

FRANKLIN NORTHEAST SUPERVISORY UNION
COMMON POLICY MANUAL
For the Enosburgh/Richford UUSD, Northern Mountain Valley UUSD
and the Franklin Northeast Supervisory Union

D2 PERSONNEL RECRUITMENT AND SELECTION

Policy

It is the policy of the Franklin Northeast Supervisory Union to select for employment only persons of good character who have the skills and other qualifications necessary to fulfill job requirements while complying with the provisions of federal and state law regarding the recruitment, selection, and employment of school district employees. The District shall make reasonable efforts to recruit candidates from diverse backgrounds to enhance the educational experience of students.

Persons subject to criminal record checks and abuse registry checks under this policy include all those recommended for full-time, part-time, or temporary employment in the school district, including student teachers, and those contractors and employees of contractors who may have unsupervised contact with students and are subject by law to criminal record, including hate crimes, abuse registry, report checks prior to or in the course of employment.

The superintendent may request a name and date of birth or fingerprint-supported check of the criminal record of any current employee who has previously undergone a check at any time during the course of the record subject's employment in the capacity for which the original check was required.^[2]

The district shall ensure that adults employed in the schools maintained by the district receive orientation, information, or instruction on the prevention, identification, and reporting of child abuse as required by state law. The district will also provide opportunities for parents, guardians, and other interested persons to receive the same information.^[3]

The Franklin Northeast Supervisory Union will ensure that employees receive training in non discrimination, bias, and anti-racism.

¹ A school board policy on the recruitment and selection of employees is not explicitly required by state law. This model policy is intended to incorporate the various legal requirements that school districts must address when employing individuals to work as licensed or non-licensed employees and as contractors or employees of contractors. The VSBA recommends that a policy on the recruitment and selection of employees be adopted by all school district and supervisory union boards.

² See 16 V.S.A. § 256(a)(2).

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Definitions

1. The term “*criminal record*” as used in this policy shall have the same meaning as defined in 16 V.S.A. § 252(1).^[4]
2. The term “*unsupervised*” as used in this policy shall have the same meaning as defined in 16 V.S.A. § 252(4).^[5]
3. The term “*abuse registry*” as used in this policy shall include the Vermont Child Protection Registry maintained by the Vermont Department for Children and Families and the Vulnerable Adult Abuse Registry maintained by the Vermont Department of Disabilities, Aging and Independent Living.
4. The terms “*employ*” or “*employment*” as used in this policy shall, as the context requires, apply to individuals who are, or are being considered for, full-time, part-time or temporary employment in the school district, including student teachers and those contractors and employees of contractors who may have unsupervised contact with students.

Recruitment

1. The board seeks to strengthen recruitment of educators within historically excluded groups.
2. All personnel will be recruited by the district's administrative staff under the immediate direction of the superintendent.
3. Written or electronic applications will be required of candidates for employment. The application will include a warning to the applicant that falsification of information on the application or during the application process will be grounds for dismissal if the applicant is hired. The district will make reasonable efforts to give equitable access to the application process.
4. After the initial written or electronic application process is complete, applicants selected for an interview will be required to provide a statement identifying any criminal charges brought against the applicant, including the date of each charge, the court where the charge was filed and the disposition of the charge. The statement shall also include a warning to the applicant in bold print that falsification of information or the omission of information on the statement may constitute grounds for dismissal if the applicant is hired. In reviewing a criminal background check, the district will consider issues of historical inequity. Any job offer shall be made contingent on the candidate successfully completing the school district's background check process.

Selection

1. It is the policy of the board to select employees solely on the basis of character, professional qualifications, and critical job requirements. Employees will be selected in

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a manner that does not unlawfully discriminate.^[6] The superintendent shall require that all applicants, as a condition of employment consideration, cooperate fully with background investigations, supplying references and releases so the district can contact previous employers. Applicants the superintendent is prepared to recommend for employment will be expected to provide fingerprints, releases, and other information necessary to conduct background investigations. The costs of such checks will be borne by the school district. All offers of employment shall be contingent on the candidate's successful completion of the background investigation process and a finding that the information provided by the applicant during the pre employment process was accurate, complete, and truthful.

2. The superintendent shall request a criminal record check through the Vermont Criminal Information Center (VCIC) on any candidate the superintendent intends to appoint or is prepared to recommend for appointment. Requests will be made for fingerprint supported criminal records from the FBI as well as criminal records from the state of Vermont and any state in which the superintendent knows the applicant has resided, or been employed. The superintendent shall maintain such records in accordance with state law.
3. The superintendent shall also request information through any available abuse registry to determine whether there are any substantiated abuse/neglect charges and sex offense against an applicant before appointing or nominating a candidate for employment. The superintendent shall maintain such records in accordance with state law.^[7]
4. Employment conditioned on the completion of a background check may be terminated if it is determined that the employee failed to respond truthfully to questions about criminal activity or prior employment. In any event the Superintendent shall forward the information received from VCIC to the person about whom the request was made and inform the person of their rights to challenge the accuracy of the record and to determine the disposition of the record under 16 V.S.A. §§ 255(f), (g).
5. Providing a safe learning environment for students is a primary consideration in district employment decisions. The district will base such decisions on all relevant information, qualifications, and circumstances. Unfavorable background check information is not an automatic bar to employment, nor is a background check with no unfavorable information a guarantee of employment. However, no person convicted of a sexual offense requiring registration on the Vermont comprehensive sex offender registry shall be employed by the school district or supervisory union.^[8]

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³ See 16 V.S.A. § 563a.

⁴ “Criminal record” means the record of: (A) convictions in Vermont, including whether any of the convictions listed in 13 V.S.A. § 5401(10) (sex offender definition for registration purposes); and (B) convictions in other jurisdictions recorded in other state repositories or by the Federal Bureau of Investigation (FBI). 16 V.S.A. § 252(1).

⁵ “Unsupervised” means not in the presence of a responsible adult in the employ of or under the direction of the independent school or school district. 16 V.S.A. § 252(2).

⁶ See, e.g. 21 V.S.A. § 495, et seq. (Fair Employment Practices) and 9 V.S.A. § 4500, et seq. (Public Accommodations Act).

Appointment

1. The appointment of licensed employees will be made by the board subject to the nomination of candidates by the superintendent of schools.^[9]
2. Subject to any pre-employment screening processes approved by the board,^[10] the superintendent shall appoint all non-licensed employees to be employed by the school district or supervisory union.^[11]
3. Contracts of employment or other notification of employment will be conditional pending receipt of criminal records check information and evaluation of that information.
4. Upon completion of a criminal records check, the superintendent shall:
 1. notify the person subject to the check about the district’s protocol for maintenance of criminal history files, and
 2. ask the person subject to the check to indicate if the record should be maintained or destroyed after the retention period specified in the District’s user agreement with VCIC.
5. Employees who have been employed for fewer than two years in Vermont public schools are considered probationary teachers and may be offered a probationary contract. 6. All offers of employment may be withdrawn based on the criminal records check report or upon a finding that the information provided by the applicant during the pre employment process was inaccurate, incomplete, or untruthful.

⁷ 16 V.S.A. § 255

⁸ 16 V.S.A. § 255

⁹ 16 V.S.A. § 242(3)(A)

¹⁰ The term “Pre-employment screening processes” as used in this model policy is intended to refer to background checks other than required criminal record and abuse registry checks, interviewing processes or other methods of assessing a candidate’s qualifications prior to appointment by the Superintendent. Pre-employment screening processes involving participation by employee groups, board members or other interest groups are not required, but are frequently used. ¹¹ 16 V.S.A. § 242(3)(B)

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Teachers

Applications will be initially screened by the Superintendent's Office and the Building Administrator.

Candidates will be interviewed by a committee. The committee may include a Board member, community member, teacher, student (where applicable) and the Building Administrator. The Building Administrator will endeavor to compose the committee with representation from each of these groups to the extent possible.

Special attention will be given to those references which directly relate to the candidate's experience or practice teaching experience. Telephone calls to those most closely associated with the candidate will be utilized to assure that all facts on the candidate are as presented.

Candidate may also be interviewed by the Superintendent. Superintendent or his/her designee will advise the candidate that he/she will be offered a contract contingent upon local Board approval.

The Superintendent, or designee, will present the name of the candidate of choice to the local School Board. The local School Board may request to meet the candidate(s) prior to a hiring decision.

Administrators

All Administrators will be screened by the Superintendent or designee. Administrative candidates will be interviewed and selected by the School Board with a recommendation for hire from the Superintendent or designee.

Support Staff

Applications go to the Principal who makes a recommendation to the Superintendent or designee. The final hiring decision is made by the Superintendent and Building Administrator.

Coaches

Applications for all coaching positions will be initially screened by the Building Administrator, Athletic Director, and any other persons the Building Administrator designates.

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Varsity candidates will be interviewed by a committee formed by the Building Administrator. The committee may consist of a board member, a community member, teacher, and/or a coach. The Building Administrator and Athletic Director will oversee the interview process.

The name of the candidate of choice will be presented to the Superintendent and School Board.

The Athletic Director or Building Administrator will evaluate Varsity coaches on an annual basis. The Athletic Director will forward a renewal or non-renewal recommendation to the Building Administrator for the next year following the annual review process.

Employment of a coach is “at will” and may be terminated by either the School District or the coach with two weeks’ notice.

Additional Information

Before any employee is allowed to begin work, the employee must complete the required paperwork at Central Office (i.e., W-4, I-9, appropriate application form, etc.), unless the Superintendent or Business Manager approves a conditional waiver of this requirement. All offers of employment will be made contingent upon receipt of a favorable criminal record investigation and Vermont Child Abuse Registry check and after final approval from Central Office. In the event of a criminal record, the Superintendent (and School Board, when deemed necessary) will determine if employment will be continued.

Legal Reference: V.S.A. 16 §251

Cross Reference: C2 Board Commitment to Non-Discrimination Policy

D2 Personnel Recruitment and Selection		
	Tentative Approval	Final Approval
Enosburgh/Richford UUSD	May 9, 2023	June 13, 2023
Northern Mountain Valley UUSD	May 3, 2023	June 7, 2023
FNESU	June 28, 2023	August 16, 2022