

Policy

PROFESSIONAL STAFF RECRUITMENT & HIRING

Code GBC/D Issued 12/15/21

It is the policy of the Board to recruit and hire certified/professional employees on the basis of qualifications and merit.

The district is committed to providing equal access to educational and employment opportunities regardless of race, color, religion, national origin, disability, sex (including pregnancy, childbirth, or any related medical conditions, and gender identity), age, genetic information, or any other protected trait or characteristic as may be required by federal or state law. As required by Title IX and its implementing regulations, the district does not discriminate on the basis of sex in its educational programs and activities.

The Board recognizes that the implementation of policies designed to provide quality educational programs is highly dependent upon the full and effective use of qualified individuals, regardless of race, color, religion, disability, marital status, national origin, creed, immigrant status, limited English speaking status, political affiliation, ancestry, sex or age, except when sex or age is a bonafide occupational qualification.

Background checks

Criminal record history checks on all new employees using names, social security numbers, birthdates and/or fingerprints must be obtained from the State Law Enforcement Division (SLED) and from an agency that will conduct national criminal record history checks before an employee's initial employment.

- The costs for the background checks for new employees will be paid by the state and/or the district.
- The district will consider the results of all criminal record history checks on an individual basis and will determine how the information impacts the individual's ability to be an effective employee.
 - When determining the appropriateness of offering employment to an individual, the administration will give consideration to such things as
 - severity of offense,
 - age of the individual,
 - direct impact of the offense on children,
 - length of time since conviction or plea,
 - restitution,
 - conduct or remedial actions during probation and

- participation in pre-trial intervention and/or expungement.
- At a minimum, the district will not employ individuals who have been convicted of or plead guilty to a violent crime as defined in S. C. Code Ann. § 16-1-60.
- Additionally, when making employment decisions, the district will carefully consider information that could result in the revocation or suspension of a professional certificate “for-cause” as defined in S.C. Code Ann. § 59-25-160.
 - “Just cause” – according to the law – may consist of
 - incompetence,
 - willful neglect of duty,
 - willful violation of the rules and regulations of the state board of education,
 - unprofessional conduct,
 - drunkenness,
 - cruelty,
 - crime against the law of this state or the United States,
 - immorality,
 - any conduct involving moral turpitude and/or
 - dishonesty.
- The district may conduct background checks at other times after initial employment, if deemed warranted.

National Sex Offender Registry checks

Background checks on the *National Sex Offender Registry* will be obtained on all new employees before their initial employment.

- The checks may be accessed online at no charge.
- The checks will be conducted on all new employees, whether employed on a
 - full-time,
 - part-time,
 - regular,
 - interim or
 - temporary basis.
- The checks will also be conducted on all volunteers, including
 - coaches,
 - mentors,
 - chaperones, and
 - those serving in any other capacity resulting in direct interaction or contact with

students.

- Individuals whose names appear on the *National Sex Offender Registry* will not be permitted to serve in the district in any capacity.
- Additionally, the district will not employ individuals or allow individuals to volunteer in any capacity, who have been required to register as sex offenders pursuant to S.C. Code Ann. § 23-3-430.
- Should an individual whose name appears on the *National Sex Offender Registry* wish to provide additional information relevant to his/her designation on said registry, the district will consider the matter on a case-by-case basis.

The final decision regarding certified/professional employment in the district will be made by the Board.

Should a vacancy occur in a certified/professional position during the year, the Board authorizes

- the superintendent to fill the vacancy for the remainder of the year in which the vacancy occurs pursuant to a letter of agreement, when appropriate, and
- the superintendent/designee to determine
 - whether advertisement of the vacancy is necessary or
 - whether the position may be filled through some other means.

The superintendent may rehire retired educators as certified/professional staff when their employment will serve the best interests of the school district.

Retired educators hired in this manner

- will be employed under at-will status **and**
- will **NOT** have rights under the district's complaints and grievance policy.

The Immigration Reform and Control Act of 1986 (P.L. 99-603) prohibits an employer from hiring any alien not legally eligible to work in the United States.

The act requires each employee hired by the district after November 7, 1986, who is still employed on May 31, 1987, as well as each employee hired after June 1, 1987, to present evidence of employment eligibility. The act also requires an employer to verify that eligibility.

Each newly hired employee must complete the form no later than three days after his first working day

Adopted 10/16/18; Revised 12/14/21

Legal references:

- A. United States Code:

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1. 20 U.S.C. Sections 1681-86- Prohibition of discrimination on the basis of sex
 2. 38 U.S.C. 2012 - The Rehabilitation Act of 1973 - Prohibition of discrimination in hiring based on handicap
 3. 42 U.S.C. 2000 – (e) et seq.- Prohibition of discrimination in hiring based on race, color, national origin, religion or sex
- B. Code of Federal Regulations:
1. Title 45, Section 86.53 – Prohibition of discrimination on the basis of sex
 2. Final Regulations issued by INS in response to passage of the Immigration Reform and Control Act of 1986 (P.L. 99-603) [Federal Register, May 1, 1987]
- C. South Carolina Code, 1976, as amended
1. Section 1-1-550 – School districts shall give preference to employment of honorably discharged veterans
 2. Section 16-1-60 - Violent crimes defined
 3. Section 23-3-130 - Determination of information to be supplied and methods of evaluation and dissemination; promulgation of rules and regulations
 4. Section 23-3-115 – Fees for criminal record searches conducted for charitable organizations
 5. Section 23-3-430 - Sex offender registry; convictions and not guilty by reason of insanity findings requiring registration
 6. Section 59-19-117 – Background checks
 7. Section 59-25-160 - Revocation or suspension of certificate; “just cause” defined