

EASTON AREA SCHOOL DISTRICT

SECTION: PROFESSIONAL EMPLOYEES

TITLE: EMPLOYMENT OF
PROFESSIONAL EMPLOYEES

ADOPTED: August 27, 2007

REVISED: April 16, 2009
February 28, 2012

| 404. EMPLOYMENT OF PROFESSIONAL EMPLOYEES | |
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| 1. Purpose | The Board places substantial responsibility for the educational program and effective operation of the schools with the professional staff employed by the district. |
| 2. Authority SC 508, 1106, 1107, 1142- 1152 Title 22 Sec. 4.4 Pol. 428 SC 1111 | The Board, by a majority vote of all members, shall approve the employment; set the compensation; and establish the term of employment for each professional staff member employed by the district. No teacher shall be employed who is related to any member of the Board, as defined in statute, unless such teacher receives the affirmative vote of a majority of all members of the Board other than the member related to the applicant, who shall not vote. |
| 3. Guidelines SC 1204.1 | Approval shall normally be given to the candidates for employment recommended by the Superintendent. The district shall use the Standard Application For Teaching Positions but may establish and implement other application requirements. Applications for professional positions must be accompanied by a transcript of grades and appropriate clearances. |
| SC 1109, 1201 Title 22 Sec. 49.1 et seq | <u>Certification</u> All applicants must possess an active Pennsylvania Department of Education certificate at the time of application; no candidate for professional employment shall receive recommendation for such employment without evidence of his/her active certification. |

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| <p>SC 111 Title 22 Sec 8.1 et seq 23 Pa. C.S.A. Sec. 6301 et seq</p> | <p>The Board recognizes that it may be necessary to employ emergency certified teachers due to a limited number of properly certified applicants for specific professional positions. The Board reserves the right to determine, based on the recommendation from the Director of Human Resources, the specific professional positions for which the employment of an emergency certified individual may be required. With Board approval, the emergency certified professional employee may be employed as a long-term substitute with a term of employment not to exceed the end of the current school year in which the candidate is employed.</p> <p>Each professional staff member employed by the district shall be responsible for maintaining an active teaching certificate. Failure to maintain an active Pennsylvania Department of Education teaching certificate shall be sufficient grounds for immediate termination of employment by the Board.</p> <p>If an employee's certificate becomes inactive or expires during his/her employment with the district, it shall be the employee's responsibility to immediately notify the Director of Human Resources, in writing, of such change in status and to reimburse the district for any fines incurred as a result of the employee's failure to maintain an active certificate.</p> <p><u>Criminal History</u></p> <p>No candidate shall be employed until such candidate has complied with the mandatory background check requirements for criminal history and child abuse and the district has evaluated the results of that screening process.</p> <p>Any employee's misstatement of fact material to qualifications for employment or determination of salary shall constitute grounds for dismissal by the Board.</p> <p>Individuals convicted of one (1) or more of the crimes enumerated in 24 P.S. §1-111(e) are permanently prohibited from seeking employment within the district. Individuals convicted of felonies other than those listed in 24 P.S. §1-111(e) are prohibited from seeking employment within the district from ten (10) years from the date of expiration of the sentence for the offense. Individuals convicted of first-degree misdemeanors are prohibited from seeking employment within the district from five (5) years from the date of expiration of the sentence of the offense, with the exception of a second offense under 75 Pa. C.S. § 3802(a), (b), (c) or (d) (relating to driving under influence of alcohol or controlled substance), for which a three-year prohibition shall be in effect.</p> |
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| | <p>Employees who are arrested or convicted of one (1) of the enumerated offenses listed in 24 P.S. §1-111(e) must report such arrest/conviction to the Superintendent and the building principal in writing within seventy-two (72) hours of the arrest/conviction. Employees who willfully fail to disclose such offenses shall be subject to discipline, up to and including termination.</p> <p>Administrators or other individuals responsible for making employment decisions who have reason to suspect that an employee has been arrested for and/or criminally convicted of an offense enumerated in 24 P.S. §1-111(e), and such employee has not provided written notice of the arrest/conviction, shall require such employee to submit to the administrator a current report of criminal history record information, as required by 24 P.S. §1-111. The district shall be responsible for the costs of such reports.</p> <p>Utilization of professional employees prior to employment approval by the Board is authorized when necessary to maintain continuity in the educational program. Retroactive employment shall be recommended to the Board at the next regular meeting.</p> |
| <p>42 U.S.C. Sec. 653a</p> | <p>The district shall submit a New Hire Report for each employee required to be reported by law.</p> |
| <p>SC 1111</p> | <p>Employment shall not become official until the contract between the candidate and the Board is signed.</p> <p><u>Nepotism</u></p> <p>For purposes of this policy, nepotism shall be defined as patronage bestowed in consideration of family relationship and not of merit.</p> |
| <p>Title 22 Sec. 403.2, 403.4 20 U.S.C. Sec. 6319, 7801</p> | <p>The Board rejects the practice of nepotism, as defined in this policy, and reaffirms the practice of hiring the best qualified individual for the position. In cases where relationship to Board members or current employees is a factor, the Board will be guided by the current provisions of law and strict adherence to its own hiring procedures.</p> <p><u>Title I Teachers</u></p> <p>All teachers working in a program supported with Title I funds who were hired after January 8, 2002, shall be highly qualified, as defined by federal law and regulations.</p> |

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| <p>Title 22 Sec. 403.4 20 U.S.C. Sec. 6319, 7801</p> | <p>The principal of a school providing Title I programs to students shall annually attest that professional staff teaching in such programs are highly qualified, in accordance with federal and state law and regulations. The written certification shall be maintained in the district office and the school office and shall be available to the public, upon request.</p> |
| <p>4. Delegation of Responsibility Pol. 104</p> | <p>The Superintendent or designee shall develop procedures for the recruitment, screening and recommendation of candidates for employment as professionals, in accordance with Board policy and state and federal law and regulations.</p> <p>Recruitment of professional staff shall be the responsibility of the Director of Human Resources. A search committee consisting of appropriate personnel designated by the Superintendent shall participate in the recruitment of professional staff. Applications shall be solicited from qualified persons both inside and outside the district. All professional employees must be recommended to the Superintendent by the Director of Human Resources before approval for employment by the Board.</p> |
| <p>SC 1109</p> | <p>Candidates shall be recommended on the basis of interviews, references, as well as demonstration lessons or other appropriate activities.</p> <p>The Superintendent or designee shall seek candidates of good moral character who possess the following attributes:</p> <ol style="list-style-type: none"> 1. Successful educational training and experience. 2. Scholarship and intellectual prowess, including such measures as collegiate grade point average. 3. Knowledge of students. 4. Emotional and mental maturity. |
| <p>42 U.S.C. Sec. 12112</p> | <p>The Superintendent or designee may apply necessary screening procedures to determine the candidate's ability to perform the tasks of the job for which the candidate is being considered.</p> <p>The Superintendent or designee shall seek recommendations from former employers and others to assess the candidate's qualifications. Recommendations and references shall be retained confidentially and for official use only.</p> |

References:

School Code – 24 P.S. Sec. 108, 111, 508, 1106, 1107, 1109, 1109.2, 1111, 1142-1152, 1201, 1204.1

State Board of Education Regulations – 22 PA Code Sec. 4.4, 8.1 et seq., 49.1 et seq., 403.2, 403.4

Criminal History Record Information Act – 18 Pa. C.S.A. Sec. 9125

Child Protective Services Law – 23 Pa. C.S.A. Sec. 6301 et seq.

State Directory of New Hires – 42 U.S.C. Sec. 653a

No Child Left Behind Act – 20 U.S.C. Sec. 6319, 7801

Americans With Disabilities Act – 42 U.S.C. Sec. 12101 et seq.

Board Policy – 000, 104, 408, 428