

SUPERINTENDENT The Board employs and evaluates the Superintendent.

SELECTION OF PERSONNEL The Superintendent has sole authority to make recommendations to the Board regarding the selection of all personnel. The Board may delegate final authority for those decisions to the superintendent [see SUPERINTENDENT RECOMMENDATION, below].

DELEGATION OF AUTHORITY For employees hired under one-year term contracts, the Board delegates to the Superintendent the authority to establish terms of employment not addressed in the contract document. For all other employees, the Board delegates to the Superintendent the authority to specify the terms of employment with the School.

Education Code 11.1513(c)

SUPERINTENDENT RECOMMENDATION The Board may accept or reject the Superintendent’s recommendation regarding the selection of school personnel and shall include the board’s acceptance or rejection in the minutes of the Board’s open meeting, in the certified agenda or tape recording of a closed meeting, or in the recording required under Government Code 551.125 or 551.127, as applicable. If the Board rejects the Superintendent’s recommendation, the Superintendent shall make alternative recommendations until the Board accepts a recommendation.

Education Code 11.1513

CONTRACT EMPLOYEES The Board shall approve or disapprove recommendations regarding the selection of all contract employees.

NONCONTRACT EMPLOYEES The Board delegates the final authority for the selection of noncontract employees to the Superintendent.

NEPOTISM The Superintendent to whom a board has delegated final hiring authority to select personnel is a “public” official” with appointment authority for purposes of the nepotism laws.

Atty. Gen. Op GA-123 (2003)

POSTING OF VACANCIES The School shall post available employment opportunities on the School’s website for a minimum of ten days prior to filling the position, providing all school employees with a reasonable opportunity to apply for the position.

Education Code 11.1513(d)

At any time the School has an employment opening for which persons from outside the School will be considered, the School shall list the opening with the Texas Workforce Commission.

Government Code 656.001

EXCEPTION

If, during the school year, the School must fill a vacant position held by a teacher, as defined by Education Code 21.201, in less than ten school days, the School must provide notice of the position in the manner described above as soon as possible after the vacancy occurs. However, the School is not required to provide the notice for ten school days before filling the position or to provide a reasonable opportunity to apply for the position.

Education Code 11.1513(e)

APPLICATIONS

All applicants for employment shall complete their application in the School's applicant tracking system (TalentEd or similar).

BOARD APPROVAL

Prior to Board approval for hire, the following documents must be included in the employment recommendation: college transcript(s), certification or licensure and/or testing results.

Information contained in an employment application is subject to verification.

PRE-EMPLOYMENT
AFFIDAVIT

The School shall require all applicants to submit a pre-employment affidavit using a form adopted by TEA. The affidavit requires the applicant to disclose whether the applicant has ever been charged with, adjudicated for, or convicted of having an inappropriate relationship with a minor.

An applicant who answers affirmatively concerning an inappropriate relationship with a minor is required to disclose such information in the affidavit, including all relevant facts pertaining to the charge, adjudication, or conviction, whether the charge was determined to be true or false.

An affirmative answer does not preclude the applicant from being employed if the School determines, based on information disclosed in the affidavit, that the charge was false.

Failure to disclose the required information is grounds for termination.

Education Code 21.009

EMPLOYMENT
ASSISTANCE
PROHIBITED

The School nor any employee may assist any individual who is a school employee, contractor, or agent in obtaining a new job, apart from the routine transmission of administrative or personnel files, if the School or employee knows or has probable cause to believe, that the school employee engaged in sexual misconduct regarding a minor or student in violation of the law.

This requirement does not apply if the information giving rise to probable cause has been properly reported to a law enforcement agency with jurisdiction over the alleged misconduct; and has been properly reported to any other authority as required by federal, state, or local law, including Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) and the implementing regulations under Part 106 of Title 34, Code of Federal Regulations, or any succeeding regulations; and:

1. The matter was officially closed or the prosecutor or police with jurisdiction investigated the allegations and notified the School that there was insufficient information to establish probable cause that the employee engaged in sexual misconduct involving a minor or student in violation of the law;
2. The employee was charged with and acquitted or otherwise exonerated of the alleged misconduct; or
3. The matter remains open and there have been no charges filed against, or indictment of, the employee within four years of the date the information was reported to the law enforcement entity.

STATE EMPLOYMENT
AFTER RETIREMENT
UNDER EMPLOYEES
RETIREMENT SYSTEM

The School may hire as regular, substitute or temporary employees any person who has retired under the Employees Retirement System. (See DCD, DFE)

Any person who has retired under the Employees Retirement System and is seeking employment with the School must apply for any position competitively as an external applicant no sooner than ninety days after the

individual's retirement date. A retiree may not apply for positions available only to internal applicants.

CONTRACTING WITH
FORMER EMPLOYEES

The School may not enter into a professional services contract under Government Code Chapter 2252, or a consulting services contract under Government Code Chapter 2254 with a former or retired employee of the School before the first anniversary of the last date on which the individual was employed by the School, if appropriated money will be used to make payments under the contract.

The School is not prohibited from entering into a professional services contract with a corporation, firm, or other business entity that employs a former or retired employee of the School within one year of the employee's leaving the School, provided that the former or retired employee does not perform services on projects for the corporation, firm, or other business entity that the employee worked on while employed by the School.

Government Code 2252.901

An employee employed under Texas Education Code 30.055(b) is not subject to Section 2252.901, Government Code.

Education Code 30.055(b)

SALARY SUPPLEMENT
FOR "DIFFICULT TO FILL"
POSITIONS

In addition to the contract salary received during the employee's first year of employment with the school and for the purpose of reducing a vacancy in a position that is difficult to fill because of the specialized nature and the limited number of qualified applicants, the employee may be paid a salary supplement, not to exceed any salary supplement paid by the Austin Independent School District to an employee employed in a comparable position.

Education Code 30.055(b)(7)

IDENTIFYING
"DIFFICULT TO FILL"
POSITIONS

Within this policy, a position shall be identified as "difficult to fill" if the lack of availability and quality of applicants possessing the competencies required for a particular position, as evidenced by unsuccessful efforts to recruit applicants for similar positions using indicators such as offer acceptance rates, the proportion of positions filled, and the length of time required to fill similar positions, have resulted or are resulting in the inability to fill the position efficiently.

The Superintendent shall use data maintained by the

Human Resources Department to identify “difficult to fill” positions.

The Superintendent may approve a hiring bonus for any position identified as “difficult to fill”, or may award a salary supplement in accordance with Austin Independent School District.

FORMER BOARD
MEMBER
EMPLOYMENT

A board member is prohibited from accepting employment with the School until the first anniversary of the date the board member’s membership on the Board ends.

Education Code 11.063

NEW HIRES

The School shall verify information of all new employees through the E- Verify Program as prescribed by the Texas Workforce Commission.

Government Code 673.002

I-9 Forms

The School shall ensure that an employee properly completes Form I-9 at the time of hire.

The School must verify employment eligibility, pursuant to the Immigration Reform and Control Act, and complete Form I-9 by the following dates:

1. Within three business days of initial hiring. If the School hires an individual for employment for a duration of less than three business days, the School must verify employment at the time of hire.

The School shall not be deemed to have hired an individual if the individual is continuing in his or her employment and has a reasonable expectation of employment at all times.

When the School rehires an individual, the School may, in lieu of completing a new I-9, inspect a previously completed I-9 executed within three years of the date of rehire, to determine whether the individual is still eligible to work.

2. For an individual whose employment authorization expires, not later than the date of expiration.

8 CFR 274a.2(b)(1)(ii), (iii), (vii), (viii)

NEW HIRE REPORTING

The School meets reporting requirements through automatic submission by the Texas Comptroller's Office.

EXCEPTIONS

The above provision does not apply to:

1. Any disclosure that is required by federal statute. The United States Internal Revenue Code provides that the Social Security number issued to an individual for purposes of federal income tax laws shall be used as the identifying number for taxpayers;
2. Any disclosure to the School maintaining a system of records in existence and operating before January 1, 1975, if such disclosure was required under statute or regulation adopted before such date to verify the identity of an individual; or
3. Any use for the purposes of establishing the identity of individuals affected by any tax, general public assistance, driver's license, or motor vehicle registration law within the School's jurisdiction.

STATEMENT OF USES

When the School requests disclosure of a Social Security number it shall inform individuals whether the disclosure is mandatory or voluntary, by what statutory authority such number is solicited, and what uses will be made of it. Privacy Act of 1974, Pub. L. No. 93-579, sec. 7(b), 88 Stat. 1896, 1897 (1974)

CONTRACT EMPLOYMENT

Within this policy, "Teacher" means a principal, supervisor, classroom teacher, counselor, or other full-time professional employee who is required to hold a certificate issued under Subchapter B, Chapter 21 of Texas Education Code, except the term does not include a superintendent.

Education Code 30.055(a)

CONTRACT TERM

The Board shall employ by one-year term contract any employee whom the Board is permitted or required to employ by contract

30.055. Education Code 21.002(c)

LENGTH OF CONTRACT

A contract between the School and an educator shall be for a minimum of ten months of services. An educator employed under a ten-month contract must provide a minimum of 187 days of service. The Commissioner may reduce the number of days of service, but such a reduction

by the commissioner does not reduce the employee's salary.

Education Code 21.401

EMPLOYMENT OF
TEACHERS

Each teacher shall be employed under a term contract as provided by Subchapter E, Chapter 21, or under a probationary contract as provided by Subchapter C, Chapter 21. Education Code 30.055(b)

An employee employed under a contract under this subsection:

1. shall be paid in accordance with a salary structure adopted by the superintendent with the concurrence of the board;
2. is not eligible for longevity pay;
3. is not entitled to a paid day off from work on any national or state holiday;
4. is eligible for sick leave accrual in each month in which at least one day of the month is included in the term of the employment contract and in any other month in which work is performed or paid leave is taken;
5. may be permitted by the board to use a maximum of four days per contract term of accrued sick leave for personal reasons. This time does not carry forward from year to year;
6. May choose to be paid in 10, 11 or 12 monthly installments;
7. shall work the hours established by the superintendent; and
8. in addition to the contract salary received during the employee's first year of employment, may be paid a salary supplement for the purpose of reducing a vacancy in a position that is difficult to fill. The supplement may not exceed any salary supplement paid by the Austin Independent School District to an employee employed in a comparable position.

Education Code 30.055(b) 1-7

TEXAS SCHOOL FOR THE DEAF

EMPLOYMENT PRACTICES

DC

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