

**POLICY TITLE: CERTIFIED EMPLOYEE CONTRACTS**

**BACKGROUND**

Certificated personnel of the Canyon-Owyhee School Service Agency (COSSA) will be employed pursuant to a written contract, on a form approved by the state superintendent of public instruction. The employment contracts will state: (1) the length of time the contract is in force; (2) the total compensation of the contract period; and (3) the employee's full-time equivalent (FTE) status.

The Agency will enter into employment contracts with individuals who hold a valid certificate for the position they will be assigned on the date employment commences pursuant to the contract, unless a waiver has been requested and received from the State Department of Education.

**CERTIFICATION**

All teachers and administrators in the state of Idaho are required to hold valid certificates for the position or level at which they are assigned to work. These certificates are granted by the State Board of Education under provisions of state law.

All certified employees of the Canyon-Owyhee School Service Agency (COSSA) must hold valid certificates as determined by the State Board of Education prior to their entry into an assigned position. These certificates must remain in force during the total term of employment. A valid certificate must be on file in the Agency office prior to issue of the first paycheck.

**TRANSCRIPTS OF CREDIT**

All professional employees of the Agency are required to place on file in the Central Office a complete and current transcript of college credits. Placement on the salary schedule is subject to change upon evaluation of credits. Evaluation of new credits must be received and approved by September 1 of the current year to be considered for advancement on the salary scale.

**EVALUATION REQUIRED**

Every annual contract employee is entitled to be evaluated at least once annually. The decision regarding reemployment of an annual contract employee shall not be made until after the completion of the written evaluation, unless such decision is being made pursuant to a reduction in force.

## **CONTRACT DELIVERY AND RETURN**

The board is required to deliver the contract in person, with the delivery acknowledged in writing, or by certified mail, return receipt requested. The employee must return the signed contract within the time period set by the board, but in no event less than ten (10) days from the date of delivery. If the board does not set the time period in which the person must sign and return the contract, the default time limit shall be twenty-one (21) days after it is delivered to the person. If the person willfully refuses to acknowledge the receipt of the contract or the contract is not signed and returned to the board in the designated period of time, or if no designated period of time is set by the board, the default time, the board may declare the position vacant.

## **HIRING PROCESS AND CRITERIA**

The Board of Trustees has the legal responsibility of hiring all employees. The Board assigns to the Director the process of recruiting staff personnel. The Director may involve various administrative and teaching staff personnel as may be needed in recruiting potential personnel. All personnel selected for employment must be recommended by the Director or designee and approved by the Board. All personnel selected for employment must also go through the applicable screening process outlined in Idaho Code 33-1210 and all certificated personnel must be approved for hire by the Building Principal in the building to which they will be assigned.

To aid in obtaining quality staff members, the following non-exclusive list of factors will be considered, along with any other factors relevant to the position: qualifications, training, experience, personality, character, and ability to relate well with students. Every effort will be exerted to maintain wide diversity in staff experience and educational preparation. However, the welfare of the children of the Agency will be a paramount consideration in the selection of teachers and administrators.

This policy shall be made available to any Agency employee or person seeking employment with the Agency.

## **HIRING GUIDELINES**

There will be no discrimination in the hiring process.

Applicants for teaching positions shall provide evidence of meeting State requirements for certification and sign a statement authorizing current and past school Agency employers, including those outside the state of Idaho, to release to the Agency all information relating to job performance or job related conduct, and making available to the Agency copies of all documents in the applicant's previous personnel files, investigative, or other files. Such statement will also release the applicant's current and past employers from any liability for providing such information and documentation. Applicants who do not sign the statement/release shall not be considered for

employment. The Agency will consider information received from current and past school Agency employers only for the purpose of evaluating applicants' qualifications for employment in the position for which they have applied and no one shall disclose such information to anyone, other than the applicant, who is not directly involved in the process of evaluating the applicants' qualifications for employment. Applicants may be employed on a non-contracted provisional basis as allowed by law. Applicants shall not be prevented from gaining employment if current or past out-of-state employers are prevented from or refuse to cooperate with the Agency's request.

Applicants for high school and middle school positions should have a major or its equivalent in the specific teaching field(s). Elementary applicants should have a major or its equivalent in elementary education or in the special area of assignment(s). Applicants for specific teaching positions shall also meet the applicable State standards.

Applicants for all teaching positions should have a minimum over-all grade point average of 2.5 (A-4, B-3, C-2, D-1). All candidates should have a grade point average of 2.75 in their respective major teaching field(s).

As required in Idaho Code 65-505, the Agency will observe preference for veterans and disabled veterans when considering hiring employees to fill vacancies, selecting new employees, or implementing a reduction in force.

As required in Idaho Code 33-130 and 33-512(15), the Agency will conduct a criminal history check for applicable positions.

Each newly hired employee must complete an Immigration and Naturalization Service form, as required by federal law.

The employment of any certified staff member is not official until the contract is approved by the Building Principal, the Board, and signed by both the Board Chairman and the applicant.

To assist administrators in compliance with the above policy for the hiring of professional staff, the following guidelines shall be utilized:

#### Notice of Vacancies

Vacancies will be posted only after the Board has approved written resignation from a contracted professional employee of the Agency, a termination has occurred, or if a new position is created within the Agency. The Superintendent shall develop procedures for the posting of available positions within the Agency.

Job Vacancy Notices: Any notice from the Canyon-Owyhee School Service Agency will contain the following information:

- A. Position available and job description.
- B. Requirements for completed application, as applicable for position, include but are not limited to: 1) a completed Agency application form; 2) official transcripts of all university or college credits; 3) a placement center file; 4) a personal resume; 5) verification or eligibility of Idaho certification; and 6) a signed statement/release for current and past school Agency employers.
- C. Timeline for receiving application.
- D. Process notification of how applications will be handled.

Application Procedures: It will be the responsibility of any applicant to provide the information listed in 1-B above.

Such information must be received prior to the cutoff date for receiving applications as specified in the vacancy notice.

It will be at the discretion of the Superintendent, the appropriate administrator, and the building administrator to determine whether such deadlines should be extended to accommodate individuals where placement center files, transcripts, or other materials are not yet received by the Agency for consideration. Such time extension will be restricted to a reasonable time frame.

In addition to the certification information provided by the applicant, the Agency will also request from the Office of the Superintendent of Public Instruction verification of certification status, any past or pending violations of the professional code of ethics, any detail as to any prior or pending conditions placed upon a certificate holder's certificate, any prior or pending revocation, suspension, or the existence of any prior letters of reprimand and information relating to job performance.

Within three business days of receipt of the statement releasing information from prior school Agency employers, as required by I. C. 33-1210, such statement shall be sent to the prior employers with a request for release of information and documentation to be provided as required by that section.

Because responses to such requests may take up to 20 days, or possibly more for out-of-state school Agency employers, information received pursuant to such request may be reviewed prior to or after interviews have been concluded, at the discretion of the Agency. Where possible, such information should be utilized as part of the screening process. However, due to considerations of time, such early review may not be possible, and such information received pursuant to this process may be reviewed or utilized up to any time prior to offering employment to an applicant.

Upon receipt of the completed applications, those applications will be placed in a file for review and consideration at the Agency Office.

### Preliminary Screening

1. At either the time the job vacancy is published, or prior to the conclusion of the application period, the school administrator will provide notice to the appropriate administrator of the desired number of qualified individuals to be included in the "screening pool". The screening pool shall be defined as the number of individuals having completed applications that may be submitted to the building or program administrator for final screening.
2. Should the building or program administrator desire to have applicants prioritized, he or she shall make such known to the appropriate administrator who will provide the prioritized list of a number consistent with the pool.

### Screening

The building or program administrator may establish a committee to assist in the final screening process.

The committee, upon receiving the written applications from the appropriate administrator, will review those applications for the purpose of:

- A. Determining those most suited to the position;
- B. Making personal telephone contact with one or more references submitted by the applicant;
- C. Contacting individuals who might know the candidate, but were not listed as references, if needed; and
- D. Inviting the top candidates to be interviewed for the position.

The committee will establish the procedures at the building or program level for interviewing the successful applicants.

For those applicants who have no prior public school work experience or whose out-of-state former employers will not release documentation requested pursuant to I.C. § 33-1210, the screening committee or administrator may engage in whatever background checks it deems appropriate, but at a minimum shall verify all prior work experience and educational achievement listed by the applicant as the committee or administrator deems appropriate, preferably by contacting the prior employers and/or educational institutions listed by the applicant, and shall communicate with every person listed as a reference by the applicant.

1. Upon determining the qualified applicant, the building administrator will submit to the Superintendent the written recommendation for the applicant to be offered a contract.

### Acceptance Procedure

Once the Committee or administrator has selected the final candidate, the name will be provided to the Superintendent who will review the applicant's credentials with the building/program administrator. If the Superintendent concurs with the recommendation, the Superintendent will:

1. Authorize a statement of intention to employ, pending Board approval, to be made to the candidate.
2. If, at the time the statement of intention to employ is made, the Agency has not yet received documentation requested pursuant to I.C. 33-1210(3), the Agency may provisionally employ such applicant on a non-contracted basis for up to 30 days after receipt of the documentation. Within that thirty day time period, the Board may issue a written statement to the applicant identifying why a standard contract will not be issued and specifying which information justifies such decision. The Board may not identify any reason for non-issuance of a standard contract not based on the documentation received. If, within 30 days from the receipt of the information requested pursuant to I.C. 33-1210(3) no contract is issued or the written statement of non-employment is not provided to the applicant, the employee will be deemed to be employed pursuant to a Category 1 contract. During this provisional employment, the applicant shall be provided the same compensation and benefits as if the employee had been employed on a standard certificated contract.

If no documentation is received from out of state employers, the Agency may employ the applicant on a standard Category 1 contract without utilizing the provisional, non-contracted employment.

3. Upon receiving a verbal or written statement of intention to accept employment, pending Board approval, by the candidate, the Superintendent will prepare the necessary papers for recommendation to the Board of Trustees at the next regular or special Board meeting.
4. Submit to the Board of Trustees such recommendation.

### Board Action

The Board of Trustees of the Canyon-Owyhee School Service Agency will:

Have placed before it all candidate names for the position; and

Discuss hiring and in situations wherein the individual qualifications of the applicant are discussed go into executive session pursuant to law; and

Vote relating to approval or disapproval of the candidates. If members of the Board personally have knowledge not available to the building administrator and

the screening committee the Board will not take action until all concerns have been reviewed by the building/program administrator.

### Approval

Upon approval by the Board of Trustees, a contract, in a form approved by the State Superintendent of Public Instruction, will be sent or given to the applicant pursuant to the requirements set out in I.C. 33-513. The applicant must sign the contract and return it within ten days from the date the contract is delivered to them. Should the person willfully refuse to acknowledge receipt of the contract or the contract is not signed and returned to the Board in the designated period of time, the Board or designee may declare the position vacant. Should the candidate not be approved, or the person willfully refuse to acknowledge receipt of the contract or the contract is not signed and returned to the Board, the Superintendent will remand the situation to the building administrator and screening committee to provide the next applicant's name for consideration.

Any person on provisional employment pursuant to I.C. 33-1210(7) shall be subject to the same time limits and provisions for return of a signed contract when and if such contract shall be provided to them for signature.

### Certification

To qualify for employment, each teacher or administrator must have, and maintain during the entire school year, a valid Idaho teaching/administrative certificate on file in the Agency Office at the beginning of the school year. Salary will be withheld if the certificate is not on file by September 10 of the given year. If at any time the teacher/administrator's certification lapses, is revoked, or suspended, the certificated employee may be subjected to action declaring a contract violation and possible action to terminate the employment of the individual with the Agency.

## **AUTHORIZATION FOR RELEASE OF INFORMATION ON PAST EMPLOYMENT WITH SCHOOL EMPLOYERS**

Idaho Law requires Applicants for any position at any Idaho Public School to allow the hiring School Agency Employer to obtain a copy of past public school employer personnel file materials and other documentation relating to the performance of the Applicant when such Applicant was employed by any other public school, whether in Idaho or any other state.

Before hiring an Applicant for any position, the Agency must request the Applicant sign the statement/release. Should the Applicant refuse or fail to sign this form, the Agency is not permitted to hire the Applicant for any position. This authorization does not limit any employer from seeking additional information or disclosures from any Applicant.

## **RELEASE OF INFORMATION**

Authorizes current and past public school employer of the Applicant, including Applicants outside of the State of Idaho, to release to the hiring School Agency all information relating to the job performance and/or job related conduct of the Applicant and make available to the hiring School Agency copies of all documents in the previous employer's personnel file, investigative file (regardless of outcome or finding, if any), or other files relating to the job performance of the Applicant.

Releases the Applicant's current and past employers, and employees acting on behalf of the employer, from any liability for providing the above-mentioned information.

Pursuant to I.C. § 33-1210(2)(b), "documentation related to the job performance or job related conduct of any employee/applicant is defined as, and may be limited by the producing Agency to include: all annual evaluations, letters of reprimand, letters of direction, letters of commendation or award, disciplinary actions and documentation of disciplinary investigations, recommendations for probation, notices of probation, notices of removal from probation, recommendations for termination or nonrenewal, notices of termination or nonrenewal, notices from the professional standards commission of Idaho or any other such similar state agency of action taken against an individual's certificate and any rebuttal documentation filed by the employee relative to any of the above documents."

## **PROCEDURES FOR OBTAINING PERSONNEL RECORDS FOR APPLICANTS**

Before hiring an applicant for employment in a certificated or non-certificated position the Agency shall have the applicant sign the statement/release (form 303.3-1) and provide a list of their previous employers (the list may be obtained via resume or application). The Agency will not hire an applicant who refuses or fails to sign the statement/release.

The signed statement/release will then be sent by the Agency to all of the applicant's current or past, in state or out of state, school Agency employers along with a request for information relating to job performance and/or job related conduct. Note – The Agency does not have to request the information for all applicants. The Agency only has to request the information for the applicant(s) who are considered being offered the position. However, in the interests of timeliness, as it may take up to twenty (20) days to receive such information, the Agency may request the information of every applicant who has sent a signed statement/release.

The Agency may follow up with current or past school Agency employers if the information requested has not been received within twenty-five (25) days from the date the request was sent. The Agency may hire non-certificated applicants on a conditional basis pending receipt of the information requested. Applicants shall not be prevented from being hired if an out of state current or past school Agency employer refuses to



comply with the request. The Agency will attempt to obtain a written refusal along with the reason for the refusal from the non-compliant out of state school Agency employer. The written refusal shall be kept as a part of the applicant's file.

The Agency shall also request State Department of Education verification of certification status as well as any past or pending violations of the Professional Code of Ethics and information related to the job performance of the applicants for any certificated position.

When such information and documentation is not received prior to screening or interviews, the Agency will review such information no less than thirty (30) days after it has been received. If an applicant has been offered provisional employment pursuant to I.C. 33-1210(7), the Agency should review the documentation within ten (10) days of receipt. If a written statement of non-employment is to be provided to the provisional employee, it shall be provided before the end of thirty (30) days after the receipt of the documents. If the provisional employee is to be employed by the Agency, a written contract should be provided prior to the end of the thirty (30) day period. It is the goal of the Agency to avoid any situation where an applicant or provisional employee is employed by default or without a written contract.

The Agency shall use information received from applicant's current or past employers only for the purposes of evaluating an applicant's qualifications for employment in the position for which the applicant has applied. No Board member or Agency employee shall disclose the information received to any person, other than the applicant, who is not directly involved in the process of evaluating the applicant's qualifications for employment.

#### **LEGAL REFERENCES:**

**I.C. § 33-130 Criminal history checks for school district employees or applicants for certificates**

**I.C. § 33-512 Governance of schools**

**I.C. § 33-513 Professional personnel**

**I.C. § 33-514, 33-514A**

**I.C. § 33-523 Principals to determine new staffing**

**I.C. § 33-1210 Information on past job performance**

**I.C. § 65-505 Officials to observe preference**

**I.C. § 67-2345(a) Executive sessions**

**I.C. 33-1201**

**I.C. § 74-206 Executive Sessions—When Authorized**

#### **ADOPTED:**

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