

Support Staff Recruiting/Hiring

The Board will establish and budget for classified positions in the school district on the basis of need and the financial resources of the district.

Recruiting

The recruitment and selection of candidates for these positions is the responsibility of the superintendent or designee who must confer with principals and other supervisory personnel in making a selection.

All vacancies will be made known to the present staff and, at a minimum, posted internally for five calendar days. Anyone qualified for a position may submit an application.

Background checks

Prior to hiring any person, in accordance with state law the district must conduct background checks with the Colorado Department of Education and previous employers regarding the applicant's fitness for employment. In all cases where credit information or reports are used in the hiring process the district must comply with the Fair Credit Reporting Act and applicable state law.

All applicants recommended for a position in the district must submit a set of fingerprints and information about felony or misdemeanor convictions as required by law. (This requirement does not apply to any student currently enrolled in the district applying for a job.) Applicants may be conditionally employed prior to receiving the fingerprint results.

Hiring

Discrimination in the hiring process on the basis of disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, marital status, national origin, religion, ancestry, age, genetic information, or conditions related to pregnancy or childbirth is prohibited.

The Board will officially appoint all employees upon the superintendent's recommendation; however, temporary appointments may be made pending Board action.

Upon the hiring of any employee, information required by federal and state child support laws will be timely forwarded by the district to the appropriate state agency.

Specific procedures for background checks, fingerprinting and submission of child support information need to follow as a regulation. The regulation might also include specific procedures for making applications, for screening and for selection of candidates to be recommended to the Board. File: GDE/GDF 3 of 3

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 acknowledgement forms that meet these federal requirements, visit the Colorado Bureau of Investigation's website: <https://www.colorado.gov/pacific/cbi/identification-unit>.

State law requires school districts to annually distribute to employees "informational materials related to federal student loan repayment and student loan forgiveness programs, including updated materials received from the department of education." C.R.S. 22-32-109 (1)(pp). In addition to annual distribution, school districts must "distribute the informational materials to newly hired district employees as part of its employee orientation process." Id. Distribution to employees may be made via email "or as part of a mailing or regular communication to employees" Id.

For purposes of this policy, these terms have the following meanings: • "Race" includes hair texture, hair type, or a protective hairstyle that is commonly or historically associated with race. C.R.S. 22-32-110 (1)(k). • "Protective Hairstyle" includes such hairstyles as braids, locs, twists, tight coils or curls, cornrows, bantu knots, afros, and head wraps. Id. • "Sexual Orientation" means a person's orientation toward heterosexuality, homosexuality, bisexuality, or transgender status or another person's perception thereof. C.R.S. 2-4-401 (13.5)

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LEGAL REFS.: C.R.S. 14-14-111.5 (*Child Support Enforcement procedures*)
C.R.S. 22-2-119 (*duty to make inquiries prior to hiring*)
C.R.S. 22-2-119.3 (6)(d) (*name-based criminal history record check – definition*)
C.R.S. 22-32-109 (1)(f) (*Board duty to employ personnel*)
C.R.S. 22-32-109 (1)(pp) (*annual employee notification requirement regarding federal student loan repayment programs and student loan forgiveness programs*)
C.R.S. 22-32-109.7 (*duty to make inquiries prior to hiring*)

C.R.S. 22-32-109.8 (~~*fingerprinting requirements for non-licensed positions*~~) (*non-licensed personnel – submittal of fingerprints and name-based criminal history record check*)
C.R.S. 24-5-101 (*effect of criminal conviction on employment*)
C.R.S. 24-34-301 (7) (*definition of sexual orientation, which includes transgender*)
C.R.S. 24-34-301 (3.3) (*definition of gender expression*)
C.R.S. 24-34-301 (3.5) (*definition of gender identity*)

C.R.S. 24-34-402 (1) (*discriminatory and unfair employment practices*)
C.R.S. 24-34-402.3 (*discrimination of based on pregnancy, childbirth or related conditions; notice of right to be free from such discrimination must be posted “in a conspicuous place” accessible to employees*)
42 U.S.C. 653 (a) (*Personal Responsibility and Work Opportunity Reconciliation Act*)
42 U.S.C. §2000ff et seq. (*Genetic Information Nondiscrimination Act of 2008*)
28 C.F.R. 50.12 (b) (*notification requirements regarding fingerprints*)
C.R.S. 2-4-401 (3.4) (*definition of gender expression*)
C.R.S. 2-4-401 (3.5) (*definition of gender identity*)

C.R.S. 2-4-401 (13.5) (*definition of sexual orientation, which included transgender*)
15 U.S.C. 1681 et seq. (*Fair Credit Reporting Act*)
20 U.S.C. 1119(c) (*No Child Left Behind Act of 2001*)
C.R.S. 8-2-126 (*limits employers’ use of consumer credit information*)

CROSS REFS.: GBA, Open Hiring/Equal Employment Opportunity
GDA, Support Staff Positions

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