

*NOTE: Colorado school boards are required by law to adopt a policy that requires screening of new and current employees for criminal activities. The screening provisions have been included in this sample policy. However, the board should consult with its own legal counsel to determine appropriate language that meets local circumstances and needs.*

## **Professional Staff Recruiting/Hiring**

### **Recruiting**

The Board desires the superintendent to develop and maintain a recruitment program designed to attract and hold the best possible personnel, who are highly qualified as defined by the federal No Child Left Behind Act of 2001 (NCLB), in the district's schools.

It is the responsibility of the superintendent, with the assistance of other administrators, to determine the personnel needs of the district in general and of each individual school and to locate suitable candidates to recommend to the Board for employment. The search for good teachers and other professional personnel shall extend to a wide variety of educational institutions and geographical areas. It shall take into consideration the diverse characteristics of the school system and the need for staff members of various backgrounds.

Recruitment procedures shall not overlook the talents and potential of individuals already employed in the district's schools. Any present employee of the district may apply for a position for which he or she is licensed, highly qualified, and meets other stated requirements.

### **Background checks**

Prior to hiring any person, in accordance with state law the district shall 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 shall comply with the Fair Credit Reporting Act and applicable state law.

### **Hiring**

There shall be no discrimination in the hiring process on the basis of race, color, creed, sex, sexual orientation, genetic information, religion, national origin, ancestry, age, marital status or disability.

All candidates shall be considered on the basis of their merits, qualifications and the needs of the school district. The Board directs that recruitment procedures will give preference to candidates who meet the NCLB definition of highly qualified.

All interviewing and selection procedures shall ensure that the administrator directly responsible for the work of a staff member has an opportunity to aid in the selection and that, where applicable, the school principal has an opportunity to consent. Unless otherwise required by law, the final selection for nomination shall be made only by the superintendent.

## Appointment of candidates

Nominations shall be made at meetings of the Board of Education. Nominations of candidates who are not highly qualified, as defined by the NCLB, will be accompanied with an explanation as to why a highly qualified candidate was not hired for the position. The vote of a majority of the Board shall be necessary to approve the appointment of teachers, administrators or any other employee of the school district. If there is a negative vote by the Board, the superintendent shall submit a new recommendation to the Board for approval.

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.

Adopted: April 16, 1991

Revised: April 1998, September 1999, April 2002, February 2003, March 2004, September 2008, December 2012, May 2014

LEGAL REFS.: 15 U.S.C. 1681 *et seq.* (Fair Credit Reporting Act)  
20 U.S.C. 6319 (teacher requirements under No Child Left Behind Act of 2001)  
42 U.S.C. 653 (a) (Personal Responsibility and Work Opportunity Reconciliation Act)  
34 C.F.R. 200.55 (federal regulations regarding highly qualified teachers)  
C.R.S. 8-2-126 (limits employers' use of consumer credit information)  
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 (inquiries prior to hiring)  
C.R.S. 22-32-109 (1)(f) (Board duty to employ personnel)  
C.R.S. 22-32-109.7 (duty to make inquiries prior to hiring)  
C.R.S. 22-32-126 (principal's role in hiring and assignment)  
C.R.S. 22-60.5-114 (3) (State Board can waive some requirements for initial license applicants upon request of school district)  
C.R.S. 22-60.5-201 (types of teacher licenses issued)  
C.R.S. 22-61-101 (prohibiting discrimination)  
C.R.S. 22-61-103 (requirement for teacher's oath)  
C.R.S. 22-63-201 (licensure required)  
C.R.S. 22-63-202 (employment contracts and mutual consent placement)  
C.R.S. 22-63-206 (transfers)  
C.R.S. 24-5-101 (effect of criminal conviction on employment)  
C.R.S. 24-34-402 (1) (discriminatory and unfair employment practices)  
C.R.S. 24-72-202 (4.5) (definition of personnel file in open records law)

CROSS REFS.: GBA, Open Hiring/Equal Employment Opportunity  
GCKAA\*, Teacher Displacement

*NOTE: Specific procedures for background checks need to follow as a regulation. The regulations might also include specific procedures for making applications, for screening and for selection of candidates to be recommended to the Board.*

Dolores School District RE-4A, Dolores, Colorado