

**CRITICAL POLICY REFERENCE MANUAL
Charter School Edition**

Academy Charter High School

FILE CODE: 4111
 X **Monitored**
 X **Mandated**
 X **Other Reasons**

RECRUITMENT, SELECTION AND HIRING

The board guarantees equal employment, advancement opportunity and equal pay for equal work for all people regardless of 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, pregnancy or other conditions not related to the duties and responsibilities of the job.

The board believes that the quality of the professional staff in large part determines the quality of the education offered school students. Therefore, the lead person shall have the responsibility of locating and recruiting the best qualified candidates to provide for the identified needs of school students. Recruiting practices shall include measures for targeting underrepresented populations in every category of employment.

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

in accordance with the Every Student Succeeds Act, all teachers hired by the board for programs in the school supported with Title I, part A funds shall meet the State certification and licensure requirements requirements. 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 possess the appropriate certification including having a bachelor's degree from an accredited institution of higher learning and:

- A. Complete an undergraduate major in the appropriate subject area;
- B. Hold a graduate degree in the subject area; or
- C. Complete at least 30 credits in a coherent sequence of courses appropriate to the subject area.

The lead person or his or her designee shall ensure that the school's employment application process and pre-employment inquiry and interview process conform to the guidelines of the New Jersey Division on Civil Rights and the Law Against Discrimination.

It shall be the duty of the lead person to see that persons nominated for employment shall meet all qualifications established by state or federal law, including the successful 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 lead person 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

Code: 4111

RECRUITMENT, SELECTION AND HIRING (continued)

lead person 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 lead person 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, pregnancy or other conditions not related to the duties and responsibilities of the job.

The lead person 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 lead person 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 lead person. Should a nominee be rejected, it shall be the duty of the lead person to make other nominations.

Residency Requirements

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. However, if he/she has had a break in public service for a period

Code: 4111

RECRUITMENT, SELECTION AND HIRING (continued)

of time greater than seven days this exemption shall not apply;

- C. An employee hired by the school who was a non-resident public employee prior to September 1, 2011 is exempted from this policy. However, if he/she has had a break in public service for a period of time greater than seven days this exemption shall not apply;
- 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 made 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:

Key Words

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

Legal References:	<u>N.J.S.A. 10:5-1 et seq.</u>	Law Against Discrimination
	<u>See particularly:</u>	
	<u>N.J.S.A. 10:5-3</u>	
	<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
prohibited	<u>N.J.S.A. 18A:65</u>	Inquiry as to religion and religious tests
	<u>N.J.S.A. 18A:6-6</u>	No sex discrimination
	<u>N.J.S.A. 18A:67.1, -7.5</u>	Criminal history record; employee in regular contact with pupils; grounds for disqualification from employment; exception
	<u>N.J.S.A. 18A:676.1</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:1340</u>	General powers and duties of board of newly created regional districts
	<u>N.J.S.A. 18A:161</u>	Officers and employees in general
	<u>N.J.S.A. 18A:261, -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:5420</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:71.1 et seq.</u>	Managing for Equality and Equity in Education

Code: 4111

RECRUITMENT, SELECTION AND HIRING (continued)See particularly:N.J.A.C. 6A:7-1.4, -1.5, -1.6, -1.8N.J.A.C. 6A:9B-5.8N.J.A.C. 6A:9B6.1 et seq.N.J.A.C. 6A:9B-8.1 et seq.N.J.A.C. 6A:9B-10.1 et seq.N.J.A.C. 6A:9B-11.1 et seq.N.J.A.C. 6A:9B-12.1 et seq.N.J.A.C. 6A:324.1N.J.A.C. 6A:32-5.1 Standards for determining seniority

Endorsement requirements

College courses and certification

Requirements for Instructional Certification

Exceptions for the Requirements for the
Instructional CertificateAdditional requirements or exceptions to
requirements for instructional certification
with special endorsements

Requirements for administrative certification

Employment of teaching staff

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

Equal Employment Opportunities Act of 197229 U.S.C.A. 794 et seq. - Section 504 of the Rehabilitation Act of 19738 U.S.C.A. 1100 et seq. - Immigration Reform and Control Act of 198642 U.S.C.A. 12101 et seq. - Americans with Disabilities Act (ADA)Every Student Succeeds Act, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.

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

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

The Comprehensive Equity Plan, New Jersey Department of Education

Possible**Cross References:**

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.