

Support Staff Recruiting/Hiring

Background checks

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

1. 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 *nolo contendere* to or received a deferred sentence or had their license or authorization denied, annulled, suspended, or revoked for a felony or misdemeanor crimes involving unlawful sexual behavior, 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 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.

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

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:

1. the name, address and phone number of the credit bureau supplying the report;
2. a statement that the credit bureau was not involved in the decision to deny the application; and
3. a notice of the applicant's right to dispute the information in the report.

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, an authorized district employee or any third party approved by the Colorado Bureau of Investigation.
2. Applications selected for employment must also submit a notarized, 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.
3. 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.
4. 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 must be terminated or disqualified from the district employment. If the results disclose a conviction for any of the following offenses.

- a. felony child abuse, as described in C.R.S. 18-6-401;
- b. a crime of violence, as defined described in C.R.S. 18-1.3-406 (2);
- c. a felony involving unlawful sexual behavior, as defined in C.R.S. 16-22-102 (9);
- d. felony domestic violence, as defined in C.R.S. 18-6-800.3;
- a. felony drug offense, as described in C.R.S. 18-18-401 et seq., committed on or after August 25, 2012;
- e. felony indecent exposure, as described in C.R.S. 18-7-302; or
- f. attempt, solicitation or conspiracy to commit any of the offenses described in items a-f; or
- g. an offense committed outside of this state, which if committed in this state would constitute an offense described in items a-gf.

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

5. The school district will cover the direct and indirect costs of fingerprint processing.

Information report to state

1. 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 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, P.O. Box 2920, Denver, Colorado
2. 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, the name and address of the employee's new employer, if known, must be reported to the applicable court or agency.
3. Upon receiving a Notice of Wage assignment, the district must remit the designated payment within 7 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. District personnel must submit the name, date of birth and social security number for each non-licensed employee to the Colorado Department of Education (CDE) as required by state law. C.R.S. 22-32-109.8 (11). The district must notify CDE at the

beginning of each semester about non-licensed persons who are no longer employed by the district. The purpose of this reporting requirement is to keep a central database at CDE so the Colorado Bureau of Investigation (CBI) can communicate with the district about any criminal activity involving school district employees whose fingerprints are on file with the CBI

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 an applicant’s criminal history should reflect this broad definition of “convicted” to ensure that applicants disclose the legally required information.

District personnel must submit the name, date of birth and social security number for each non-licensed employee to the Colorado Department of Education (CDE) as required by state law. C.R.S. 22-32-109.8 (11). The district must notify CDE at the beginning of each semester about non-licensed persons who are no longer employed by the district. The purpose of this reporting requirement is to keep a central database at CDE so the Colorado Bureau of Investigation (CBI) can communicate with the district about any criminal activity involving school district employees whose fingerprints are on file with the CBI

Approved: August 1994
Revised: August 25, 1998
Revised: October 26, 1999
Revised: December 12, 2006
Revised: December 10, 2013
Revised: March 13, 2018
Revised: October 9, 2018
Revised: December 14, 2020
Revised: November 10, 2021

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