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## Support Staff Recruiting/Hiring - Regulation

### Background checks

Prior to hiring and in accordance with state law, the personnel office shall 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 crimes 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 shall 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 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.

Contact the personnel office and/or supervisor from 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 request 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 or BOCES employee or any third party approved by the Colorado Bureau of Investigation.
2. Applicants selected for employment must also submit a completed form as required by state law, to certify, under penalty of perjury, either that he or she has never been convicted of a felony or misdemeanor charge, not including any misdemeanor traffic offense, or that he or she has 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 shall require the employee to submit to a name-based criminal history record check.

4. 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 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 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;
- e. a felony drug offense, as described in C.R.S. 18-18-401 et seq., committed on or after August 25, 2012;
- f. felony indecent exposure, as described in C.R.S. 18-7-302;
- g. 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.

~~5. The school district will charge the applicant a nonrefundable fee to be determined by the Board to cover the direct and indirect costs of fingerprint processing. [NOTE: This fee shall 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.~~

### 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 Colorado State Directory of New Hires [via the online portal at https://newhire.state.co.us/](https://newhire.state.co.us/) or via mail to the Colorado State Directory of New Hires, P.O. Box 2920, Denver, Colorado 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.