



TEACHERS AND ADMINISTRATORS PROFESSIONAL STAFF BACKGROUND CHECKS

Pre-Employment Background Checks

Prior to hiring a certificated staff member or administrator, the District shall:

1. Check with the Colorado Department of Education ("CDE") to determine if there is any information on record indicating the applicant has been convicted of any felony or misdemeanor crime involving unlawful sexual behavior or unlawful behavior involving children.

CDE records will indicate if the applicant has been convicted of, pled *nolo contendere* to, received a deferred sentence or a deferred prosecution, or had his or her certificate annulled, suspended, or revoked for such crimes. CDE also will provide any available information to indicate whether the applicant has been dismissed by or resigned from a school district as a result of an allegation of unlawful behavior involving a child, including unlawful sexual behavior which was supported by a preponderance of the evidence according to information provided to CDE by a school district and confirmed by CDE in accordance with state law. Information of this type that is learned from a different source shall be reported by the District to CDE.

2. Contact previous employers of the applicant to obtain information or recommendations relevant to the applicant's fitness for employment.
3. Perform such other background checks as may be authorized by the Superintendent or designee.

Post-Hiring Background Checks

Subsequent to hiring a certificated staff member or administrator, if the District has good cause to believe the employee has been convicted of a felony or misdemeanor, other than a misdemeanor traffic offense, the District shall check with CDE and other agencies, as appropriate, to determine if there is any information indicating the employee has been convicted of a felony or misdemeanor.

In addition to checking with CDE and other appropriate agencies, the District may also require the certificated staff member or administrator to submit a complete set of fingerprints taken by a qualified law enforcement agency. Such submittal of fingerprints shall not be required if the employee has submitted a set of fingerprints to any other Colorado school district during the two-year period immediately preceding the date of receipt of written notification requesting fingerprints and has consented by written notice to the transfer of a copy of the previously submitted fingerprints to the requesting district.

The District shall release the fingerprints to the Colorado Bureau of Investigation and the federal bureau of investigation for processing. The District shall not charge the certificated staff member or administrator any fees for the direct and indirect costs of fingerprint processing performed.

If the information indicates the employee has been convicted of a felony or misdemeanor, other than a misdemeanor traffic offense, the District shall determine whether a nexus exists between the conviction and the District's educational mission. If the District determines a nexus exists between the employee's conviction and the District's educational mission which has or is likely to have a negative effect on students, staff, or the District's best interests, the District may take appropriate action with respect to the employee, including termination.

For purposes of this policy, "convicted" means a conviction by a jury or by a court and shall also include the forfeiture of any bail, bond, or other security deposited to secure appearance by a person charged with a felony or misdemeanor, the payment of a fine, a plea of *nolo contendere*, and the imposition of a deferred or suspended sentence by the court.

LEGAL REF.:

C.R.S. 22-32-109.1(8)

C.R.S. 22-32-109.7

C.R.S. 22-32-109.9

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