

## SUPPORT STAFF CONTRACTS AND COMPENSATION

*Support* staff are employees of the District who are paid wages by the hour. *Professional* staff are salaried employees of the District who are required by state law or by a policy, regulation, or job description to possess a license or certificate from the New Mexico Public Education Department for the purpose of performing their jobs. The term *instructional* support staff refers to staff who support the instructional program of a public school and includes both educational assistants (who are paid by the hour), and school counselors, social workers, school nurses, speech-language pathologists, psychologists, physical therapists, occupational therapists, recreational therapists, marriage and family therapists, interpreters for the deaf, and diagnosticians (all of whom are salaried professional staff).

### **Compensation**

The Superintendent will provide to the Board recommendations on the wages and benefits of support staff employees in conjunction with the development of the District's annual budget. The Board will determine wages and benefits of support staff employees annually, differentiated on the basis of duties and responsibilities.

*Adopted:* date of manual adoption

LEGAL REF.: 22-10A-39 NMSA (1978).

CROSS REF.: GDQB - Resignation of Support Staff Members

## SUPPORT STAFF HIRING

It shall be the policy of the District to employ and retain the best qualified personnel. This will be accomplished by giving careful consideration to qualifications and by providing competitive salaries within the financial capabilities of the District, adequate facilities, and good working conditions. Volunteers are to have background checks in accord with this policy.

Recruitment of support staff personnel is the responsibility of the Superintendent. Other members of the administration and supervisory staff will assist as responsibilities are delegated by the Superintendent.

The Board adopts the following general criteria and procedures, which shall be utilized in the selection process for initial employment:

- There will be no discrimination in the hiring process due to race, color, religion, sex, sexual orientation, age, national origin, or disability of an otherwise qualified individual.
- Candidates for all positions shall be able to perform the duties of their position job descriptions.
- Each applicant shall be required to provide electronic fingerprints upon being offered employment for purposes of obtaining a criminal history background record before finalization of employment.
- Each candidate shall be requested to complete a consent-and-release form regarding conduct of a background investigation.
- 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.

In addition to the requirements in this policy and those of the fingerprint policy which follows, the district shall follow 6.41.4.9 NMAC M through S for the purposes indicated below. That part of the New Mexico Administrative Code shall be incorporated in this policy by reference.

- Commercial Driver's License (CDL) pre-employment screening
- Returning CDL pre-employment screening
- School-owned activity driver pre-employment screening

- School bus assistant and substitute school bus assistant pre-employment screening
- Continuing standards for drivers
- Pre-employment documentation maintenance (records maintenance)

Any employee's misstatement of fact that is material to qualifications for employment or the determination of salary shall be considered to constitute grounds for termination.

All offers of employment are contingent upon the satisfactory completion of background investigations.

*Adopted:* date of manual adoption

LEGAL REF.: 22-10A-5 NMSA (1978)  
28-1-2 NMSA *et seq.*

## **SUPPORT STAFF QUALIFICATIONS AND REQUIREMENTS**

### **(Fingerprinting Requirements)**

An applicant offered employment and a contractor or contractor's employee who will have unsupervised access to students on school premises shall be required to provide electronic fingerprints to obtain a federal bureau of investigation criminal history record. The public school shall pay the cost of applicants offered employment. A school volunteer, contractor or contractor's employee may be required to pay the cost of obtaining federal bureau of investigation records.

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. Convictions of felonies or misdemeanors contained in the federal bureau of investigation record shall be used in accordance with the Criminal Offender Employment Act, provided that other information contained in the federal bureau of investigation record, if supported by independent evidence, may form the basis for the employment decisions for good and just cause.

A person who makes a false statement, representation, or certification in any application for employment with the School District may be denied employment or terminated.

The administration may also conduct a background investigation of current employees if it becomes aware of facts, circumstances, or conduct that indicate(s) an individualized reasonable suspicion that undisclosed aspects of the employee's background might disqualify him or her to continue in employment with the District.

### **Misuse of Criminal History Record Information (CHRI)**

Misuse of Criminal History Record Information (CHRI) is defined as using the information for any purpose other than that allowed by state statute or federal code. Any intentional misuse of CHRI may result in a written warning, loss of access to CHRI, administrative leave, termination of employment, or criminal charges (federal and/or local) per the Security Policy of the Federal Bureau of Investigation (FBI) Criminal Justice Information Systems (CJIS). All information from CHRI shall be handled in accordance with CJIS Security Policy, Information Handling (5.1.1.1); and personnel sanctions shall be in accordance with CJIS Security Policy, Personnel Sanctions (5.12.4). The misuse of CHRI shall be reported to the Department of Public Safety. The specific steps the District will take in the event of intentional misuse of CHRI are delineated in Gadsden Independent School District Board Policy GDQD (G-9300), Discipline, Suspension, Termination and Discharge of Support Staff Members.

*Adopted: January 14, 2016*

LEGAL REF.: 22-10A-5 NMSA (1978)

6.60.8.7 NMAC

6.60.8.8 NMAC

**GADSDEN INDEPENDENT SCHOOL DISTRICT**

**11/7/2019**

6.60.8.9 NMAC

CROSS REF.: GDG - Part-Time and Substitute Support Staff Employment

## SCHOOL VOLUNTEERS

Volunteers can make many valuable contributions to the students and educational programs of the District. A volunteer program is approved subject to suitable rules, safeguards, and regulations as developed by the Superintendent.

In order to protect the safety and security of children and school staff, any volunteer given access to students without the presence (line of site view) of a licensed staff member shall have a background and criminal history check, with the results received prior to allowing the volunteer such access. The volunteer may be required to pay the cost of obtaining criminal history records. Volunteer applicants must submit to a background investigation by completing an application form and background consent form in accord with current district policy. If a background check conducted from these criteria fails to return all necessary information, a background check using fingerprints may be conducted.

Volunteers are to be made aware of and comply with all district policies and procedures relevant to the performance of volunteer duties including but not limited to conduct, privacy, discipline, supervision and ethics. Each volunteer will be provided with a job description of duties, time requirements and qualifications, and be provided training, supervision and evaluation.

This policy shall not apply to:

(1) adults who visit a school but have no ongoing individualized interaction with a student or students, including, but not limited to, adults who have been invited to speak to a class or assembly, to judge academic competitions, to give a musical performance, or to participate in a sponsored program;

(2) a parent or legal guardian who is accompanying his or her child's class on a one-day field trip or on another type of occasional extra-curricular activity that does not involve an overnight stay.

*Adopted:* date of manual adoption

LEGAL REF.: 22-10A-5 NMSA (1978)  
6.50.18 NMAC

CROSS REF.: GBEB - Staff Conduct  
GCF - Professional Staff Hiring  
GDF - Support Staff Hiring  
GCFC - Professional Staff Certification and Credentialing  
Requirements (fingerprinting requirements)  
GDFA - Support Staff Qualifications and Requirements  
(fingerprinting requirements)