

# PROFESSIONAL STAFF HIRING

Code **GCF** Revised **10/18**

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Purpose: To establish the basic structure for the hiring of high quality district staff.

The superintendent will make recommendations to the board for employment. The superintendent will establish that all persons nominated for employment meet the qualifications set out for the particular position. Principals and directors will assist in this process.

All vacancies will be filled on the basis of fitness, qualifications, and suitability for the specific position. There will be no discrimination in making such appointments by virtue of race, religion, sex (including pregnancy, childbirth, or any related medical conditions), color, disability, age (40 or older), genetic information, national origin, or any other applicable status protected by local, state, or federal law. The quality of the educational program is enhanced by staff members with a wide variation in background, culture, educational preparation, and previous experience.

The district will obtain a criminal record history check on all new teachers from the State Law Enforcement Division (SLED) and a Department of Social Services background check prior to their initial employment.

The district board will make the final decision regarding employment of professional personnel in the district.

The superintendent may use a "Letter of Intent" to assure a prospective employee of a forthcoming recommendation to be hired.

The district will not employ any candidate without a personal interview.

Federal and state laws prohibit employers from hiring aliens not legally eligible to work in the United States. They also require all new employees to present evidence of employment eligibility and require employers to verify that eligibility. The district will utilize the federal work authorization program E-Verify for verification of work authorization submitted by an employee. Newly hired employees must complete the required I-9 form no later than three days following their first working day.

Should a vacancy occur in a position during the year, the board authorizes the superintendent to fill such vacancies for the remainder of the school year in which the vacancy occurs pursuant to a letter of agreement, when appropriate. The superintendent or his/her designee may determine whether advertising the vacancy is necessary or whether the position may be filled through some other means.

The superintendent is authorized to hire retired employees to work in the district on an "as needed" basis when their employment would serve the best interests of the school system. In such cases, the superintendent will notify the employee of the at-will status of his/her employment. The continued employment of retired employees will be at the discretion of the

## PAGE 2– GCF – PROFESSIONAL STAFF HIRING

superintendent who will make such decisions in the best interests of the district. The decision to employ or not employ retired employees will not be subject to the district’s grievance procedures.

For issuance of contracts, see policy GCB, Professional Staff Contracts and Compensation.

For required criminal record checks on new employees, see policy GBEBDA, Criminal Record Checks.

Adopted 6/6/83; Revised 2/2/98; 3/7/05; 1/5/09; 10/4/10, 3/4/13; 10/1/18

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### Legal references:

#### A. United States code:

1. 20 U.S.C. Sections 1681-86 – Prohibits discrimination on the basis of sex.
2. 42 U.S.C. 2000(e), et seq. – Prohibits discrimination in hiring based on race, age, color, national origin, religion or sex.
3. 42 U.S.C. 12101, et seq. – Prohibits employment discrimination on the basis of disability.
4. Public Law 107-110 – No child Left Behind, revised Elementary and Secondary Education Act (ESEA) of 2001, Title 1, Part A, Subpart 1, Section 1119 – Qualifications for teachers and paraprofessionals.
5. Public Law 99-603 – Illegal Immigration Reform and Control Act of 1986.
6. Public Law 104-208 – Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

#### B. Code of Federal Regulations:

1. 41 CFR 60-20 (1998) – Prohibits discrimination on the basis of sex.

#### C. S.C. Code, 1976, as amended:

1. Section 1-1-550 – School districts shall give preference to employment of honorably discharged veterans.
2. Section 59-1-510 – Guidelines and regulations for recruitment and hiring staff in professional areas.
3. Section 59-1-520 – Intervention by State Department of Education for non-compliance.
4. Section 59-19-80 – Teaching contracts to be issued in public meeting.
5. Section 59-25-410, et seq. – Employment and Dismissal Act – Teachers to be notified of employment status by April 15.
6. Section 59-26-40(M) – “Prior to the initial employment of a teacher, the local school district shall request a criminal record history from the South Carolina Law Enforcement Division for past convictions of any crimes.
7. Section 59-18-1300 – District accountability system.
8. Section 9-1-2210 – Teacher and Employee Retention Incentive Program; operation.
9. Section 9-1-1790 – Amount which may be earned upon return to covered employment.

## **PAGE 3– GCF – PROFESSIONAL STAFF HIRING**

10. South Carolina Illegal Immigration Reform Act (Act 280 of 2008).
  11. Section 16-1-60 – Violent crimes defined.
  12. Section 23-3-115 – Fees for criminal record searches conducted for charitable organizations.
  13. Section 23-3-130 – Determination of information to be supplied and methods of evaluation and dissemination; promulgation of rules and regulations.
  14. Section 23-3-430 – Sex offender registry; convictions and not guilty by reason of insanity findings requiring registration.
  15. Section 59-19-117 – Background checks.
  16. Section 59-25-150 and 160 – Revocation or suspension of certificate; “just cause” defined.
- D. State Board of Education Regulations:
1. R-43-205 – Administrative and professional qualifications, duties, and workloads.