

## **Professional Staff Recruiting/Hiring**

Applications of all regular licensed personnel to be employed by the district will be processed according to this procedure. Short-term, temporary or interim appointments may be made directly by the superintendent, subject to the approval of the Board of Education, without following the advertising procedure.

### **1. Vacancies**

All regular vacancies will be advertised by the department of personnel.

### **2. Applications**

All applications will be submitted to the personnel office.

Current employees may apply for supplemental pay positions by submitting a letter outlining their qualifications for the position they are seeking.

All applicants will report to the personnel office and complete an electronic application form.

### **3. Initial screening and interview**

The personnel office and/or site administrators will screen applications and conduct the initial interview with all applicants. The objectives of the screening and initial interview process are to:

- a. Determine if the applicant meets applicable licensure requirements under state and federal law.
- b. Determine the suitability of the applicant for the specific position.
- c. Determine those applicants who are most qualified for the position.
- d. Discuss with the applicant any district policies and procedures pertinent to the job and to the employment process.

#### 4. **Background checks**

Prior to hiring and in accordance with state law, the personnel office must:

- a. Conduct a background check through the Colorado Department of Education (the department) to determine the applicant's fitness for employment

The department's records must indicate if the applicant has been convicted of, pled *contendere* to, received a deferred sentence or had their license or authorization denied, annulled, suspended or revoked for a felony or misdemeanor crime involving unlawful sexual behavior or an allegation of a sexual act involving a student who is eighteen years of age or older, regardless of whether the student consented to the sexual act, unlawful behavior involving children, or domestic violence. The department must 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 or an allegation of a sexual act involving a student who is eighteen years of age or older, regardless of whether the student consented to the sexual act, which was supported by a preponderance of evidence according to information provided to the department by a school district and confirmed by the department in accordance with state law.

The department must 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 or an allegation of a sexual act involving a student who is eighteen years of age or older, regardless of whether the student consented to the sexual act, which was supported by a preponderance of evidence according to information provided to the department by a school district and confirmed by the department in accordance with state law. The department must also provide information regarding whether the applicant's license or certification has ever been denied, suspended, revoked or annulled in any state, including but not limited to any information gained as a result of an inquiry to a national teacher information clearinghouse.

Information of this type that is learned from a different source must be reported by the district to the department.

The department will not disclose any information reported by a school district unless and until the department confirms that the allegation resulted in the person's name being placed on the state central registry of child protection.

- b. Contact previous employers of the applicant to obtain information or recommendations relevant to the applicant's fitness for employment.

If the district employs any non-licensed administrators, the following section should be added to this regulation.

**5. Fingerprinting non-licensed administrators**

- a. All non-licensed applicants selected for employment in an administrative position must submit a complete set of fingerprints taken by a qualified law enforcement agency or an authorized district employee or any third party approved by the Colorado Bureau of Investigation.
- b. Non-licensed applicants selected for employment must also submit a completed form as required by state law. To certify under penalty or perjury, either that they have never been convicted of a felony or misdemeanor charge, not including any misdemeanor traffic offense, or that they have been convicted of a felony or misdemeanor charge (not including any misdemeanor traffic offense). The form must specify the felony or misdemeanor, the date of conviction and the court entering judgment.
- c. The school district will release the fingerprints to the Colorado Bureau of Investigation for the purpose of conducting a state and national fingerprint-based criminal history record check utilizing the records of the Colorado Bureau of Investigation and the Federal Bureau of Investigation. When the results of the fingerprint-based criminal history record check reveal a record of arrest without a disposition, the district must require the employee to submit to a name-based criminal history record check. Criminal history record information must be used solely for the purpose requested and cannot be disseminated outside the receiving departments, related agencies, or other authorized entities.
- c. Although an applicant may be conditionally employed prior to receiving the results, they may be terminated if the results are inconsistent with the information provided on the form. In accordance with state law, the employee or applicant and must be terminated or disqualified from district employment if the results disclose a conviction for any of the following offenses:
  - (1) felony child abuse, as described in C.R.S. 18-6-401;
  - (2) a crime of violence, as defined described in C.R.S. 18-1.3-406(2);
  - (3) a felony involving unlawful sexual behavior, as defined in C.R.S. 16-22-102(9);
  - (4) felony domestic violence, as defined in C.R.S. 18-6-800.3;
  - (5) a felony drug offense, as described in C.R.S. 18-18-401 et seq., committed on or after August 25, 2012;
  - (6) felony indecent exposure, as described in C.R.S. 18-7-302; or

- (7) attempt, solicitation or conspiracy to commit any of the offenses described in items 1-6; or
- (8) an offense committed outside of this state, which if committed in this state would constitute an offense described in items 1-7.

The district must notify the district attorney of inconsistent results for action or possible prosecution.

- a. The school district will cover the direct and indirect costs of fingerprint processing. *[NOTE: This fee may be an amount equal to the direct and indirect costs to the district of fingerprint processing.]* The applicant may pay the fee over a period of 60 days after employment. The fee will be credited to the fingerprint processing account.

## 6. Credit reports

The personnel office will not obtain a credit report on an applicant unless the office has first notified the individual in writing, in a document consisting solely of the notice, that the district would like to obtain a credit report and requesting the individual's written authorization to obtain the report. A credit report will only be requested when the applicant submits a written authorization.

The personnel office will not rely on a credit report in denying an application unless the office has first supplied the applicant with a disclosure that includes a copy of the credit report and a summary of the applicant's rights. If an application for employment is denied because of the credit report, the personnel office will give the applicant notice that the action has been taken, as well as:

- a. the name, address and phone number of the credit bureau supplying the report;
- b. a statement that the credit bureau was not involved in the decision to deny the application; and
- c. a notice of the individual's right to dispute the information in the report.

## 7. Placement interview

- a. Determine whether the applicant can handle the specific assignment.
- b. Determine the best applicant for the position.
- c. Discuss with the candidate any building or departmental regulations pertinent to the job.

## 8. Selection

In the selection of *secondary teachers*, the principal or designee and building representatives will interview the qualified applicants. The decision regarding

selection will be made by the principal, considering mutual consent placement provisions in law where applicable.

In the selection of *elementary teachers*, the principal will interview the qualified applicants. The decision regarding selection will be made by the principal and Assistant Superintendent considering mutual consent placement provisions in law where applicable.

In the selection of *athletic coaches*, the principal or designee and director of athletics will interview the qualified applicants, and the decision regarding selection will be made by the principal or designee, and the director of athletics. In the selection of assistant athletic coaches, the head coach of that sport will be involved in the interview process.

In the selection of *department chairpersons*, the principal and director of secondary education will interview the qualified applicants, and the decision regarding selection will be made by the principal, the director of secondary education and the personnel director.

If the department chairman, director of athletics, head coach, personnel director or director of secondary education are not available at a time when a selection must be made, the selection will be made by those applicable persons present under the specific direction of the superintendent.

### **Contract or job offer**

9. Only the personnel office is authorized to issue new or supplemental pay contracts and/or jobs to current employees or applicants.

10. **Information report to state**

In accordance with federal and state law, the personnel office will report the name, address and social security number of every new employee to The Colorado State Directory of New Hires, via the online portal at <https://newhire.state.co.us/> or via mail to the Colorado State Directory of New Hires P.O. Box 2920, Denver, Colorado 80201-2920.

This report, due within 20 days of the date of the hire or on the first payroll after the 20 days have expired, must be submitted even if the employee quits or is terminated before the report is due. Upon termination, the employee's last known address and the fact of the termination must be reported to the applicable court or agency.

Upon receiving a Notice of Wage assignment, the district must remit the designated payment within seven days of withholding the income according to instructions contained in the Notice. Child support withholding takes priority over other legal actions against the same wages.

Regarding the requirement that an applicant submit a completed form certifying his or her criminal history, state law defines “convicted” as: “[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 guilty plea accepted by a court, a plea of nolo contendere, and the imposition of a deferred sentence or suspended sentence by the court.” C.R.S. 22-32-109.8 (8)(a). Any district form used to certify a nonlicensed applicant’s criminal history should reflect this broad definition of “convicted” to ensure that a nonlicensed applicant discloses the legally required information.

An employee who is terminated or an applicant who is disqualified from district employment for a felony domestic violence and/or a felony drug offense may reapply for district employment after five years have passed since the date the offense was committed. C.R.S. 22-32-109.8 (6.5)(b). For a felony domestic violence offense, the applicant must also show successful completion of any court-ordered treatment. Other exceptions to this provision allow the district to conduct an assessment to determine if the applicant poses a risk to district students or staff, and also allow the applicant to submit a written request for reconsideration by the district. C.R.S. 22-32-109.8 (6.5)(d). The law includes the specific factors the district must consider. Id.

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When the Colorado Bureau of Investigation (CBI) provides an update to the Colorado Department of Education (CDE) regarding those school employees previously subject to a fingerprint-based background check, CDE must provide that update to school districts. Each school district must then cross-check its employee list with the update and take appropriate action if necessary. C.R.S. 22-2-119 (4)(b).

An employee who is terminated or an applicant who is disqualified from district employment for a felony domestic violence and/or a felony drug offense may reapply for district employment after five years have passed since the date the offense was committed. C.R.S. 22-32-109.8 (6.5)(b). For a felony domestic violence offense, the applicant must also show successful completion of any court-ordered treatment. Other exceptions to this provision allow the district to conduct an assessment to determine if the applicant poses a risk to district students or staff, and also allow the applicant to submit a written request for reconsideration by the district. C.R.S. 22-32-109.8 (6.5)(d). The law includes the specific factors the district must consider. Id.

Federal law requires school districts to notify individuals fingerprinted that the fingerprints will be used to check the criminal history records of the Federal Bureau of Investigation (FBI). Districts must also notify fingerprinted applicants about the opportunity to challenge the accuracy of the information contained in the FBI identification record and the procedure to obtain a change, correction, or update of an FBI identification record. 28 C.F.R. 50.12 (b). Districts must retain documentation that this notification was provided. For sample notification and acknowledgment forms that meet these federal requirements, visit the Colorado Bureau of Investigation's website:  
<https://www.colorado.gov/pacific/cbi/identification-unit>.

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Garfield School District No. Re-2, Rifle, Colorado