

Professional Staff Recruiting/Hiring

Applications of all regular professional personnel to be employed by the East Central BOCES will be processed according to this procedure. Short-term, temporary, or interim appointments may be made directly by the executive director or designee, subject to the approval of the EC BOCES Board, without following the advertising procedure.

1. Vacancies

All regular vacancies will be advertised. Vacancies may be advertised or filled internally prior to any public advertisement as determined by the appropriate program director.

2. Applications

All applications will be submitted to the appropriate program director for review and consideration.

3. Screening and interviewing

The appropriate program director will screen applications and conduct the interview with all selected applicants. The objectives of the screening and interview process are to:

- a. Determine if a teacher or special services provider applicant meets applicable licensure requirements under state and federal law.
- b. Determine the suitability of an applicant for a specific position.
- c. Determine those applicants who are most qualified for the position.
- d. Ensure eligible applicants from the EC BOCES's priority hiring pool, if applicable, receive first opportunity to interview, as required by law.
- e. Discuss with an applicant any EC BOCES policies and procedures pertinent to the job and to the employment process.

4. Reference Checks

The appropriate director will contact previous employers of the applicant to obtain information or recommendations relevant to the applicant's fitness for employment prior to offering a position.

5. Fingerprinting

- a. All applicants selected for employment must submit a complete set of fingerprints taken by a qualified law enforcement agency, an authorized EC BOCES employee, or any third party approved by the Colorado Bureau of Investigation.
- b. 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 EC 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 EC BOCES 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.
- 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 EC 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 EC BOCES must notify their attorney of inconsistent results for action or possible prosecution.

6. Background checks for Licensed Staff

Prior to hiring and in accordance with state law, the appropriate director must:

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 crime involving 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, 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 or BOCES 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, which was supported by a preponderance of evidence according to information provided to the department by a school district or BOCES 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 EC BOCES to the department.

The department will not disclose any information reported by a BOCES 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.

7. Selection

In the selection of EC BOCES personnel, the appropriate director will interview the qualified applicants. The decision regarding selection will be made by the appropriate director.

If the authorized administrator is not available at a time when a selection must be made, the selection will be made by those applicable persons present under the specific direction of the executive director.

8. Contract or job offer

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

9. Information report to state

In accordance with federal and state law, the finance 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 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.

EAST CENTRAL BOCES BOARD REGULATION

Adopted: June 26, 2024

NOTE 1: Regarding the requirement that an applicant submit a completed form certifying 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 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 BOCES. Each BOCES 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 BOCES employment for a felony domestic violence and/or a felony drug offense may reapply for BOCES 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 BOCES to conduct an assessment to determine if the applicant poses a risk to BOCES students or staff, and also allow the applicant to submit a written request for reconsideration by the BOCES. C.R.S. 22-32-109.8 (6.5)(d). The law includes the specific factors the BOCES must consider. *Id.**

NOTE 4: Federal law requires BOCES to notify individuals fingerprinted that the fingerprints will be used to check the criminal history records of the Federal Bureau of Investigation (FBI). BOCES must also notify fingerprinted applicants about the opportunity to challenge the accuracy of the information contained in the FBI identification record and the procedure to obtain a change, correction or update of an FBI identification record. 28 C.F.R. 50.12 (b). BOCES must retain documentation that this notification was provided. For sample notification and acknowledgement forms that meet these federal requirements, visit the Colorado Bureau of Investigation's website: <https://cbi.colorado.gov/sections/biometric-identification-and-records-unit/fees-and-forms-information>.

NOTE 5: Pursuant to the Job Application Fairness Act, C.R.S. 8-2-131, initial job applications cannot include any requirement for an applicant to provide their age, date of birth, and date(s) they attended or graduated from an educational institution. Additional documents, such as transcripts and certifications, may be requested if the applicant is notified they may redact age-related information from the documents. However, during the hiring process, a BOCES may ask an applicant to verify compliance with age requirements imposed by a bona fide occupational qualification or state or federal law. A bona fide occupational qualification is a narrow exception to discrimination laws that permits employers to make hiring decisions based on age, religion, sex, national origin, or other protected classes if the qualification is necessary to the operation of the business. See U.S. Code § 2000e-2; C.R.S. 24-34-402(4)(a). If the BOCES believes it has an employee who may need to demonstrate that they meet a bona fide occupational qualification, it is recommended to discuss the matter further with the BOCES's attorney.

[CASB NEW 2024]