



SUPPORT STAFF BACKGROUND CHECKS

Pre-Employment Background Checks

Prior to hiring a support staff member, 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, or received a deferred sentence or deferred prosecution 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.

Fingerprinting

1. All applicants selected for employment in a support staff position must submit a complete set of fingerprints taken by a qualified law enforcement agency or an authorized District employee and a notarized, completed form as required by state law.

2. As part of the application process, the applicant must certify in writing either that he or she has never been convicted of a felony or misdemeanor charge, not including any misdemeanor traffic offense, or that he or she has been convicted of a felony or misdemeanor charge (not including any misdemeanor traffic offense). The certificate must specify the felony or misdemeanor, the date of conviction, and the court entering judgment.

3. The District will release the fingerprints to the Colorado Bureau of Investigation for processing.

4. Although the applicant may be conditionally employed prior to receiving the results, he or she may be terminated if the results are inconsistent with the information provided on the form. The District will notify the district attorney of such inconsistent results for action or possible prosecution.

Post-Hiring Background Checks

Subsequent to hiring a support staff member, if the District has good cause to believe a support staff member has been convicted of a felony or misdemeanor, other than a misdemeanor traffic offense, the District shall:

1. Check with CDE and other agencies, as appropriate, to determine if there is any information indicating the employee has in fact been convicted of a felony or misdemeanor.
2. Determine whether a nexus exists between the conviction and the District's educational mission, if the information indicates the employee has been convicted.

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. 22-32-109.8

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