

PERS2.1 - Employment Requirements and Hiring

P - Personnel

PROFESSIONAL STAFF HIRING

It shall be the policy of the District to employ and retain the best-qualified personnel. This will be accomplished by considering qualifications and by providing competitive salary schedules within the financial capability of the District, adequate facilities, and good working conditions.

The Board has the legal responsibility of approving the employment of all employees. While this responsibility cannot be waived, the Board assigns to the Superintendent the process of recruiting staff members. In carrying out this responsibility, the Superintendent may involve other staff members as needed. All personnel selected for employment must be recommended by the Superintendent and approved by the Board. The Board adopts the following general criteria, which shall be utilized in the selection process for initial employment:

- A. There will be no discrimination in the hiring process due to race, color, religion, sex, age, national origin, or disability of an otherwise qualified individual.
- B. Candidates for professional positions shall be qualified for and have the training necessary to perform the instructional duties or functions for which they have applied.
- C. Each candidate shall provide evidence of meeting state requirements for certification.
- D. Each candidate shall be requested to complete a consent-and-release form regarding the conduct of a background investigation.
- E. A "background investigation" - consisting of communication with the applicant's (or employee's) former employer that concerns education, training, experience, qualifications, and job performance for the purpose of evaluation for employment - shall be conducted on each individual to be considered for a recommendation of employment. Forms developed for this purpose are to be used. Information obtained about an employee or applicant for employment by the District in the performance of a background investigation, including any records indicating that a current or former employee of a school or school district was disciplined for violating policies of the School District Governing Board pursuant to A.R.S. 15-153, may be retained by that district and may be provided to any school district or other public school that is performing a background investigation. Any employee's misstatement of fact that is material to qualifications for employment or the determination of salary shall be considered by the Board to constitute grounds for dismissal. Before employment, schools or school districts shall verify the certification and fingerprint status of applicants who apply for school or school district positions that require certification.

Should the need arise to employ a teacher who meets the requirements for a conditional certificate before an applicant has obtained the appropriate valid fingerprint clearance card, the District may assist in obtaining the conditional certificate and employ the teacher by meeting all of the following conditions:

- A. The District verifies in writing on a form provided by the Arizona Department of Education (ADE) the necessity for hiring and placing the applicant into service before a fingerprinting check is completed.
- B. The District obtains from the Department of Public Safety a statewide criminal records check on the applicant. Subsequent criminal records checks must be completed every one hundred twenty (120) days until a permanent certificate is received.
- C. The District searches the criminal records of all local jurisdictions outside Arizona where the applicant has lived in the previous five (5) years.
- D. The District obtains references from the applicant's current employer and two (2) most recent previous employers, except that for applicants who have been employed for at least five (5) years by the most recent employer, only references from that employer are required.
- E. The District provides general supervision of the applicant until permanent certification is issued by ADE.

Upon recommendation for employment, the District shall confirm employment authorization and employment eligibility verification by participating in the E-Verify program of the Department of Homeland Security's (DHS) U.S. Citizenship and Immigration Services Bureau (USCIS) and the Social Security Administration (SSA). The District will then complete the Form I-9 as required and maintain the form with copies of the necessary documents and documentation of the authorization and verification pending any inquiry.

The Superintendent of Public Instruction may also impose any additional conditions or restrictions deemed necessary.

Any person who permits unauthorized access to criminal history record information, releases criminal history record information, or procures the release or uses criminal history record information other than in accord with A.R.S. 41-1750 is guilty of a class 6 felony. A professional candidate's acceptance of a contract offer must be indicated within the deadline given for the written contract or the offer is revoked.

Written notice of the deadline date for acceptance shall be included in the contract offer or an attachment to the contract offer. The candidate accepts the contract by signing the contract and returning it to the Governing Board or by making a written instrument that accepts the terms of the contract and delivering it to the Governing Board. If the written instrument includes terms in addition to the terms of the contract offered by the Board, the candidate fails to accept the contract.

Legal References A.R.S.

- 13-3716
- 15-153
- 15-502
- 15-503
- 15-505
- 15-512
- 15-536
- 15-538.01
- 15-539
- 15-550
- 23-211
- 23-212
- 23-1361
- 38-201
- 38-231
- 38-232
- 38-766.01
- 41-1750
- 41-1756

PROFESSIONAL STAFF CERTIFICATION AND CREDENTIALING REQUIREMENTS

(Fingerprinting Requirements)

New Hires

All certificated personnel to be hired by the District shall be fingerprinted as a condition of employment, except for personnel who, as a condition of certification, are required to have a valid fingerprint clearance card.

The candidate's fingerprints shall be submitted, along with the form presented as an exhibit to this policy, immediately upon being notified of possible employment. The form shall be considered a part of the application for employment.

An expired fingerprint clearance card may be used to satisfy the fingerprint requirements of sections 15-183, 15-503, 15-512, 15-534, 15-782.02, 15-1330, or 15-1881 if the person signs an affidavit stating both of the following:

A. The person submitted a completed application to the Fingerprinting Division of the Department of Public Safety for a new fingerprint clearance card within ninety (90) days before the expiration date on the

person's current fingerprint clearance card.

B. The person is not awaiting trial on, and has not been convicted of, a criminal offense that would make the person ineligible for a fingerprint clearance card.

This does not apply to a fingerprint clearance card that has been denied, suspended, or revoked or to a person who has requested a good cause exception hearing.

Candidates shall certify on the prescribed notarized forms whether they are awaiting trial on or have ever been convicted of, or admitted in open court or pursuant to a plea agreement committing, any of the following criminal offenses in Arizona or similar offenses in any other jurisdiction, including a charge or conviction that has been vacated, set aside, or expunged:

- A. Sexual abuse of a minor.
- B. Incest.
- C. First- or second-degree murder.
- D. Kidnapping.
- E. Arson.
- F. Sexual assault.
- G. Sexual exploitation of a minor.
- H. Felony offenses involving contributing to the delinquency of a minor.
- I. Commercial sexual exploitation of a minor.
- J. Felony offenses involving sale, distribution, or transportation of, offer to sell, transport, or distribute, or conspiracy to sell, transport, or distribute marijuana or dangerous or narcotic drugs.
- K. Felony offenses involving the possession or use of marijuana, dangerous drugs, or narcotic drugs.
- L. Misdemeanor offenses involving the possession or use of marijuana or dangerous drugs.
- M. Burglary in the first degree.
- N. Burglary in the second or third degree.
- O. Aggravated or armed robbery.
- P. Robbery.
- Q. A dangerous crime against children as defined in A.R.S. 13-705.
- R. Child abuse.
- S. Sexual conduct with a minor.
- T. Molestation of a child.
- U. Manslaughter.
- V. Aggravated assault.
- W. Assault.
- X. Exploitation of minors involving drug offenses.

A person who makes a false statement, representation, or certification in any application for employment with the School District is guilty of a class 3 misdemeanor.

The District may refuse to hire or may review or terminate personnel who have been convicted of or admitted committing any of the criminal offenses above or a similar offense in another jurisdiction. In conducting a review, the Governing Board shall utilize the guidelines, including the list of offenses that are not subject to review, as prescribed by the State Board of Education pursuant to A.R.S. 15-534. In considering whether to hire or terminate the employment of a person, the Governing Board shall take into account the factors listed in A.R.S. 15-512.

When considering termination of an employee pursuant to A.R.S. 15-512, a hearing shall be held to determine whether a person already employed shall be terminated.

The Superintendent shall develop and implement procedures that include the following in the employment process:

- A. Provide for fingerprinting of employees covered under this policy and A.R.S. 15-512.
- B. Provide for fingerprint checks pursuant to A.R.S. 41-1750.

Legal References

- A.R.S. 13-705
- A.R.S. 15-183
- A.R.S. 15-503
- A.R.S. 15-512
- A.R.S. 15-534
- A.R.S. 15-782.02

- A.R.S. 15-1330
- A.R.S. 15-1881
- A.R.S. 23-1361
- A.R.S. 41-1750
- A.R.S. 41-1758.07

PROFESSIONAL / SUPPORT STAFF HIRING - OATH OF OFFICE

Every school employee shall take and subscribe to the oath prescribed for public officers pursuant to A.R.S. 38-231. The person taking the oath shall file a copy of the acknowledged oath in the District office. The District office shall keep such a copy on file as long as the employee remains employed by the District and for a period of five (5) years after termination of employment with the District.

Legal References

- A.R.S. 38-231

SUPPORT STAFF HIRING

(Support Staff Probationary Period)

Purpose

The probationary period provides an opportunity for the employer to determine whether the newly hired regular employee possesses the knowledge, skills, abilities, and other characteristics required to meet the expectations of the position and the District.

Eligibility

The probationary period applies to all noncontracted personnel hired into regular support staff positions (hereafter "support staff"). The following staff members shall be placed on the probationary period at the time of hire:

- **A.** New hire employees beginning employment with the District.
- **B.** Current employees who are voluntarily hired into another position at another school or department, regardless of whether the current employees accepted a position that provided a change in pay grade.

Procedures

The following procedures apply for the support staff probationary period:

- **A.** The probationary period is from zero to ninety (90) calendar days within the position's applicable work calendar.
- **B.** Time off due to workers' compensation, short-term disability, and family and medical leave (FMLA) are excluded from the calendar days.
- **C.** Employees on a probationary period are not eligible for grievances and appeals as they relate to applicable policies.
- **D.** Employees on a probationary period must sign a **Statement of Understanding** acknowledging the probationary period regulation.

Compensation and Benefits

Employees on a probationary period are eligible for compensation and benefits consistent with District employment policies, regulations, and procedures.

Extension

A site administrator may approve up to one ninety (90) calendar-day extension to an employee on a probationary period if the administrator makes the informed decision prior to the expiration of the employee's initial probationary period.

If an extension is approved, the following steps must be completed:

- **A.** Complete a performance evaluation.
- **B.** Inform the employee of the probationary extension.
- **C.** Submit the performance evaluation to human resources, indicating an extension has been approved.

An extension can exceed one hundred eighty (180) days only to make up for lost days while on workers' compensation, short-term disability, or family and medical leave (FMLA).

Continued Employment

Satisfactory completion of the probationary period will result in a continuation of employment in the new position. An employee not notified of termination on or before the expiration of the probationary period will result in continuation of employment.

Separation of Employment

Failure to satisfactorily complete the probationary period will result in separation of employment.

Employees on a probationary period can be terminated at any time without cause.

The site administrator shall submit a performance evaluation and documentation supporting the termination request of an employee on probation to human resources. Termination of a probationary employee must be recommended by human resources.

FINGERPRINTING REQUIREMENTS

New Hires

All newly hired noncertificated District personnel and personnel who are not paid employees of the District and who are not the parents or guardians of students attending school in the District but are required or allowed to provide services directly to students without the supervision of a certificated employee, shall be fingerprinted as a condition of employment, except for the following:

- **A.** Personnel required as a condition of licensing to be fingerprinted if the license is required for employment.
- **B.** Personnel previously employed by the District and reemployed within one (1) year after the date they terminated employment with the District.

The School District may require noncertificated personnel and personnel who are not paid employees of the District and who are not the parents or guardians of a pupil who attends school in the District but who are required or allowed to provide services directly to pupils without the supervision of a certificated employee, to obtain a fingerprint clearance card as a condition of employment.

For the purposes of this policy, **supervision** means under the direction of, and within sight of, a certificated employee when providing direct services to students, except for brief periods during the school day or school activity.

If the District does not require a fingerprint clearance card as a condition of employment, noncertificated personnel and others providing services to pupils may apply for a fingerprint clearance card. The District may release the results of a background check or communicate whether the person has been issued or denied a fingerprint clearance card to another school district for employment purposes.

The District may fingerprint or require any other employee of the District, whether paid or unpaid, to obtain a fingerprint clearance card, even if not otherwise required by law. The District will not charge the costs of the fingerprint check or fingerprint clearance card to the applicant or nonpaid employee.

The candidate's fingerprints shall be submitted within twenty (20) days after being selected, along with the prescribed form. The form is considered part of the application for employment. The District may terminate an employee if the information on the affidavit required by A.R.S. 15-512 is inconsistent with the information received from the fingerprint check or the information received in connection with the fingerprint clearance card application.

School Bus Drivers

An applicant for a school bus driver position shall submit an Identity Verified Fingerprint Card, as described in A.R.S. 15-106, to the Department of Public Safety, which will process the fingerprint clearance card as outlined in A.R.S. 15-106. A person issued a school bus driver certificate shall maintain a valid Identity Verified Fingerprint Clearance Card for the duration of the certification period.

The District will cover the cost of fingerprint checks or fingerprint clearance card applications but may assess the employee for the charges incurred. Nonpaid personnel will not be charged for fingerprint costs.

Individuals shall certify on prescribed notarized forms whether they are awaiting trial for, or have ever been convicted of, or admitted to, committing any of the following offenses in Arizona or a similar offense in another jurisdiction, including charges or convictions that have been vacated, set aside, or expunged:

- **A.** Sexual abuse of a minor.
- **B.** Incest.
- **C.** First- or second-degree murder.
- **D.** Kidnapping.
- **E.** Arson.
- **F.** Sexual assault.
- **G.** Sexual exploitation of a minor.
- **H.** Felony offenses involving contributing to the delinquency of a minor.
- **I.** Commercial sexual exploitation of a minor.
- **J.** Felony offenses involving the sale, distribution, or transportation of marijuana or dangerous/narcotic drugs.
- **K.** Felony offenses involving possession or use of marijuana, dangerous drugs, or narcotic drugs.
- **L.** Misdemeanor offenses involving the possession or use of marijuana or dangerous drugs.
- **M.** Burglary in the first degree.
- **N.** Burglary in the second or third degree.
- **O.** Aggravated or armed robbery.
- **P.** Robbery.
- **Q.** A dangerous crime against children, as defined in A.R.S. 13-705.
- **R.** Child abuse.
- **S.** Sexual conduct with a minor.
- **T.** Molestation of a child.
- **U.** Manslaughter.
- **V.** Aggravated assault.
- **W.** Assault.
- **X.** Exploitation of minors involving drug offenses.

A person making a false statement, representation, or certification in any employment application with the School District is guilty of a Class 3 misdemeanor.

The District may refuse to hire or may review or terminate personnel convicted of, or admitting to, committing any of the offenses listed above or similar offenses in other jurisdictions. The Governing Board shall use the guidelines prescribed by the State Board of Education (A.R.S. 15-534) when considering whether to hire or terminate the employment of a person. The Board will consider the factors listed in A.R.S. 15-512 when making such decisions.

When considering termination of an employee under A.R.S. 15-512, a hearing will be held to determine whether the individual should be terminated.

Superintendent Responsibilities

The Superintendent shall develop and implement procedures for the following:

- **A.** Provide for fingerprinting of employees covered under this policy and A.R.S. 15-512.
- **B.** Conduct fingerprint checks pursuant to A.R.S. 41-1750.
- **C.** Properly assess employees for fingerprint checks and deposit the funds with the county treasurer.

Legal References

- A.R.S. 13-705
- A.R.S. 15-106
- A.R.S. 15-512
- A.R.S. 15-534
- A.R.S. 23-1361
- A.R.S. 41-1750

