

BOARD AGENDA ITEM

January 25, 2011

SUBJECT:

Revision to Policy GCB – *Professional Staff Contracts and Compensation*
Second Reading

BACKGROUND:

Policy GCB was implemented in 2001 during a comprehensive re-codification of the School District's Policy Manual. Although this policy had language which was new to the District, portions of existing District policies were incorporated into it, particularly from old Policy GBA. The policy contains language concerning teacher contracts which is found both in the School District's enabling legislation and in a general statute dating back to the early twentieth century. The policy requires Board approval before any employment contract is considered legally binding. Board approval for all hiring recommendations is still the final legal step in the District's hiring policy. However, as this District has grown larger through consolidation, and with the advent of yearly budgeting procedures and the allocation of positions for operating the District, the administration has followed a practice utilized by many districts which allows, on occasion, recommended candidates for employment positions who have been screened, cleared, and approved according to all hiring procedures and policies, to begin work a week or two before the Board meets to give approval. The continuation of such employment is subject to final approval by Board action. Existing positions which become vacant, and also positions that may be new but were previously approved and funded by the Board, and within general budget allocations, can be filled on a conditional basis without violating the funding proscription of the policy language and old statutory provisions. However, a literal reading of existing Policy GCB could reasonably raise an issue of interpretation concerning this procedure.

ADMINISTRATIVE CONSIDERATION:

The Board employs the District Superintendent to manage the day-to-day operations of the School District and assure compliance with all relevant federal, state, and local laws, and regulations pertaining to those laws, and to implement the intent of the District's policies. Board approval as the final legal step to contracts serves the purpose of holding the Superintendent and staff accountable for such compliance and keeps Board Members informed of all regular employment positions and those appointed to the same. There are fairly frequent occasions in which the continuity of instruction or other service to students depends upon the timely and efficient replacement, or temporary replacement, for vacant instructional positions as well as support staff positions. Additionally, many classified positions are key to the successful daily operations of the School District, and – when vacancies occur – qualified individuals need to be timely appointed into those positions in order to keep District operations running smoothly. It is the desire to best serve the students and staff within the District that has driven the need for discretionary interim placements of personnel by the Superintendent, pending approval of their contracts by the Board. The recommended change to this policy clarifies this practice in connection with hiring recommendations under

Policies GCF (Certified or Professional Staff) and GDF (Support Staff) in situations of interim utilization of employees' services. A written acknowledgement by employees so placed is required. In response to a question that arose during first reading, the administration has confirmed that an employee receives service credit from the actual commencement of work, based upon an employee action form that is utilized by the Department of Human Resources.

RECOMMENDATION:

Adopt the proposed revision to Policy GCB on second reading

ATTACHMENT:

Policy GCB, as revised

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Policy GCB Professional Staff Contracts and Compensation

Issued 11/01

Purpose: To establish the basic structure for professional staff contracts and compensation.

Compensation

The board will attempt to pay its professional employees at a level that will attract and hold personnel dedicated to education.

The compensation of certificated personnel is based on the state salary schedule with local supplements as approved by the board. The schedule takes into consideration the levels of professional training and years of service in the district.

The effective date for all salary changes as determined by the salary schedule or by action of the board is July 1.

No teacher employed in the same position, over the same time period, will receive less total salary, including any normal incremental increase, than the teacher received for the previous fiscal year.

As a minimum requirement, certified applicants must have in their possession or must have completed before the assumption of professional duties all technical certification requirements for the position in question or be eligible for exceptions by the accrediting agencies by which the schools of the district are assessed.

Certified employees must maintain their certification and meet the requirements of applicable accrediting agencies in order to continue employment in the district.

At the option of the area assistant superintendent, newly employed personnel who assume coaching duties may be employed with provisions in their contracts which require continuing coaching duties as a condition of continued employment by the district.

Contracts

All personnel assigned to regular positions will be given contracts for the specific number of days or months of work.

The board will examine all contracts for the employment of teachers and other employees and no contract will be binding upon the board or upon the district, and only the interim services account shall be liable for payment for any services performed, until board action is taken on the recommendation in the event of an interim placement pending board approval. [Interim utilization of services by a recommended employee who has otherwise completed and cleared all pre-hiring interview and screening requirements is authorized prior to board action on the superintendent's recommendation where the administration reasonably believes the best interests of students and/or staff will most efficiently and continuously be served by such conditional authorization to commence work. Written acknowledgement of the conditional nature of such services, subject to Board approval, will be obtained by the Human Resources Department.]

Contracts of certified personnel may be renewed annually with the exception of those persons under consideration for contract changes or termination.

All personnel will be notified of the status of their contracts (whether renewed or not renewed) by April 15 of each year. Employees must give written acceptance of their contracts to the superintendent on or before April 25th. Failure to give such notification constitutes contract rejection.

Summer employment

Personnel employed for summer school will be paid for the contracted period of time at the rate established for the position. Should the summer school contractual time overlap with the employee's annual work schedule and payment, only the regular salary will be paid for the overlap days in the contractual period.

Supervision of rental property

When a facility is rented by an outside group, the supervisor fee should be paid appropriately by the group renting the facility, provided the event requiring supervision is not school sponsored and is beyond the typical working hours of the supervisor. The supervisor does not have to be an administrator. The supervisor fee is to be included in the total contractual cost.

Adopted prior to 1974; Revised 2/28/78, 1/22/85, 9/13/88, 1/14/92, 11/27/01

Legal references:

S.C. Code, 1976, as amended:

Section 59-19-80 - Teacher contracts to be approved in regular meetings of the board.

Section 59-19-290 - Contracts in excess of apportioned funds void.

Section 59-20-50 - Minimum salary schedule.

Section 59-21-20 - Teacher contracts to be based on school term of 190 days.

Section 59-25-410 - Notice to teacher of employment status.

Section 59-25-710 - Salary complaints.

State Board of Education Regulations

R-43-203 - Professional personnel contracts.

The School District of Aiken County