

RECRUITMENT, SELECTION AND HIRING

The board believes that the quality of the professional staff in large part determines the quality of the education offered district pupils. Therefore, the chief school administrator shall have the responsibility of locating and recruiting the best qualified candidates to provide for the identified needs of district pupils.

Provisional teaching candidates shall be given equal consideration with all other candidates for teaching positions. The chief school administrator shall follow all requirements of the administrative code in providing the necessary training program for all teachers hired with provisional certificates.

All teachers hired by the board for programs in the district supported with Title I, part A funds shall be highly qualified, as defined by federal law. All teachers of core academic subjects (English, reading/language arts, mathematics, science, foreign languages, civics/government, economics, arts, history and government) hired by the board shall be highly qualified.

It shall be the duty of the chief school administrator to see that persons nominated for employment shall meet all qualifications established by state or federal law, including the completion of a criminal history check, proof of citizenship or eligible alien status, and certification for the type of position for which nomination is made.

The chief school administrator shall take steps to verify the academic credentials of any potential candidate for employment, and ensure any degrees cited, academic coursework or credits completed, or titles claimed by an individual have been granted by an accredited institution of higher education. For chief school administrator candidates, the board shall take similar steps. Documents shall not be accepted from non-accredited institutions or any fraudulent source. If a current employee is found to have obtained employment, tuition reimbursement or increased salary based on documents or credentials obtained from a non-accredited institution, the board will take appropriate action, up to and including the possible discharge of the individual and/or obtaining a refund of the tuition reimbursement or increased salary.

The chief school administrator shall recommend for employment those individuals who, in his/her opinion, are best qualified to fill the vacancy without regard to race, creed, color, national origin, nationality, ancestry, age, sex, affectional or sexual orientation, gender identity or expression, marital status, domestic partnership status, familial status, liability for service in the Armed Forces of the United States, atypical hereditary cellular or blood trait of any individual, disability or because of genetic information or refusal to submit to or make available the results of a genetic test, or other conditions not related to the duties and responsibilities of the job.

The chief school administrator shall prepare and maintain job descriptions that define the duties, responsibilities and qualifications required for each position. The board shall adopt those job descriptions required by law or code and others as appropriate.

The chief school administrator in determining the candidates to be nominated shall seek information whenever possible from the candidate's prior employers.

The board shall affirm employment and initial placement on the salary guide by a recorded roll call majority vote of the full membership of the board.

The board shall appoint all staff members only from nominations made by the chief school administrator. Should a nominee be rejected, it shall be the duty of the chief school administrator to make other nominations.

Residency Requirements

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Every employee hired by the board shall have their principal residence with the State of New Jersey. For the purposes of this policy an employee may have only one principal residence which shall be defined as:

- A. Where the employee spends the majority of their nonworking time;
- B. Is most clearly the center of the employee's domestic life; and
- C. The employee's designated legal address and legal residence for voting.

The fact that an employee is either domiciled or owns a home or property in the State of New Jersey shall not by itself satisfy the requirement of principal residence.

Exemptions

- A. An employee hired on or after September 1, 2011 who is not a resident when hired shall receive one year to establish residency in New Jersey. If the employee fails to establish residency within that year, he/she shall be deemed unqualified for employment and shall be removed pursuant to N.J.S.A. 52:14-7(d);
- B. An existing employee who was not a resident of New Jersey on or prior to September 1, 2011 is exempted from this policy, if he/she has not had a break in public service for a period of time greater than seven days;
- C. An employee hired by the district who was a non-resident public employee prior to September 1, 2011 is exempted from this policy, unless he/she has not had a break in public service for a period of time greater than seven days;
- D. A break in public service shall be defined as an actual separation from employment for more than seven calendar days due to such causes as resignation, retirement, layoff, or disciplinary removal. But a leave of absence shall not be considered a break in public service.
- E. An employee may request an exemption to the State committee formed under N.J.S.A. 52:14-7 on a basis of critical need or hardship. The decision on whether to approve an application of the employee shall be made by a majority vote of this committee. If this committee fails to act within 30 days after receipt of the employee's application, no exemption shall be granted and the residency requirements set forth in this policy shall be in effect.

Date Reviewed: November 14, 2012

Date Adopted: January 7, 2013

Legal References: Use legal reference sheet.

Cross References: List your appropriate policies. See legal reference sheet for possibilities.

Key Words

Recruitment, Selection and Hiring; Hiring; Nondiscrimination; Affirmative Action, Background Check, Personnel Background Check, Domestic Partnership Act, Residency Requirements

RECRUITMENT, SELECTION AND HIRING (continued)**MEDFORD LAKES BOARD OF EDUCATION****FILE CODE: 4111****X** **Monitored****X** **Mandated****X** **Other Reasons****Legal References**

RECRUITMENT, SELECTION AND HIRING**QSAC Monitored:**

Section 5: Personnel

Mandated:

The district's comprehensive equity plan must include policy and procedures on implementation of the contract and employment practices plan (N.J.A.C. 6A:7-1.4(c)2).

Other Reasons:

The No Child Left Behind Act of 2001 requires that all teachers in any program supported with Title I funds must be "highly qualified." Furthermore, all teachers in the state who teach "core academic subjects" must be "highly qualified." The full definition of "highly qualified" is in the law and includes full state certification, possession of at least a bachelor's degree, and passage of the state teacher licensing exam. "Core academic subjects" include English, reading/language arts, mathematics, science, foreign languages, civics/government, economics, arts, history and geography. Districts must use at least 5% of their Title I funds to help teachers become highly qualified.

The Americans with Disabilities Act (ADA) imposes obligations on boards of education both as employers and providers of education. Many of these obligations duplicate or expand existing obligations under Section 504 of the Rehabilitation Act of 1973 and other federal law.

N.J.S.A. 10:5-3 forbids discriminatory practices against any person or that person's spouse by reason of race, creed, color, national origin, ancestry, age, sex, gender identity or expression, affectional or sexual orientation, marital status, familial status, liability for service in the Armed Forces of the United States, disability or nationality.

N.J.S.A. 10:5-4.1 applies all provisions of the statutes against discrimination to the disabled.

N.J.S.A. 10:5-12 makes it unlawful to discriminate in employment practices against individuals with atypical hereditary cellular blood traits or because of genetic information or refusal to submit to or make available the results of a genetic test, or domestic partnership status.

N.J.S.A. 10:5-27 reads: "With respect only to affectional or sexual orientation and gender identity or expression, nothing contained herein shall be construed to require the imposition of affirmative action plans or quotas as specific relief from an unlawful employment practice or unlawful discrimination."

N.J.S.A. 18A:3-15.1 et seq. prohibits personnel from using titles, academic credits or degree references unless these were obtained from an accredited institution.

N.J.S.A. 18A:6-7.1 requires a check into the criminal history of potential employees.

N.J.S.A. 18A:27-4.1 requires that the chief school administrator recommend all employees, certified and noncertified, for appointment, transfer or removal by the board.

N.J.S.A. 52:14-7 establishes residency requirements for all public employees and officers to have their

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principal residence in the State of New Jersey.

N.J.A.C. 6A:7-1.8 ensures equal and bias free access to all categories of employment.

N.J.A.C. 6A:9-8.1, 8.2 and 8.3 state the requirements for obtaining the standard certificate, provisional certificate and for state-approved district training programs respectively.

N.J.A.C. 6A:32-4.1 requires hiring of teaching staff based on the specific instructional needs of students and provision of the certified personnel needed to implement a thorough and efficient education.

Recommendation:

A policy directing employment of certified teaching staff members to meet the specific instructional needs of the pupils of the district, and assigning responsibility for recruitment to the chief school administrator. The policy should direct the chief school administrator to be systematic in seeking out candidates of the highest caliber, addressing the state required criminal history check and check of immigration status, and ensuring that titles and/or degree credentials are obtained from accredited institutions of higher education. For chief school administrator candidates, the board shall be responsible for that role. He/she should also be responsible for the preparation and maintenance of job descriptions.

The sentence in this sample policy that provided that when two candidates have equal qualifications, the chief school administrator shall give preference to the candidate who advances the district's affirmative action goals has been deleted to conform to the August 8, 1996 Third Circuit Court of Appeals decision in Taxman v. Piscataway Bd. of Ed., 91 F. 3d 1547. The Taxman court held that a board of education violated Title VII of the federal Civil Rights Act when it invoked similar policy language and decided to retain a black teacher over a white teacher with equal seniority and qualifications.

The policy should also direct the chief school administrator to provide the necessary state-approved training program for teachers hired with provisional certificates.

<u>Legal References:</u>	<u>N.J.S.A. 10:5-1 et seq.</u>	Law Against Discrimination
	<u>N.J.S.A. 18A:3-15. 1 et seq.</u>	Fraudulently issued, obtained, forged or altered degree or certification; use in connection with business or occupation
	<u>N.J.S.A. 18A:6-5</u>	Inquiry as to religion and religious tests prohibited
	<u>N.J.S.A. 18A:6-6</u>	No sex discrimination
	<u>N.J.S.A. 18A:6-7.1, -7.5</u>	Criminal history record; employee in regular contact with pupils; grounds for disqualification from employment; exception
	<u>N.J.S.A. 18A:6-76.1</u>	Deadline for notification to students of requirements of provisional certificate and induction program
	<u>N.J.S.A. 18A:11-1</u>	General mandatory powers and duties
	<u>N.J.S.A. 18A:13-40</u>	General powers and duties of board of newly created regional districts
	<u>N.J.S.A. 18A:16-1</u>	Officers and employees in general
	<u>N.J.S.A. 18A:26-1, -1.1, -2</u>	Citizenship of teachers, exceptions
	<u>N.J.S.A. 18A:27-1 et seq.</u>	Employment and Contracts
	<u>See particularly:</u>	
	<u>N.J.S.A. 18A:27-4.1</u>	
	<u>N.J.S.A. 18A:54-20</u>	Powers of board (county vocational schools)
	<u>N.J.S.A. 26:8A-1 et seq.</u>	<u>Domestic Partnership Act</u>
	<u>N.J.S.A. 52:14-7</u>	Residency Requirements
	<u>N.J.A.C. 6A:7-1.1 et seq.</u>	Managing for Equality and Equity in Education
	<u>See particularly:</u>	
	<u>N.J.A.C. 6A:7-1.4,-1.8</u>	
	<u>N.J.A.C. 6A:9-6.1 et seq.</u>	Types of Certificates

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<u>N.J.A.C. 6A:9-8.1 et seq.</u>	Requirements for Instructional Certification
<u>N.J.A.C. 6A:9-11.1 et seq.</u>	Exceptions for the Requirements for the Instructional Certificate
<u>N.J.A.C. 6A:9-12.1 et seq.</u>	Requirements for Administrative Certification
<u>N.J.A.C. 6A:30-1.1 et seq.</u>	Evaluation of the Performance of School Districts
<u>N.J.A.C. 6A:32-4.1</u>	Employment of teaching staff
<u>N.J.A.C. 6A:32-4.8</u>	Support residencies for regularly certified, inexperienced first-year principals
<u>N.J.A.C. 6A:32-5.1</u>	Standards for determining seniority

42 U.S.C.A. 2000e et seq. - Title VII of the Civil Rights Act of 1964 as amended by the Equal Employment Opportunities Act of 1972

29 U.S.C.A. 794 et seq. - Section 504 of the Rehabilitation Act of 1973

8 U.S.C.A. 1100 et seq. - Immigration Reform and Control Act of 1986

42 U.S.C.A. 12101 et seq. - Americans with Disabilities Act (ADA)

No Child Left Behind Act of 2001, Pub. L. 107-110 20 U.S.C.A. 6301 et seq.

Old Bridge Education Association v. Old Bridge Township Bd. of Ed., 1986 S.L.D. 1917

Taxman v. Piscataway Bd. of Ed., 91 F. 3d 1547 (3d Cir. 1996)

The Comprehensive Equity Plan, New Jersey Department of Education

Possible

<u>Cross References:</u>	2130	Administrative staff
	*2131	Chief school administrator
	4000	Concepts and roles in personnel
	*4111.1	Nondiscrimination/affirmative action
	*4112.2	Certification
	*4112.4	Employee health
	4112.5	Criminal history check
	*4112.6	Personnel records
	*4112.8	Nepotism
	*4121	Substitute teachers
	*4222	Noninstructional aides
	*5120	Assessment of individual needs
	*6010	Goals and objectives

*Indicates policy is included in the Critical Policy Reference Manual.