

*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.*

## **Support Staff Recruiting/Hiring**

The Board shall 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 shall be the responsibility of the superintendent or designee who shall confer with principals and other supervisory personnel in making a selection.

All vacancies shall 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 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.

All applicants recommended for a position in the district shall submit a set of fingerprints and information about felony or misdemeanor convictions as required by law. (This requirement shall 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**

There shall be no discrimination in the hiring process on the basis of race, color, creed, sex, sexual orientation (which includes transgender), religion, national origin, ancestry, age, genetic information, marital status, disability or conditions related to pregnancy or childbirth.

The Board shall 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.

Adopted: April 1991

Revised: October 1992, February 1994, September 1999, April 2001, February 2003, June 2004, December 2012, May 2014, October 2018

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 (13.5) (definition of sexual orientation, which includes transgender)  
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 (duty to make 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. 22-32-109.8 (fingerprinting requirements for non-licensed positions)  
C.R.S. 24-5-101 (effect of criminal conviction on employment)  
C.R.S. 24-34-301 (7) (definition of sexual orientation, which includes transgender)  
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)

CROSS REFS.: 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 acknowledgement forms that meet these federal requirements, visit the Colorado Bureau of Investigation's website: <https://www.colorado.gov/pacific/cbi/identification-unit>.*

Dolores School District RE-4A, Dolores, Colorado