

Staff Recruiting/Hiring

Applications of all regular personnel to be employed by the BOCES will be processed according to this procedure. Temporary, interim, intern, late hire or supplemental pay appointments may be made directly by the executive director, subject to the approval of the Board, without following the advertising procedure. Additionally, the executive director has the discretion to make an appointment, subject to Board approval, without following the advertising procedure in a situation where there is a qualified internal applicant who is currently employed in a temporary capacity.

1. Vacancies

All regular vacancies will be advertised on the NW BOCES website.

2. Applications

All applications will be submitted online via the BOCES website.

Current employees may apply for a different assignment or supplemental pay positions by submitting a letter to the executive director outlining their qualifications for the position they are seeking.

3. Screening and interviews

The interview committee as appointed by the executive director will screen all applications and conduct the interviews with selected applicants. Interviewees will be asked scripted questions specific to the position. The objectives of the screening and interview process are to:

- a. Determine the suitability of an applicant for a specific position.
- b. Determine those applicants who are most qualified for the position.
- c. Discuss with an applicant any BOCES and district policies and procedures pertinent to the job and to the employment process.

Protocol for interview committees is that there is no discussion about the candidates in between interviews. At the close of interviews, each member of the committee is asked to rank the applicants and share those rankings before discussion to promote transparency.

4. Background checks

Prior to hiring and in accordance with state law, the personnel office must:

- a. Conduct a background check through the Colorado Department of Education (the department) to determine the applicant's fitness for employment.

The department's records must indicate if the applicant has been convicted of, pled *nolo contendere* to, received a deferred sentence, or had their license or authorization denied, annulled, suspended or revoked for a felony or misdemeanor crimes involving unlawful sexual behavior, unlawful behavior involving children or domestic violence. The department must 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. The department must also provide information regarding whether the applicant's license or certification has ever been denied, suspended, revoked or annulled in any state, including but not limited to any information gained as a result of an inquiry to a national teacher information clearinghouse.

Information of this type that is learned from a different source must be reported by the BOCES to the department.

The department will not disclose any information reported by a school district or other educational entity unless and until the department confirms that the allegation resulted in the person's name being placed on the state central registry of child protection.

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

5. Fingerprinting non-licensed administrators

- a. All non-licensed applicants selected for employment in an administrative position must submit a complete set of fingerprints taken by a qualified law enforcement agency, an authorized district or BOCES employee, or any third party approved by the Colorado Bureau of Investigation.
- b. Non-licensed applicants selected for employment must also submit a completed form, as required by state law, to certify, under penalty of perjury, either that they have never been convicted of a felony or misdemeanor charge, not including any misdemeanor traffic offense, or that they have been convicted of a felony or misdemeanor charge (not including any misdemeanor traffic offense). The form must specify the felony or misdemeanor, the date of conviction, and the court entering judgment.
- c. The BOCES 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 BOCES must require the employee to submit to a name-based criminal history 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.

- d. Although an applicant may be conditionally employed prior to receiving the results, they may be terminated if the results are inconsistent with the information provided on the form. In accordance with state law, the employee or applicant must be terminated or disqualified from BOCES employment if the results disclose a conviction for any of the following offenses:
- (1) felony child abuse, as described in C.R.S. 18-6-401;
 - (2) a crime of violence, as defined in C.R.S. 18-1.3-406 (2);
 - (3) a felony involving unlawful sexual behavior, as defined in C.R.S. 16-22-102 (9);
 - (4) felony domestic violence, as defined in C.R.S. 18-6-800.3;
 - (5) a felony drug offense, as described in C.R.S. 18-18-401 *et seq.*, committed on or after August 25, 2012;
 - (6) felony indecent exposure, as described in C.R.S. 18-7-302;
 - (7) attempt, solicitation, or conspiracy to commit any of the offenses described in items 1-6; or
 - (8) an offense committed outside of this state, which if committed in this state would constitute an offense described in items 1-7.

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

6. **Selection**

Selection of an applicant will be made by the executive director, with consideration of input from any hiring committee or immediate supervisor of the position.

7. **Contract or job offer**

Only the executive director or their designee is authorized to offer new or supplemental pay contracts and/or jobs to current employees or applicants.

8. **Information report to state**

In accordance with federal and state law, the personnel office will report the name, address and social security number of every new employee to the Colorado State Directory of New Hires, P.O. Box 2920, Denver, Colorado 80201-2920.

This report, due within 20 days of the date of the hire or on the first payroll after the 20 days have expired, must be submitted even if the employee quits or is terminated before the report is due. Upon termination, the employee's last known address, the fact of the termination, and the name and address of the employee's new employer, if known, must be reported to the applicable court or agency.

Upon receiving a Notice of Wage assignment, the BOCES must remit the designated payment within seven 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.

NOTE 1: Regarding the requirement that an applicant submit a notarized, completed form about his or her criminal history, state law defines "convicted" as: "[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 guilty plea accepted by a court, a plea of nolo contendere, and the imposition of a deferred sentence or suspended sentence by the court." C.R.S. 22-32-109.8 (8)(a). Any district form used to certify a nonlicensed applicant's criminal history should reflect this broad definition of "convicted" to ensure that a nonlicensed applicant discloses the legally required information.

NOTE 2: When the Colorado Bureau of Investigation (CBI) provides an update to the Colorado Department of Education (CDE) regarding those school employees previously subject to a fingerprint-based background check, CDE must provide that update to school districts. Each school district must then cross-check its employee list with the update and take appropriate action if necessary. C.R.S. 22-2-119 (4)(b).

NOTE 3: An employee who is terminated or an applicant who is disqualified from district employment for a felony domestic violence and/or a felony drug offense may reapply for district employment after five years have passed since the date the offense was committed. C.R.S. 22-32-109.8 (6.5)(b). For a felony domestic violence offense, the applicant must also show successful completion of any court-ordered treatment. Other exceptions to this provision allow the district to conduct an assessment to determine if the applicant poses a risk to district students or staff, and also allow the applicant to submit a written request for reconsideration by the district. C.R.S. 22-32-109.8 (6.5)(d). The law includes the specific factors the district must consider. Id.

Adopted: June 2017

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