Hickman County Board of Education

	Descriptor Term: **Application and Employment**	Descriptor Code: **5.106**	Issued Date: **10/03/22**
		Rescinds: **5.106**	Issued: **08/02/21**

APPLICATION

An individual desiring a position shall make application to the Director of Schools on forms developed by his/her office. To ensure the safety and welfare of students and staff, the district shall require criminal history background checks and fingerprinting of applicants for teaching positions and any other positions that require proximity to children.[1] If applying for a teaching position, the Director of Schools shall also check the applicant's license status in the State Board of Education's database to determine if there is a hold on that applicant's license, and if so, the reasoning behind the hold.[2]

Knowingly falsifying information shall be sufficient grounds for termination of employment and shall also constitute a Class A misdemeanor which shall be reported to the District Attorney General for prosecution.[3]

Any costs incurred to perform these background checks and fingerprinting shall be paid by the applicant. The Board shall reimburse the applicant if a position is offered and accepted.[4]

Professional Employees

The application shall include a transcript of credits earned at the colleges or universities attended along with references from persons such as previous employers, college professors, and supervisors of student teachers. Other information shall include whether such applicant has been dismissed for cause from a school district.[5] If previously employed by a local board of education, the applicant shall provide evidence of acceptable resignation.

No person shall be employed:

1. Who does not hold a valid license to teach or a temporary permit to teach from the State Board of Education;[6]
2. Who has been identified by the Department of Children's Services as a perpetrator of child abuse, severe child abuse, child sexual abuse, or child neglect or who poses an immediate threat to the health, safety, or welfare of children;[7]
3. Who is listed on the state's abuse of vulnerable persons registry maintained by the Department of Health, or on a similar registry in another jurisdiction;7
4. Who does not present a physician's certificate showing a satisfactory health record or has any contagious or communicable disease in such form that might endanger the health of school children;[8]
5. Who refuses to take and subscribe to an oath to support the Constitution of the State of Tennessee and of the United States of America;[9]

6. Who fails to make a full disclosure of any prior criminal record and any prior dismissals from employment for cause; or
7. Who does not receive a satisfactory background check.[10]

Support Employees

No person shall be employed:

1. Who has any contagious or communicable disease in such form that might endanger the health of school children;[8]
2. Who has been identified by the Department of Children's Services as a perpetrator of child abuse, severe child abuse, child sexual abuse, or child neglect or who poses an immediate threat to the health, safety, or welfare of children;[7]
3. Who is listed on the state's abuse of vulnerable persons registry maintained by the Department of Health;[7]
4. Who has not complied with the Immigration Reform and Control Act of 1986;[11]
5. Who fails to make a full disclosure of any prior criminal record and any prior dismissals from employment for cause; or
6. Who does not receive a satisfactory background check.[10]

EMPLOYMENT

After checking references and receiving written recommendations, the Director of Schools shall hire and assign qualified applicants.

Initial Employment for Professional Employees

The Director of Schools shall notify such person, in writing, of the offer and conditions of employment. Upon receipt of employment notification, such person shall respond within the timeline established by state law.[12] From the date of the written acceptance, such person is considered to be under employment with the district and is subject to all rights, privileges, and duties.

Legal References

1. TCA 49-5-406
2. State Board of Education Policy 5.501
3. TCA 49-5-406(a)(2)(A)
4. TCA 49-5-413(c)
5. TCA 49-2-131
6. TCA 49-5-403; TCA 49-5-101; Public Acts of 2021, Chapter No. 211
7. TCA 49-5-413(e); Public Acts of 2023, Chapter No. 222
8. TCA 49-5-404
9. TCA 49-5-405
10. TCA 49-5-413(a), (f)
11. Immigration Reform and Control Act of 1986; Pub. L. No. 99-603, 100 Stat. 3359, 8 USCA § 1101 *et seq.*
12. TCA 49-5-406(b)

Cross References

Orientation and Probation 5.107
Compensation Guides & Contracts 5.110
Background Investigations 5.118
Recommendations and File Transfers 5.203
Interim Employees 5.700
Qualifications and Duties of the Director of Schools 5.802