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### REQUIRED

Descriptor Code: DBAA

### RECRUITMENT, HIRING, & BACKGROUND CHECKS FOR NEW CLASSIFIED PERSONNEL

The Wyndmere School Board is committed to hiring individuals who will best meet the needs of the District consistent with budget limitations, with its goal to ensure student and staff safety, and in compliance with state and federal law.

#### **Definitions**

For the purposes of this policy:

- *Applicant* is defined as any individual applying for a classified position.
- *Classified employees/personnel* are defined as district staff working in positions that do not require licensure from the Educational Standards and Practices Board or an administrative credential from the Department of Public Instruction.
- *Competitive personnel system* is defined in accordance with NDCC 37-19.1-01.
- *Crime* is defined as a felony offense, misdemeanor, a violation of an ordinance, and charges that result from non-sufficient funds or "no account."
- *Sexual offender* is an individual meeting the criteria in NDCC 12.1-32-15 and/or is required to register under NDCC 12.1-32-15.
- *Unsupervised contact* is defined in accordance with NDCC 12-60-24 as being in proximity to one or more students, on school grounds, or at school functions.

#### **Recruitment and Hiring Authority**

The Board authorizes the Superintendent to hire classified staff. No action of the Board shall be necessary so long as the Board previously established the position and hiring is within budget limitations.

All classified employees shall be hired on an hourly rate and not on a contract. The employment of classified employees shall be at-will.

All advertising for classified positions shall include a statement that applicants are eligible for Veterans Preference and the District is an Equal Opportunity Employer. The advertisement should include a closing date.

#### **Qualifications Screening Process**

A hiring committee shall investigate the qualifications of applicants for classified positions, including education and experience. In order to determine if an applicant is qualified, the hiring committee shall conduct criminal history record checks when necessary (as explained below) and may:

1. Conduct a driving record check for applicants seeking a position involving transportation of students and/or [regular] use of district vehicles.

2. Conduct a credit check for positions involving [regular] access to district funds.
3. Require a work history from at least the past [#] years;
4. Require applicants to submit to an oral interview. The interview shall have a standard set of job-related questions and pre-determined satisfactory answers.
5. Require at least [#] professional references;
6. Require the applicant to submit to a work simulation.

Job announcements for positions requiring satisfactory driving and/or credit records (as determined by the hiring authority prior to advertising) must list such requirement(s).

#### **Qualifications Screening: Criminal Background Checks**

As part of the qualifications investigation, applicants for positions that allow unsupervised contact with students shall be required to:

1. Submit to a criminal history record check; and
2. Certify in writing that the applicant has never been charged with a crime or provide a written description of the disposition of the charge.

The Superintendent or designee shall adjudicate criminal history records based on the following factors:

1. The nature and gravity of any known misconduct and/or offense(s);
2. The time that has passed since any known misconduct, criminal conviction, and/or completion of a sentence occurred;
3. The nature of the job sought.

Applicants will be deemed to be at a risk unsuitable for district employment in at least the following instances:

1. The applicant is a sexual offender or has committed an offense involving a child victim.
2. The falsification or omission of any information concerning criminal convictions or pending criminal charges.

#### **Applicant Rights**

Applicants claiming Veterans Preference must provide appropriate certification in accordance with law.

Records obtained by the District for background and other record checks will be used solely for purposes that they were requested and will only be disseminated and retained in accordance with the personnel records policy. The Superintendent shall advise applicants that the procedure for obtaining, correcting, or updating federal records is contained in 28 CFR 16.34. Before making a hiring determination, the Superintendent shall give the applicant a reasonable time to correct and/or complete his/her criminal history record or decline to do so. The Superintendent shall follow the requirements under the Fair Credit Reporting Act if using credit reports to make employment decisions.

#### **Competitive Personnel System**

The District may use a competitive personnel system after conducting the qualifications screening. The system shall be an exam administered in compliance with the point system and other requirements contained in NDCC 37-19.1-02(4).

**Final Selection**

The District will make all final selections of employees for classified positions in accordance with Veteran Preference law (NDCC 37-19.1-02). When permitted by law, this may include further inquiry (i.e., after initial qualifications screening and, if applicable, the completion of the competitive personnel exam) into an applicant's qualification based on screening mechanisms such as interviews, background checks, and skills testing.

**Orientation**

The Superintendent or designee shall provide an orientation program for new classified employees to acquaint them with the district's policies and procedures, the school's rules and regulations, and the responsibilities of their position.

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**Complementary Documents**

- DBAA-AR, Background Screening Procedure
- DBAA-E, Adjudication System
- DI, Personnel Records

**End of Wyndmere School District #42 Policy DBAA .....Amended: 12/12/11**

## RECRUITMENT, HIRING, & BACKGROUND CHECKS FOR NEW INSTRUCTIONAL PERSONNEL

The Wyndmere School Board is committed to hiring instructional staff who will best meet the needs of the District consistent with budget limitations, district policy, with its goal to ensure student and staff safety, and in compliance with state and federal law.

### Definitions

For the purposes of this policy:

- *Instructional staff members* are individuals licensed to teach in North Dakota who are employed primarily as classroom teachers.
- *Crime* is defined as a felony offense, misdemeanor, a violation of an ordinance, and charges that result from non-sufficient funds or "no account."
- *Crime against a child* is defined in accordance with NDCC 15.1-13-26.
- *Immediate family* is defined as the employee's spouse, brother, sister, parents, children, stepchildren, father-in-law, mother-in-law, brother-in-law, sister-in-law, daughter-in-law, son-in-law, and any member of the employee's household.
- *Misconduct* is defined as any action that caused discharge from previous employment.
- *Sexual offense* is defined in accordance with NDCC 15.1-13-26.
- *Unsupervised contact* is defined in accordance with NDCC 12-60-24 as being in proximity to one or more students, on school grounds, or at school functions.

### Recruitment and Hiring Authority

The Superintendent shall interview and make recommendations to the Board about offering an applicant an instructional staff position.

### Background Checks

All final applicants for instructional staff positions who have not undergone a background check through the Educational Standards and Practices Board shall be required to give authorization and submit to a state and federal criminal background check. In addition, all applicants for instructional positions shall be required to comply with the following requirements:

1. Certify that s/he has not been required to register as a sexual offender in any state.
2. Certify in writing that s/he has never been charged with a crime or describe in writing the disposition of the charge.
3. Supply verification of licensure.
4. Consent to a driving record and drug and alcohol screening if applying for a position requiring transportation of students.

The Superintendent shall verify all information supplied to the District by the applicant as delineated above. The Superintendent shall serve as the adjudicator

for background checks, may check all applicable sexual offender registries, and may interview an applicant's former employer(s) and/or supervisor(s). The Superintendent may check all references supplied by the applicant. The Superintendent shall comply with all applicable laws related to applicant notification and consent when obtaining records.

### **Final Applicant Rights**

Records obtained by the District for background and other record checks will be used solely for purposes that they were requested and will only be disseminated and retained in accordance with the personnel records policy. The Superintendent shall advise applicants that the procedure for obtaining, correcting, or updating federal records is contained in 28 CFR 16.34. Before making a hiring recommendation, the Superintendent shall give the applicant a reasonable time to correct and/or complete his/her criminal history record or decline to do so.

### **Selection Process**

The Superintendent shall make all hiring recommendations on a case-by-case basis. When making recommendation considerations, the Superintendent shall, at least, consider an applicant's compatibility with the district's mission statement; his/her short and, when applicable, long-term ability to perform job requirements, protect the integrity of the District, and promote the efficiency of District operations; and the applicant's potential risk to district operations, students, and staff. The Superintendent shall determine risk based on the following factors:

1. The nature and gravity of any known misconduct and/or offense(s).
2. The time that has passed since any known misconduct, criminal conviction, and/or completion of a sentence occurred.
3. The nature of the job sought.

### **Disqualifying Factors**

Factors that may exclude an applicant from employment include, but are not limited to, the following:

1. The applicant has committed a felony, sexual offense, crime against a child, or any other offense involving a child victim.
2. The employment would create a direct supervisor-subordinate relationship with an immediate family member who is also an employee. Employees who marry or become members of the same household may continue employment; however, a direct supervisor-subordinate relationship between the employees shall be avoided.
3. The falsification or omission of any information given to the District by an applicant or made by an applicant during a job interview, including but not limited to information concerning criminal convictions or pending criminal charges.
4. The individual has not met ESPB's standards for teaching licensure and/or will not have obtained a teaching license by the start of the school year.

### **Issuing Contracts**

If the Board approves hiring a new instructional staff member contingent upon satisfactory adjudication of criminal history records, the individual's teaching contract shall be issued with language notifying him/her of this contingency. Satisfactory adjudication means that the teacher has not committed a felony,

sexual offense, crime against a child, any other offense involving a child victim, or any other crime that the adjudicator has reason to believe poses a safety risk to district students, staff, or operations or could substantially disrupt district operations.

**Orientation**

Each teacher shall be provided with a handbook containing information required by Department of Public Instruction regulations. The Superintendent or designee shall provide an orientation program for new instructional staff members to acquaint them with the district's policies and procedures, the school's rules and regulations, and the responsibilities of their position.

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Complementary Documents

- DBAA-AR, Background Check Screening Procedures
- DBAA-E, Adjudication System
- DI, Personnel Records

End of Wyndmere School District #42 Policy DBAC .....Adopted: 12/16/09