

*Board File: GDEA*

**SUPPORT STAFF BACKGROUND CHECKS**

A. Pre-Employment Background Checks

Prior to hiring a support staff member, the District's Human Resources department shall:

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 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 a 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.

B. Fingerprinting

1. All applicants selected for employment in a support staff position must submit a complete set of fingerprints taken by a qualified law enforcement agency or an authorized District employee and a notarized, completed form as required by state law.
2. On the form, the applicant must certify either that he or she has never been convicted of a felony or misdemeanor charge, not including any misdemeanor traffic offense, or that he or she has been convicted of a felony or misdemeanor charge (not including any misdemeanor traffic offense). The certificate must specify the felony or misdemeanor, the date of conviction, and the court entering judgment.
3. The District shall release the fingerprints to the Colorado Bureau of Investigation for processing.

4. Although an applicant may be conditionally employed prior to receiving the results, he or she may be terminated if the results are inconsistent with the information provided on the form. The District shall notify the District Attorney of such inconsistent results for action or possible prosecution.
5. The District will charge the applicant a nonrefundable fee to be determined by the Board to cover the direct and indirect costs 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.

#### C. Post-Hiring Background Checks

Subsequent to hiring a support staff member, if the District has good cause to believe the support 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 support staff member to submit a complete set of fingerprints taken by a qualified law enforcement agency. The employee shall submit his or her fingerprints to the District 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 support staff member any fees for the direct and indirect costs of fingerprint processing performed pursuant to this section C.

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.

Current practice codified 1978  
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**LEGAL REFS.:**

C.R.S. 22-32-109(1)(f)

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

C.R.S. 22-32-109.7

C.R.S. 22-32-109.8

Douglas County School District Re. 1, Castle Rock, Colorado