

Regulation: Support Staff Recruiting/Hiring

Background Checks

Prior to hiring, and in accordance with State law, the District shall:

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 shall indicate if the applicant has been convicted of, pled *nolo contendere* to, or received a deferred sentence for a felony or misdemeanor offense involving unlawful sexual behavior, unlawful behavior involving children, or domestic violence. The Department shall provide any available information to indicate whether the applicant has been dismissed by, or resigned from, any 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 evidence according to information provided to the Department by a school district and confirmed by the Department in accordance with State law. The Department shall 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 shall 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 District will not obtain a credit report on an applicant without first notifying 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 District will not rely on a credit report in denying an application unless the District 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 District 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. Pursuant to Federal law, the District shall notify employees fingerprinted pursuant to this policy/regulation that the fingerprints will be used to check the criminal history records of the Federal Bureau of Investigation (FBI) by providing Exhibit GBEB-E1 (Notice to Applicant) to each individual and requiring acknowledgement by signing Exhibit GBEB-E2 (Privacy Act Notification). The District shall retain a copy of GBEB-E2 as documentation that the notification was provided.
3. Applicants selected for employment must also submit a completed form as required by State law. On the form the applicant must certify whether or not he/she has ever been convicted of a felony or misdemeanor offense (not including any misdemeanor traffic offense). The form must specify the felony or misdemeanor offense, the date of conviction, and the court entering judgment.
 - a. 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).
 - b. 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.
4. The District will release the fingerprints to the Colorado Bureau of Investigation for the purpose of conducting a State and national fingerprint-based criminal history records 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 shall require the employee to submit to a name-based criminal history record check.

5. Although an 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. In accordance with State law, the employee or applicant shall be terminated or disqualified from employment in the District if the results disclose a conviction for any of the following offenses:
 - a. felony child abuse, as defined in C.R.S. § 18-6-401;
 - b. a crime of violence, as defined 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. a felony domestic violence offense, as defined in C.R.S. § 18-6-800.3;
 - e. a felony drug offense, as defined in C.R.S. § 18-18-401 *et seq.*, committed on or after August 25, 2012;
 - f. felony indecent exposure, as defined in C.R.S. § 18-7-302;
 - g. an attempt, solicitation or conspiracy to commit any of the offenses described in items a-f; or
 - h. an offense committed outside of this state, which if committed in this state would constitute an offense described in items a-g.

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

6. The District will charge the applicant a nonrefundable fee to be determined by the Board to cover the direct and indirect costs 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.
7. The Colorado Bureau of Investigation may periodically submit a report to the Colorado Department of Education (CDE) regarding employees previously subject to a fingerprint-based background check. CDE will then provide that information to the District. In accordance with State law, the District will cross-check its employee list with the information provided and take appropriate action if necessary.

Information Report to State

1. In accordance with Federal and State law, the District will report the name, address, and social security number of every new employee to Colorado State Directory of New Hires, P.O. Box 2920, Denver, CO 80201-2920.
2. This report, due within 20 days of the date of the hire or on the first payroll after the 20 days have expired, shall be submitted even if the employee quits or is terminated before the report is due. Upon termination, the employee's last known address, the fact of the termination, and the name and address of the employee's new employer, if known, shall be reported to the applicable court or agency.
3. Upon receiving a Notice of Wage assignment, the District shall 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.
4. In accordance with State law, the District will submit the name, date of birth, and social security number for each non-licensed employee to the Colorado Department of Education (CDE). The District shall notify CDE of any non-licensed persons who are no longer employed by the District at the beginning of each semester.

Adopted November 7, 2018.

Revised January 28, 2020.