

Classified Staff Recruiting/Hiring

Background checks

Prior to hiring, the human resource office will:

1. Check with the Colorado Department of Education to determine if there is any information on record indicating the applicant has been convicted of a felony or misdemeanor crime involving unlawful sexual behavior or unlawful behavior involving children.

The department's records will indicate if the applicant has been convicted of, pled *nolo contendere* to or received a deferred sentence or deferred prosecution for such crimes. The department also will 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. Information of this type that is learned from a different source shall be reported by the district to the department.

2. Contact previous employers of the applicant to obtain information or recommendations relevant to the applicant's fitness for employment.

Credit Reports

~~The district shall not obtain credit reports on applicants.~~

Background Checks and Fingerprinting

1. The human resource office will contact previous employers of each applicant selected for employment to obtain information or recommendations relevant to the applicant's fitness for employment.
2. All applicants selected for employment in a classified staff position will be subject to a background check through the Colorado Bureau of Investigation (CBI) and ~~except as noted in #6 below~~ must submit a complete set of fingerprints taken by a qualified law enforcement agency, or an authorized district employee, or any third party approved by the Colorado Bureau of Investigation, and a ~~notarized,~~ completed form as required by state law and this policy.
3. On the form the applicant must certify:
 - a. either never having been convicted of a felony or misdemeanor charge, not including any misdemeanor traffic offense, or having been convicted of a felony or misdemeanor charge (not including any misdemeanor traffic offense); and
 - b. either never having been dismissed from or having 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, or having been dismissed or having 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.

As to (a), the certification must specify the felony or misdemeanor, the date of conviction and the court entering judgment, and as to (b), the certification must specify the allegation of unlawful behavior involving a child, the date of the dismissal or resignation, whether the applicant separated from employment in a previous school district while the allegation was pending or under investigation, and whether there was a finding of unlawful behavior involving a child.

3.4. 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 must require the employee to submit to 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.~~processing.~~

5. Although an applicant may be conditionally employed prior to receiving the results, the employee may be terminated if the results are inconsistent with the information provided on the form. ~~The district will notify the district attorney of such inconsistent results for action or possible prosecution.~~ 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:

- 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 must notify the district attorney of inconsistent results for action or possible prosecution.

6. The school district will charge the applicant a nonrefundable fee not to exceed the amount allowed by law 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.

Credit Reports

The district shall not obtain credit reports on applicants.

4. These requirements will not apply to any person who has submitted a set of fingerprints to any other Colorado school district during the two-year period immediately preceding the date of receipt of written notification requesting fingerprints and who has consented by written notice to the transfer of a copy of the previously submitted fingerprints to the requesting district.

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5. ~~The personnel office will process the transfer request and place the applicant's fingerprints on file after receipt.~~

Information report to state

1. In accordance with federal and state law, the payroll 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 13089, Sacramento, CA 95813-3089. ~~Child Support Enforcement, 1375 Sherman Street, Denver Colorado 80203.~~
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 and the fact of the termination shall be reported to the applicable court or agency. Any new hires submitted electronically must be reported twice per month, no fewer than 12 and no more than 16 days apart.
3. Upon receiving a Notice of Wage assignment, the district shall remit the designated payment within 7 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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Revised _____, 2024

Pueblo School District No. 60, Pueblo, Colorado

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