

**HOPE for Hyndman Charter School
130 School Drive
Hyndman, PA 15545**

Board of Trustees Policy

EMPLOYMENT OF PERSONNEL POLICY

In its dedication to excellence in education, HOPE for Hyndman Charter School (“Charter School”) is committed to the employment of the most qualified staff.

Upon recommendation of the CEO, the Board shall approve the employment and determine responsibilities and approve compensation for each employee. Any employee who is related to any member of the Board shall receive the affirmative vote of a majority of all members of the Board other than the member related to the applicant. Relatives shall include: father, mother, brother, sister, husband, wife, son, daughter, stepson, stepdaughter, grandchild, nephew, niece, first cousin, sister/brother-in-law, uncle or aunt. The CEO shall report annually to the Board all assignments and reassignments of employees made during the school year, all appointments exempt from the policies and regulations of the Board, and on any subjects the Board may deem necessary and proper. The use of applicants prior to employment approval by the Board is authorized when necessary to maintain continuity in the educational program or meeting emergency conditions in the operation of the Charter School. Retroactive employment shall be recommended at the next regular meeting of the Board.

Under Act 168, direct contact with children is defined as the “possibility of care, supervision, guidance or control of children or routine interaction with children.” Act 168 states that before a school entity or independent contractor may offer employment to an applicant who would be employed by or in a school entity in a position involving direct contact with children, the school entity or independent contractor must fulfill several requirements.

Act 168 requirements include applicant contact information and consent to the requests for written statements from current and former employers detailing any history of discipline, abuse and sexual misconduct. Charter School must review the applicant’s employment history by contacting prior employers. Charter School must also verify the applicant’s eligibility for employment or certification status, as well as inquire whether the Department of Education has received notification of pending criminal charges against the applicant. A prior employer must disclose the requested information no later than twenty days after receiving the request. Upon receipt of an affirmative response, Charter School shall request that former employers provide additional information about the applicant no later than sixty days after the request. The willful failure to respond or provide the information and records as requested may result in civil penalties and professional discipline by the Department of Education.

Pursuant to Act 168, while Charter School may not hire an applicant who does not provide the information required, Charter School may hire an applicant on a provisional basis for a period not to exceed ninety days pending Charter School's review of information and records received. Based on this provisional option and Charter School's concern regarding efficiency, the Board may recommend to hire an applicant on a provisional basis, which will potentially mitigate delays while meeting the requirements of the hiring process outlined in Act 168. Charter School will perform its due diligence when hiring employees, which includes background checks, as discussed in detail below. To hire an applicant on a provisional basis:

- (1) The applicant has provided all of the information and supporting documentation required;
- (2) The school administrator has no knowledge of information pertaining to the applicant that would disqualify the applicant from employment;
- (3) The applicant swears or affirms that the applicant is not disqualified from employment; and
- (4) The applicant will not work alone with children and is required, at all times, to work in the immediate vicinity of a permanent employee.

Appointments of personnel shall be made on merit without regard to race, creed, color, national origin, sex, sexual orientation, marital status, or membership in an employee organization. An employee's deliberate misstatement of fact essential to qualifications for employment or determination of salary shall be considered as grounds for dismissal. Act 153 mandates that, prior to any hire, an applicant, including a volunteer, having contact with children, must submit the following to the school (obtained within the preceding one-year period):

- (1) Criminal History Record;
- (2) Child Abuse Clearance; and
- (3) Federal Criminal History Record Report (including fingerprinting).

"Contact with Children" is defined under Act 153 as a "significant likelihood of care, guidance, supervision or training with children." If the information obtained reveals that the applicant is disqualified from employment or approval, the applicant must be immediately dismissed from employment or approval. Such disqualification includes conviction of a felony offense. Further, Section 1-111 of the Public School Code offers criteria for applicant disqualification. 24 P.S. §1-111.

In addition, according to Act 153, volunteers need only supply state criminal record histories and state child abuse clearances (and not federal criminal history records) if:

- (1) The positions the prospective volunteers are applying for are unpaid; (2) The prospective volunteers have been residents of the Commonwealth during the entirety of

the previous ten-year period; and

(3) The prospective volunteers swear or affirm in writing that they are not disqualified from service or have not been convicted of a felony offense.

Act 153 also provides a provisional basis for applicant employment. Administrators may employ applicants on a provisional basis for a single period, not to exceed 90 days (30 days for out-of-state applicants), as long as all of the following conditions are met:

(1) The applicant applied for the clearances required and has provided a copy of the appropriate completed request forms;

(2) Nothing disqualifies the applicant from employment;

(3) The applicant swears or affirms in writing that he is not disqualified from employment and/ or has not been convicted of specific crimes;

(4) If information obtained reveals that the applicant is disqualified from employment, the applicant will be dismissed immediately; and

(5) The applicant may not work alone with children and is always in the immediate vicinity of a permanent employee.

Once an applicant has obtained the clearances required, he or she may transfer or provide services to another subsidiary or branch established and supervised by the same organization, or serve in a volunteer capacity for any program, service or activity, during the length of time their certification is current. However, any employee who begins employment with a new agency, institution, organization or other entity that is responsible for the care, supervision, guidance or control of children is required to obtain a new certification of compliance.

All employees having contact with children will be required to obtain the required certifications every 36 months. Effective July 1, 2015, all volunteers having contact with children will be required to obtain the required certifications every 36 months.

The CEO shall develop procedures for the recruitment, screening and recommendation of candidates for employment in accordance with the following guidelines: candidates of good moral character who possess the following attributes: successful educational training and experience, scholarship, and intellectual vigor; appreciation of children; and good physical health, emotional and mental maturity and stability. Screening procedures shall be used, as necessary, to determine the candidate's ability to perform the tasks for which the candidate is being considered. Recommendations may be sought from former employers and others to assist in assessing the candidate's qualifications. Such records shall be retained confidentially and for official use only. All employees, regardless of position, must be photographed for identification purposes. All information shall be kept confidential. The identification card shall serve to admit employees to the school building(s) in the course of their duty assignment. Candidates shall be recruited and recommended in accordance with Board policy as well as state and federal law. The

CEO shall make appointments on merit without regard to race, religion, color, national origin, sex, sexual orientation, marital status, or membership in an employee organization. Exception to this policy of merit shall be made for the following:

- Administrators;
- Persons employed by contract to perform special services for the Charter School where the CEO certifies that such services cannot be performed by current School employees; and
- Persons temporarily appointed or designated to make or conduct a special inquiry or study, or to perform a special service of a unique character which cannot or should not be performed by Charter School employees.

Physical examinations by a licensed physician shall be required of all employees as follows:

- A tuberculin skin test shall be administered within three (3) months prior to the date the school receives the form.
- Charter School personnel who have a documented non-significant tuberculin skin test are not required to have further tuberculin tests unless they are exposed to a case of active tuberculosis or are directed otherwise by the Secretary of the Department of Health to have an additional test.
- Results of this examination shall be made known to the CEO on a confidential basis, discussed with the employee, and made part of the employee's record.

TO THE EXTENT THAT ANYTHING IN THIS POLICY COULD BE CONSTRUED TO CONFLICT WITH THE SCHOOL'S CHARTER OR APPLICABLE STATE AND/OR FEDERAL LAWS, THE APPLICABLE STATE AND/OR FEDERAL LAWS AND/OR CHARTER CONTROL.

ADOPTED this ____ day of _____, 2015

President

Secretary