

**North Country Supervisory Union  
Common Board Policy Manual**

**PERSONNEL**

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

**Policy**

It is the policy of the North Country Supervisory Union 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 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.

The term “criminal record” as used in this policy shall have the same meaning as defined in 16 V.S.A. § 252 (1).

The term “unsupervised” as used in this policy shall have the same meaning as defined in 16 V.S.A § 252(4).

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.

**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.
3. All personnel will be recruited by the administrative staff under the immediate direction of the superintendent.
4. 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.
2. 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.
3. 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.
4. 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.
5. 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).
6. 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.
7. 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. 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))

2. 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.
3. Upon completion of a criminal records' check, the superintendent/principal or director shall:
  - o notify the person subject to the check about the district's protocol for maintenance of criminal history files, and
  - o 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.
4. Licensed professionals who have been employed for fewer than two years are considered probationary teachers.
5. 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.
6. A staff member's misstatement of fact, material to his/her qualifications for employment or the determination of his/her salary, will constitute grounds for dismissal.
7. All new employees will be required within three days of the first day of hire to complete the federal Form I-9 and supply the documentation necessary to demonstrate the employee's identity and employment eligibility under the Immigration Reform and Control Act of 1986. Completed Forms I-9 will be retained for three years or until one year after the end of the employee's separation, whichever is longer.

**Nepotism/Conflict of Interest**

Persons related by blood, marriage, or common law to a board member, or that have a conflict of interest with a board member may be employed in the district, but the interested board member must abstain from the vote. Such persons must disclose the relationship during the application process.

Persons related by blood, marriage, or common law to a member of the administrative staff shall not be appointed to a position that involves supervision and evaluation of, or by, the position. This shall not apply to any person within such relationships who has been regularly employed by the board prior to the inception of the relationship, the adoption of this policy, or a board member's election.

*Legal Reference(s):* 4 V.S.A. §1102(b)(8) (Unauthorized disclosure)  
 16 V.S.A. §242(3) (Duties of superintendent)  
 16 V.S.A. §§251 et seq. (Criminal records checks)  
 16 V.S.A. §563 (12) (Responsibility for hiring)  
 20 V.S.A. §§2062, 2063 (Fees)  
 20 V.S.A. §2056c (Dissemination of criminal history)

*Cross Reference:* Board Commitment to Non-Discrimination (C6)  
 Educator Supervision and Evaluation: Probationary Teachers (D4)  
 Personnel Files (D5)  
 Board Member Conflict of Interest (B4)  
 Teachers' Collective Bargaining Agreement

<b>Date Adopted:</b>		<b>Date Revised:</b>	
Brighton	8/15/00	Brighton	6/9/10
Charleston	8/10/00	Charleston	6/10/10
Coventry	9/6/00	Coventry	10/13/10
Derby	8/28/00	Derby	5/17/10
Holland	11/13/00	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

