

Note: The following **optional** policy may be revised to reflect district practice and related provisions of collective bargaining agreements.

The Governing Board should ensure that district hiring procedures are designed to avoid liability for negligent hiring. In C.A. v. William S. Hart Union High School District, the California Supreme Court held that a district can be held vicariously liable for the negligence of its administrators and supervisors in the hiring, retention, and supervision of a counselor who sexually harassed and/or abused a student.

The Governing Board is committed to employing suitable, qualified individuals to effectively carry out the district's vision, mission, and goals.

(cf. 0000 - Vision)

(cf. 0200 - Goals for the School District)

(cf. 4000 - Concepts and Roles)

(cf. 4100 - Certificated Personnel)

(cf. 4200 - Classified Personnel)

(cf. 4300 - Administrative and Supervisory Personnel)

The Superintendent or designee shall develop equitable, fair, and transparent recruitment and selection processes and procedures that ensure individuals are selected based on demonstrated knowledge, skills, and competence and not on any bias, personal preference, or unlawful discrimination.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4032 - Reasonable Accommodation)

(cf. 4111.2/4211.2/4311.2 - Legal Status Requirement)

When a vacancy occurs, the Superintendent or designee shall review the job description for the position to ensure that it accurately describes the major functions and duties of the position. He/she shall also disseminate job announcements to ensure a wide range of candidates.

The district's selection procedures shall include screening processes, interviews, recommendations from previous employers, and observations when appropriate, as necessary to identify the best possible candidate for a position.

(cf. 4112.61/4212.61/4312.61 - Employment References)

The Superintendent or designee may establish an interview committee to rank candidates and recommend finalists. During job interviews, applicants may be asked to describe or demonstrate how they will be able to perform the duties of the job. All discussions and recommendations shall be confidential in accordance with law.

(cf. 2230 - Representative and Deliberative Groups)

RECRUITMENT AND SELECTION (continued)

No inquiry shall be made with regard to any information prohibited by state or federal nondiscrimination laws.

Note: Labor Code 432.3, as added by AB 168 (Ch. 688, Statutes of 2017), prohibits districts from seeking a job applicant's salary history information and from relying on salary history as a factor in determining whether to offer employment to an applicant or the salary to offer. However, if the applicant discloses salary history information voluntarily and without prompting, the district is not prohibited from considering or relying on such information in determining the salary for that applicant. Labor Code 432.3 is not applicable to salary history information that is disclosable pursuant to the California Public Records Act (Government Code 6250-6270) or the Freedom of Information Act (5 USC 552).

The Superintendent or designee shall not inquire, orally or in writing, in regard to an applicant's salary history information, including compensation and benefits. He/she shall also not rely on salary history information as a factor in determining whether to offer employment to an applicant or the salary to offer. However, the Superintendent or designee may consider salary information that is disclosable under state or federal law or that the applicant discloses voluntarily and without prompting. Upon request, the Superintendent or designee shall provide the applicant the pay scale for the position to which he/she is applying. (Labor Code 432.3)

Note: The following paragraph should be modified to reflect district practice.

For each position, the Superintendent or designee shall present to the Board one candidate who meets all qualifications established by law and the Board for the position. No person shall be employed by the Board without the recommendation or endorsement of the Superintendent or designee.

(cf. 4112 - Appointment and Conditions of Employment)

(cf. 4112.2 - Certification)

(cf. 4112.22 - Staff Teaching English Learners)

(cf. 4112.23 - Special Education Staff)

(cf. 4112.8/4212.8/4312.8 - Employment of Relatives)

(cf. 4212 - Appointment and Conditions of Employment)

(cf. 4312.1 - Contracts)

Incentives

Note: The district may offer incentives (e.g., signing bonuses, assistance with beginning teacher induction costs, assistance with the process of obtaining a clear credential including covering credential costs, a mentoring program, additional compensation, and/or subsidized housing) to recruit teachers, administrators, or other employees in accordance with district needs.

RECRUITMENT AND SELECTION (continued)

AB 99 (Ch. 15, Statutes of 2017) establishes the California Educator Development (CaED) grant program to assist districts with attracting and supporting the preparation and continued learning of teachers, principals, and other school leaders.

Health and Safety Code 53573 permits districts to establish and implement programs that address the housing needs of teachers and other district employees who face challenges in securing affordable housing. Health and Safety Code 53574 enables housing projects on district property restricted to rentals for district employees to qualify for both federal and state low-income housing tax credits.

The following **optional** section may be revised to reflect local incentive programs.

With Board approval and in accordance with district needs, the district may provide incentives to recruit teachers, administrators, or other employees, such as signing bonuses, assistance with beginning teacher induction and/or credential costs, mentoring, additional compensation, and/or subsidized housing.

Legal Reference:

EDUCATION CODE

200-262.4 *Prohibition of discrimination*

35035 *Responsibilities of superintendent*

44066 *Limitations on certification requirement*

44259 *Teaching credential; exception; designated subjects; minimum requirements*

44750 *Teacher recruitment resource center*

44830-44831 *Employment of certificated persons*

44858 *Age or marital status in certificated positions*

44859 *Prohibition against certain rules and regulations re: residency*

45103-45139 *Employment (classified employees)*

49406 *Examination for tuberculosis*

GOVERNMENT CODE

815.2 *Liability of public entities and public employees*

6250-6276.48 *Public Records Act*

12900-12996 *Fair Employment and Housing Act, including:*

12940-12957 *Discrimination prohibited; unlawful practices*

HEALTH AND SAFETY CODE

53570-53574 *Teacher Housing Act of 2016*

LABOR CODE

432.3 *Salary information*

UNITED STATES CODE, TITLE 5

552 *Freedom of Information Act*

UNITED STATES CODE, TITLE 8

1324a *Unlawful employment of aliens*

1324b *Unfair immigration related employment practices*

UNITED STATES CODE, TITLE 20

1681-1688 *Title IX prohibition against discrimination*

Legal Reference continued: (see next page)

RECRUITMENT AND SELECTION (continued)

Legal Reference: (continued)

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964

2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 34

106.51-106.61 Nondiscrimination on the basis of sex in employment in education program or activities

COURT DECISIONS

C.A. v William S. Hart Union High School District et al., (2012) 138 Cal.Rptr.3d 1

Management Resources:

CALIFORNIA COUNTY SUPERINTENDENTS EDUCATIONAL SERVICES ASSOCIATION PUBLICATIONS

Teacher Recruitment in California: An Analysis of Effective Strategies, Research Brief, Veritas Research and Evaluation Group, October 2017

WEB SITES

California County Superintendents Educational Services Association: <http://ccsesa.org/recruit>

California Department of Education: <https://www.cde.ca.gov>

California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>

Commission on Teacher Credentialing: <http://www.ctc.ca.gov>

Education Job Opportunities Information Network: <http://www.edjoin.org>

Teach USA: <https://culturalvistas.org/programs/us/teach-usa>

U.S. Equal Employment Opportunity Commission: <http://www.eeoc.gov>