

RECRUITMENT, SELECTION AND HIRING – CERTIFIED STAFF

The Board believes that the quality of the professional staff in large part determines the quality of the education offered District students. Therefore, the Superintendent shall have the responsibility of locating and recruiting the highly qualified candidates to provide for the identified needs of District students.

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

It shall be the duty of the Superintendent to see that persons nominated for employment shall have training and/or work experience in the position, and an acceptable level of proficiency. Those nominated meet all qualifications established by state or federal law, including the completion of a criminal history check that includes a check for conviction for bias intimidation, proof of citizenship or eligible alien status, and certification for the type of position for which nomination is made.

As of September 1, 2011 all new public employees in the State of New Jersey shall have their principal residence in the State of New Jersey.

- 1 A principle residence is defined as:
 - a. Where the employee spends the majority of his/her non-working hours;
 - b. Is clearly the center of the employee's domestic life;
 - c. Is the employee's designated legal address and legal residence for voting.
- 2 New employees are required to relocate their primary residence within one year of the date of employment.
- 3 Employees who fail to satisfy the requirement of principal residency within 365 days of their employment shall be deemed unqualified for employment and shall be ousted from the position by a Superior Court judge upon complaint by any citizen, provided such complaint is brought within 1 year of the alleged 365-day period of failure to have his/her principal residence in New Jersey.
- 4 Any person who is employed as a New Jersey public employee on September 1, 2011, the effective date of the statute, but is not a resident of New Jersey, shall not be subject to the residency requirement of the statute while the person continues to be employed by the district without a break in public service of more than seven (7) days.
- 5 Any 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 to approve the request shall be made by a majority vote of the Committee. If the Committee fails to act within 30 days after receipt of the request, no exemption shall be granted and the residency requirements shall be in effect.

All new employees will be required, within three days of the first day of hire, to complete the required federal forms and supply the documentation necessary to demonstrate the employee's identity and employment eligibility. Forms will be retained as required 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

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Board shall be highly qualified, as defined by federal law. All teachers hired by the Board for programs in the District supported with Title 1 part A funds shall be highly qualified.

The Superintendent 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, ancestry, age, sex, gender identity and expression affectional or sexual orientation, marital or civil union status, domestic partnership status, familial status, pregnancy, 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 Superintendent shall prepare and maintain job descriptions that define the duties, responsibilities and qualifications required for each position. The Board shall adopt those job descriptions.

The Superintendent in determining the candidates to be nominated shall seek information from the candidate's prior employers.

A teaching staff member's misstatement of fact material to his or her qualifications for employment or the determination of his or her salary will be considered by the Board to constitute grounds for dismissal.

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 employment of any candidate is not official until the contract is approved by the board of education and signed by the candidate. It is the responsibility of the chief school administrator to communicate this fact to all candidates.

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

<u>Legal References:</u>	<u>N.J.S.A.</u> 10:5-1 <u>et seq.</u>	Law Against Discrimination
	<u>N.J.S.A.</u> 18A:6-5	Inquiry as to religion and religious tests prohibited
	<u>N.J.S.A.</u> 18A:6-6	No sex discrimination
	<u>N.J.S.A.</u> 18A:6-7.1, -7.5	Criminal history record; employee in regular contact with students; grounds for disqualification from employment; exception
	<u>N.J.S.A.</u> 18A:6-76.1	Deadline for notification to students of requirements of provisional certificate and induction program ...
	<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
	<u>N.J.S.A.</u> 18A:13-40	General powers and duties of Board of newly created regional Districts
	<u>N.J.S.A.</u> 18A:16-1	Officers and employees in general
	<u>N.J.S.A.</u> 18A:26-1, -1.1, -2	Citizenship of teachers, etc. ...
	<u>N.J.S.A.</u> 18A:27-1 <u>et seq.</u>	Employment and Contracts
	<u>See particularly:</u>	
	<u>N.J.S.A.</u> 18A:27-4.1	
	<u>N.J.S.A.</u> 18A:54-20	Powers of Board (county vocational schools)
	<u>N.J.S.A.</u> 26:8A-1 <u>et seq.</u>	Domestic Partnership Act
	<u>N.J.A.C.</u> 6A:7-1.1 <u>et seq.</u>	Managing for Equality and Equity in Education
	<u>See particularly:</u>	
	<u>N.J.A.C.</u> 6A:7-1.4, -1.8	

RECRUITMENT, SELECTION AND HIRING CERTIFIED STAFF (continued)**Legal References: (continued)**

<u>N.J.A.C. 6A:9-6.1 et seq.</u>	Types of Certificates
<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:10A-1.1 et seq.</u>	<i>Improving Standards-Driven Instruction and Literacy and Increasing Efficiency in Abbott School Districts</i>
<u>See particularly:</u>	
<u>N.J.A.C.</u>	
6A:10A-2.1 through	
-2.4, -5.4	
<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
<u>N.J.A.C. 6A:30-1.1 et seq.</u>	Evaluation of the Performance of School Districts

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

No Child Left Behind Act of 2003 Pub. L. 107-110 20 U.S.C.A. 6301 et seq.

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)

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)

Comprehensive Equity Plan New Jersey State Department of Education

<u>Cross References:</u>	2130	Administrative staff
	*2131	Superintendent
	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.

Key Words

Recruitment, Selection and Hiring; Hiring; Nondiscrimination; Affirmative Action, Background Check, Personnel Background Check, Bias Intimidation, Primary Residence

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