

## ***Board File: GCEA/GCFA***

### **PROFESSIONAL STAFF BACKGROUND CHECKS**

#### **Pre-Employment Background Checks**

Prior to hiring a professional staff member, the District shall:

- a. Check with the Colorado Department of Education to determine if there is any information on record indicating the applicant has been convicted of any 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, received a deferred sentence or a deferred prosecution, or had his or her certificate annulled, suspended, or revoked for such crimes. The Department will also 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 the 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.

- b. Contact previous employers of the applicant to obtain information or recommendations relevant to the applicant's fitness for employment. An applicant who has been formally dismissed by the District or has resigned from the District in lieu of a dismissal for misconduct shall not be eligible for rehire by the District.

#### **Post-Hiring Background Checks**

Subsequent to hiring a professional staff member, if the District has good cause to believe the professional staff member has been convicted of a felony or misdemeanor, other than a misdemeanor traffic offense, the District shall check with the Colorado Department of Education and other agencies, as appropriate, to determine if there is any information indicating the employee has been convicted of a felony or misdemeanor.

In addition to checking with the Colorado Department of Education and other appropriate agencies, the District shall require the professional staff member to submit a complete set of fingerprints taken by a qualified law enforcement agency. The employee shall submit his or her fingerprints within twenty (20) days of the employee's receipt of the District's written request for such fingerprints. The District shall release the fingerprints to the Colorado Bureau of Investigation for processing. The District shall not charge the professional staff member any fees for the direct and indirect costs of fingerprint processing performed.

If the information indicates the employee has been convicted of a felony or misdemeanor, other than a misdemeanor traffic offense, the District shall determine whether a nexus exists between the conviction and the District's educational mission. If the District determines a nexus exists between the employee's conviction and the District's educational mission which has or is likely to have a negative effect on students, staff, or the District's best interests, the District may take appropriate action with respect to the employee, including termination.

For purposes of this policy, "convicted" means 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 plea of *nolo contendere*, and the imposition of a deferred or suspended sentence by the court.

Adopted: July 17, 2003

Revised: June 16, 2015

LEGAL REFS.:

C.R.S. 22-32-109.1(8)

C.R.S. 22-32-109.7

C.R.S. 22-32-109.9