

Policy Code: 7100 Recruitment and Selection of Personnel

A. General Principles

1. Equal Employment Opportunity

It is the policy of the board to provide all applicants for employment with equal employment opportunities and to provide current employees with training, compensation, promotion, and other attributes of employment without regard to race; color; religion; national origin (language of origin); military affiliation; genetic information; sex (including but not limited to pregnancy and circumstances related to pregnancy, childbirth, sexual orientation, and gender identity); age (40 or older) or disability, except where sex, age or physical requirements are essential occupational qualifications. All candidates will be evaluated on their merits and qualifications for positions. All employment decisions will be consistent with the board's objective of providing students with the opportunity to receive a sound basic education, as required by law.

2. Diversity of Staff

The board strongly believes in the value of providing students with an opportunity to relate to and learn from staff members of diverse backgrounds. To further this goal, the recruitment and employment program should be designed to encourage a diverse pool of qualified applicants. The Human Resources Department will develop and implement a comprehensive recruitment plan for teachers of color. The plan will draw upon the resources of the existing staff and strengthen relationships with historically black colleges and universities and other four-year institutions and communities with high concentrations of people of color. The district will support and encourage teacher assistants who have demonstrated interest and skill in becoming certified teachers.

The board further directs all personnel in the school system to work toward the accomplishment of the board's diversity goal through their personal commitment to diversity. It is the specific expectation of the board that, in particular, those persons in supervisory positions will be proactive and promote the value of staff diversity, particularly in relation to the recruitment, selection, and retention of high quality staff. Administrators will continuously work toward staffing our schools with individuals who reflect the diversity of the student population. The board's goal is that the administration will hire personnel who have the skills to work to proactively eliminate the racial predictability of achievement, and of academic achievement based upon family income, disabilities, and status as an English language learner while raising the achievement of all students. The board also highly encourages those persons in supervisory positions to promote positive experiences for students to be exposed to a diverse variety of individuals, through avenues such as mentor and volunteer opportunities.

3. Compliance with Immigration Law

The superintendent shall develop procedures for verifying new employees' legal status or authorization to work in the United States as required by law.

B. Recruitment

Recruitment for a specific vacancy will be undertaken only after the need and qualifications for the position are established and proper authorization is obtained.

All vacancies will be publicized within the school district so that employees may learn of promotional opportunities. Staff members interested in any vacancy should state their interest in writing and forward it to the human resources office. All staff members are encouraged to inform their supervisors

of any qualified individual they feel would be an asset to the system. Vacancies will be publicized externally, as appropriate, to attract qualified applicants. However, the superintendent or designee is not required to publicize a vacancy under the following circumstances: 1) if the position will be filled through a lateral assignment, reassignment, or promotion of a current employee and urgency or other circumstances make advertisement impractical; or 2) when permitted by Board policy 7435. The superintendent will notify the board promptly when any position is to be filled without publicizing the vacancy.

C. Selection

1. Criteria for Selection

State and federal guidelines will be followed in the selection and employment procedure. The superintendent will develop any other procedures necessary to carry out this policy. Candidates for employment will be selected based upon their likely ability to fulfill duties identified in the job description as well as performance standards established by the board. In making the determination, the following information will be considered:

- application;
- education and training;
- licensure and certification (when applicable);
- relevant experience;
- personal interviews; and
- references and/or background checks.

Qualifications and suitability for the job being equal, personnel within the district will be given special consideration.

2. Criminal History

Except as otherwise provided in Section D of this policy, applicants, must notify the Chief Human Resources Officer immediately if they are arrested, charged with, or convicted of a criminal offense (including entering a plea of guilty or nolo contendere) other than a minor traffic violation (i.e., speeding, parking, or a lesser violation). Notice must be in writing, must include all pertinent facts, and must be delivered to the Chief Human Resources Officer no later than the next scheduled business day following the arrest, charge, or conviction, unless the applicant is hospitalized or incarcerated, in which case the applicant must report the alleged violation within 24 hours after his or her release. Upon judicial action in the matter, the applicant must report the disposition and pertinent facts in writing to the Chief Human Resources Officer no later than the next business day following adjudication.

A criminal history check and a check of sex offender registries must be conducted on all final candidates for employment with the school system. Criminal records checks will be conducted in accordance with state law and any procedures established by the superintendent. School officials shall not require candidates to disclose expunged arrests, charges, or convictions and shall not ask candidates to voluntarily disclose such information without first advising that disclosure is not required. The superintendent or designee shall report to the State Board of Education any licensed individual who is found to have a criminal history, as required by State Board policy. Special requirements are described in Section D of this policy for criminal history checks of candidates for certain positions working with pre-school children or working in afterschool or developmental day programs.

A final candidate for employment or for hiring as an independent contractor will be excluded from hiring on the basis of criminal conduct only when doing so is job-related and consistent with business necessity. If a final candidate is found to have been convicted (including entering a plea of guilty or nolo contendere) of a criminal offense, other than a minor traffic violation, the superintendent or his/her designee must determine whether the individual poses a threat to the physical safety of students or personnel or has demonstrated that he or she does not have the integrity or honesty to fulfill the duties of the position. The following factors will be considered in making this determination:

1. the nature and gravity of the offense or conduct;
2. the time that has passed since the offense or conduct and/or completion of the sentence; and
3. the nature of the job sought.

Before the superintendent may exclude a final candidate based on his or her past criminal convictions, the superintendent must give the candidate the opportunity to demonstrate that the exclusion does not properly apply to him or her. If the superintendent or designee recommends a candidate with a criminal record to the Board for employment or for hiring as an independent contractor and the candidate has been convicted of a criminal offense, other than a minor traffic violation, the board must be notified of the criminal record and the basis for the superintendent's or designee's determination for hiring. The requirements of this paragraph do not apply to a child care provider who is determined to be disqualified by the Division of Child Development and Early Education on the basis of a criminal history check conducted pursuant to [G.S. 110-90.2](#), [42 U.S.C. 9858f](#), and [45 C.F.R. 98.43](#). (See Section D of this policy).

The board has determined that every position with the school system potentially entails contact with students, either on a regular, occasional or emergency basis, regardless of whether the person is located in a school or elsewhere. For that reason, no individual who is a registered sex offender subject to the provisions of policy 5022, Registered Sex Offenders, will be hired for any position with the school system.

In addition, each contract executed by the board with an independent contractor for services of independent contractors must require the contractor to check sex offender registries as specified in policy 5022, Registered Sex Offenders.

3. Nepotism

A. For the purposes of this subsection, the following definitions apply.

- a. "Immediate family" means spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.
- b. "Central office staff administrator" includes any staff members with oversight responsibility for any aspect of the educational program or support services of the school system (includes employees such as superintendents, assistant superintendents, directors, supervisors, specialists, coordinators, and principals.)

B. Before any immediate family of any board of education member or central office staff administrator is employed by the board or engaged in any capacity as an employee, independent contractor, or otherwise, (1) the board member or central office staff administrator must disclose the familial relationship to the board and (2) the prospective employment or engagement must be approved by the board in a duly called upon session

meeting.

a. An employee who knowingly fails to disclose a familial relationship to the board as required will be subject to disciplinary action up to and including dismissal.

b. Notification by the employee to the Chief Human Resources Officer will be deemed disclosure to the board. The Chief Human Resources Officer is responsible for conveying the disclosure to the board before the board takes action on the prospective employment or engagement.

C. When making recommendations for the selection and assignment of personnel, the superintendent shall attempt to avoid situations in which one employee occupies a position in which he or she has influence over the employment status, including hiring, salary, and promotion, of another employee who is a member of the first employee's immediate family.

D. No administrative or supervisory personnel may directly supervise a member of his or her immediate family.

4. Board Approval of Selected Personnel

All personnel selected for employment must be recommended by the superintendent and approved by the board. In situations in which the employee must be hired between board meetings, the superintendent is authorized to approve hiring such personnel, contingent upon approval by the board at its next scheduled board meeting. The board may disapprove any recommendation made by the superintendent. However, the board may not hire an employee without the superintendent's recommendation.

The superintendent is authorized to employ classified personnel on an interim basis. The superintendent will submit to the board lists of interim employees for confirmation at regularly scheduled board meetings.

D. Criminal History Checks of Child Care Providers

For purposes of this section, a "child care provider" is:

1. any person who works or is a final candidate seeking to work in a classroom or program licensed by the Department of Health and Human Services, Division of Child Development and Early Education (DCDEE); and
2. any person, including a volunteer, who has unsupervised contact with children enrolled in such classrooms or programs.

Before beginning initial employment or volunteer service and at least every five years thereafter, each child care provider must complete a criminal background check that meets the requirements of [G.S. 110-90.2](#), [42 U.S.C. 9858f](#), and [45 C.F.R. 98.43](#) and present a letter issued by DCDEE indicating that the individual is qualified to have responsibility for the safety and well-being of children based on the individual's criminal history.

No person shall (1) be employed, continue to be employed, or be permitted to volunteer as a child care provider, or to otherwise have unsupervised contact with students enrolled in a licensed classroom or program operated by the school system or (2) be counted in the staff/child ratio of such classroom or program, unless the person holds a current valid qualification letter issued by DCDEE. However, a child care provider with provisional status may be employed pending final results of the

criminal background check but shall be subject to the restrictions established by [10A N.C.A.C. 09.2703\(f\)](#).

The application fee and cost of fingerprinting associated with the DCDEE criminal history check process shall be done by the board.

A child care provider who has incurred any pending charges, indictments, or convictions (other than minor traffic offenses) since the last qualification letter was issued by DCDEE shall notify the Chief Human Resources Officer in writing of such charges within five business days or before returning to work, whichever comes first. The Chief Human Resources Officer shall notify DCDEE within one business day of being notified.

The superintendent or designee shall include the criminal history mandatory reporting requirement in all new employee orientation information for child care providers. The superintendent shall also be responsible for establishing effective recordkeeping methods and other processes as necessary to ensure compliance with all legal requirements pertaining to criminal history record checks of child care providers.

State guidelines must be followed in selection and employment procedures. The superintendent shall develop any other procedures necessary to implement this policy.

Legal References: Age Discrimination in Employment Act of 1967, [29 U.S.C. 621](#) *et seq.*; Americans with Disabilities Act of 1990, [42 U.S.C. 12101](#) *et seq.*; Equal Educational Opportunities Act of 1974, [20 U.S.C. 1703](#); Equal Pay Act of 1963, [29 U.S.C. 206](#); Fair Credit Reporting Act, [15 U.S.C. 1681](#) *et seq.*; Genetic Information Nondiscrimination Act of 2008, [42 U.S.C. 2000ff](#) *et seq.*; Military Selective Service Act, [50 U.S.C. Appx. 453](#); Rehabilitation Act of 1973, [29 U.S.C. 794](#); Title VII of the Civil Rights Acts of 1964, [42 U.S.C. 2000e](#) *et seq.*; Title IX of the Education Amendments of 1972, [20 U.S.C. 1681](#) *et seq.*; Uniformed Services Employment and Reemployment Rights Act of 1994, [38 U.S.C. 4301](#) *et seq.*; [8 U.S.C. 1101](#) *et seq.*; [42 U.S.C. 9858f](#); [45 C.F.R. 98.43](#); [Bostock v. Clayton County](#), 590 U.S. ___, 140 S. Ct. 1731 (2020); *Green v. Missouri Pacific Railroad* (8th Cir. 1975); *Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964*, U.S. Equal Employment Opportunity Commission (April 25, 2012), available at http://www.eeoc.gov/laws/guidance/arrest_conviction.cfm; [G.S. 14-208.18](#); [15A-153](#); [110-90.2](#); [115C-12.2](#), [-36](#), [-47](#), [-276\(j\)](#), [-332](#); [126-7.1\(i\)](#), [-16](#); [127A-202.1](#) *et seq.*; [127B-10](#), [-12](#), [-14](#); [143B-421.1](#), [-1209.11](#) (p. 454); *Leandro v. State*, 346 N.C. 336 (1997); [10A N.C.A.C. 09.0102](#), [-2701](#), [-2702](#), [-2703](#); [16 N.C.A.C. 6C.0313](#); State Board of Education Policy [BENF-009](#)

Cross References: Board Authority and Duties (policy 1010), Registered Sex Offenders (policy 5022)

Adopted:

Revised: 6/6/02; 01/09/14, 8/13/15, 3/3/16, 5/1/17, 11/1/18, 7/18/19, 6/18/20, 5/4/21, 5/16/24