File: GDE/GDF

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. 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. See Board policy AC-E-1 for more information.

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.

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LEGAL REFS.: 15 U.S.C. 1681 *et seq. (Fair Credit Reporting Act)*
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)*
C.R.S. 8-2-126 *(limits employers' use of consumer credit information)*
C.R.S. 8-2-131 *(employers prohibited from asking age-related questions on initial job applications)*
C.R.S. 13-80-103.9 *(liability for failure to perform an education employment required background check)*
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 judicial 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 *(non-licensed personnel – submittal of fingerprints and name-based judicial record check)*
C.R.S. 24-5-101 *(effect of criminal conviction on employment)*
C.R.S. 24-34-301 (9) *(definition of gender expression)*
C.R.S. 24-34-301 (10) *(definition of gender identity)*
C.R.S. 24-34-301 (24) *(definition of sexual orientation)*
C.R.S. 24-34-402 (1) *(discriminatory and unfair employment practices)*
C.R.S. 24-34-402.3 *(discrimination 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)*
3 C.C.R. 708-1:40.2 *(definition of age-based bona fide occupational qualifications)*

CROSS REFS.: AC-E-1, Nondiscrimination Equal Opportunity
GBA, Open Hiring/Equal Employment Opportunity
GDA, Support Staff Positions

NOTE 1: 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.

NOTE 2: 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.

NOTE 3: 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.

NOTE 4: For purposes of this policy, these terms have the following meanings:

- *"Race" includes hair texture, hair length, 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 an individual's identity, or another individual's perception thereof, in relation to the gender or genders to which the individual is sexually or emotionally attracted and the behavior or social affiliation that may result from the attraction. C.R.S. 2-4-401 (13.5) and C.R.S. 24-34-301 (24).*
- *"Gender Expression" means an individual's way of reflecting and expressing the individual's gender to the outside world, typically demonstrated through appearance, dress, and behavior. C.R.S. 2-4-401 (3.4) and C.R.S. 24-34-301 (9).*
- *"Gender Identity" means an individual's innate sense of the individual's own gender, which may or may not correspond with the individual's sex assigned at birth. C.R.S. 2-4-401 (3.5) and C.R.S. 24-34-301 (10).*