

## **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 application form.

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

The personnel office 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 a teacher applicant meets applicable licensure requirements under state and federal law.
- b. Determine the suitability of an applicant for a specific position.
- c. Determine those applicants who are most qualified for the position.
- d. Ensure eligible applicants from the district's priority hiring pool, if applicable, receive first opportunity to interview, as required by law.
- e. Discuss with an 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 *nolo 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 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.

## **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, an authorized district or BOCES 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 of 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 check reveal a record of arrest without a disposition, the district must require the employee to submit a name-based judicial 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.

- d. 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 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 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;
  - (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 such inconsistent results for action or possible prosecution.

- e. The school district will charge the applicant a nonrefundable fee of \$\_\_\_\_\_ to cover the direct and indirect costs of fingerprint processing. (*NOTE: This fee must 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 and department chairman 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 personnel director, considering mutual consent placement provisions in law where applicable.

In the selection of *athletic coaches*, the principal and director of athletics will interview the qualified applicants, and the decision regarding selection will be made by the principal, the director of athletics, and the personnel director. 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 directory or 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.

## 9. Contract or job offer

Only the personnel office is authorized to offer 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, the fact of the termination, and the name and address of the employee's new employer, if known, 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.

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*NOTE 1: 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.*

*NOTE 2: 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).*

*NOTE 3: 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.*

*NOTE 4: 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>.*

*NOTE 5: Pursuant to the Job Application Fairness Act, C.R.S. 8-2-131, initial job applications cannot include any requirement for an applicant to provide their age, date of birth, and date(s) they attended or graduated from an educational institution. Additional documents, such as transcripts and certifications, may be requested if the applicant is notified they may redact age-related information from the documents. However, during the hiring process, a district may ask an applicant to verify compliance with age requirements imposed by a bona fide occupational qualification or state or federal law. A bona fide occupational qualification is a narrow exception to discrimination laws that permits employers to make hiring decisions based on age, religion, sex, national origin, or other protected classes if the qualification is necessary to the operation of the business. See U.S. Code § 2000e-2; C.R.S. 24-34-402(4)(a). If the district believes it has an employee who may need to demonstrate that they meet a bona fide occupational qualification, it is recommended to discuss the matter further with the district's attorney.*