/19/10
NCUJHS	9/2/03	NCUJHS	08/24/10

Date Revised

Brighton	3/9/16
Charleston	3/9/16
Coventry	3/16/16
Derby	3/9/16
Holland	3/14/16
Jay/Westfield	3/8/16
Lowell	3/16/16
Morgan	3/7/16
Newport City	3/7/16
Newport Town	3/3/16
Troy	3/3/16
NCUHS	3/15/16
NCUJHS	3/22/16
NCSU	3/24/16

Date Revised

Brighton	
Charleston	
Coventry	
Derby	
Holland	
Jay/Westfield	
Lowell	
Morgan	
Newport City	
Newport Town	
Troy	
NCUHS	
NCUJHS	
NCSU	