

## **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 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**

Discrimination in the hiring process on the basis of race, color, creed, sex, sexual orientation, genetic information, religion, national origin, ancestry, age, marital status, disability or conditions related to pregnancy or childbirth is prohibited.

All candidates shall be considered on the basis of their merits, qualifications and the needs of the school district.

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 will be made at meetings of the Board of Education. 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: 12/13/90

Revised: 08/25/94, 03/12/98, 08/12/03, 08/21/08, 07/19/12, 06/19/14, 06/11/20,  
10/08/20

LEGAL REFS.: 15 U.S.C. 1681 et seq. (Fair Credit Reporting Act)  
20 U.S.C. 6312 (c)(6) (teacher licensure requirements under Every Student Succeeds Act)  
42 U.S.C. 653 (a) (Personal Responsibility and Work Opportunity Reconciliation Act)  
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 (inquiries prior to hiring)  
C.R.S. 22-2-119.3 (6)(d) (name-based criminal history record check – definition)  
C.R.S. 22-32-109 (1)(f) (Board duty to employ personnel)  
C.R.S. 22-32-109 (1)(pp) (annual employee notification requirement regarding federal student loan repayment programs and student loan forgiveness programs)  
C.R.S. 22-32-109.7 (duty to make inquiries prior to hiring)  
C.R.S. 22-32-109.8 (non-licensed personnel – submittal of fingerprints and name-based criminal history record check)  
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 or written pledge)  
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. 24-34-301 (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)  
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 1: 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.

NOTE 2: State law requires public school teachers to take an oath/affirmation or sign a written pledge that states the following: "I solemnly (swear) (affirm) (pledge) that I will uphold the constitution of the United States and the constitution of the state of Colorado, and I will faithfully perform the duties of the position I am about to enter." C.R.S. 22-61-103 (1). A person authorized to administer oaths in Colorado shall administer the oath or affirmation, or the teacher must sign the pledge. C.R.S. 22-61-103 (2). The Colorado Department of Education has stated that a school district's hiring officials must ensure that teachers take the oath orally or in writing at the time of hiring or during the signing of the teacher's contract.

NOTE 3: State law requires school districts to annually distribute to employees "informational materials related to federal student loan repayment and student loan forgiveness programs, including updated materials received from the department of education." C.R.S. 22-32-109 (1)(pp). In addition to annual distribution, school districts must "distribute the informational materials to newly hired district employees as part of its employee orientation process." Id. Distribution to employees may be made via e-mail "or as part of a mailing or regular communication to employees" Id.

NOTE 4: For purposes of this policy, these terms have the following meanings:

- "Race" includes hair texture, hair type, or a protective hairstyle that is commonly or historically associated with race. C.R.S. 22-32-110 (1)(k).
- "Protective Hairstyle" includes such hairstyles as braids, locs, twists, tight coils or curls, cornrows, bantu knots, afros, and head wraps. Id.
- "Sexual Orientation" means a person's orientation toward heterosexuality, homosexuality, bisexuality, or transgender status or another person's perception thereof. C.R.S. 2-4-401 (13.5).