

SECTION 300 – PERSONNEL

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ARTICLE 1 EQUAL EMPLOYMENT OPPORTUNITY/ UNLAWFUL DISCRIMINATION PROHIBITED

- A. The Board of Education hereby affirms its continuing policy of equal employment opportunities and prohibition of unlawful discrimination. (See Policy 107.) The District is subject to all federal and state laws and constitutional provisions prohibiting discrimination on the basis of race, creed, color, sex (which includes marital status), sexual orientation, national origin, religion, ancestry, or disability. Accordingly, no otherwise qualified applicant for employment or employee shall be subjected to unlawful discrimination in any hiring practice, employment requirements, program or activity on the basis of race, color, national origin, ancestry, creed, religion, sex (which includes marital status), sexual orientation or disability. Discrimination against employees and applicants for employment based on age is also prohibited in accordance with state and federal law.
- B. No employee or official acting on behalf of the School District shall ask, indicate, or transmit orally, or in writing, the religion or religious affiliation of any person seeking employment or employed in the School District.

ARTICLE 2 POSITIONS AND VACANCIES.

- A. The Superintendent shall determine necessary positions to carry out the programs and services of the District within the policy parameters established by the Board of Education.
- B. Job descriptions shall be developed and maintained for positions within the School District.
- C. A position shall be considered vacant when an employee has been transferred, non-renewed, dismissed, or has resigned, and the Superintendent has determined that the position is to be filled by another employee. Once declared vacant, a position may be filled by transfer of an employee from another position or through the hiring process.

References:

20 U.S.C. §1681 Title IX of the Educational Amendments of 1972
20 U.S.C. §201 et seq. Fair Labor Standards Act
20 U.S.C. §621 et seq. Age Discrimination in Employment Act of 1967
20 U.S.C. §701 et seq. Section 504 of the Rehabilitation Act of 1973
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C.R.S. 22-34-402 et seq. Discriminatory or unfair employment practices
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ARTICLE 3 RECRUITING

- A. The Board of Education directs the Superintendent to develop and maintain a recruitment program designed to attract and hold the best possible personnel and to establish and implement a process for selecting and recommending staff for employment.
- B. It is the responsibility of the Superintendent with the assistance of other administrators to locate suitable candidates to recommend to the Board for employment. The search for quality staff 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.
- C. Recruitment procedures shall not overlook the talents and potential of individuals already employed in the District. Any present employee of the Board may apply for a position for which he/she is licensed and/or otherwise qualified. However, assignment of an individual to a position shall be based upon who is best qualified as determined by the Principal or Director and the Superintendent.

ARTICLE 4 BACKGROUND CHECKS/FINGERPRINTING

- A. Prior to the employment of any person, the Board of Education, through its Superintendent and assigned staff, shall make an inquiry concerning such person to the Colorado Department of Education for the purposes of determining:
 1. Whether such person has been convicted of, has pled nolo contendere to, or has received a deferred sentence or deferred prosecution for a felony or a misdemeanor crime involving unlawful sexual behavior or unlawful behavior involving children;
 2. Whether such person has been dismissed by, or has 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;
 3. Whether a holder of a license or authorization has ever been denied, annulled, suspended, or revoked following a conviction, a plea of nolo contendere, or a deferred

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- sentence for a crime involving unlawful sexual behavior or unlawful behavior involving a child.
- B. The Board of Education, through its Superintendent and assigned staff, shall also contact previous employers of applicants for employment for the purposes of obtaining information or recommendations which may be relevant to such person's fitness for employment. During the employment of any person, the District may make an inquiry concerning such person to the Colorado Department of Education for the purposes described in Paragraph A of this Article.
- C. Any information received pursuant to Paragraphs A and B of this Article shall be confidential information. Any employee or Board Member releasing such information shall be subject to disciplinary action and may be subject to penalties for violation of Colorado law.
- D. Any person applying for any position of employment, except for a person who is a student in the District, and who is selected for such position of employment shall submit a complete set of fingerprints taken by a qualified law enforcement agency. The person shall also submit a notarized, completed form (provided by the District) certifying, under penalty of perjury, that he/she has never been convicted of committing any felony or misdemeanor (excluding a misdemeanor traffic offense or traffic infraction with the exception that applicants applying for a bus driver position shall not exclude traffic offenses) or that he/she has been convicted of committing a felony or misdemeanor. Such certification shall specify such felony or misdemeanor for which convicted, the date of such conviction, and the court entering the judgment of conviction. The submittal of fingerprints and the form shall be a pre-requisite to the employment of the person in a classified position and no person shall be employed who has not complied with the provisions of this paragraph. The fingerprints shall be forwarded to the Colorado Bureau of Investigation for the purpose of conducting a state and national fingerprint-based criminal history record check.
- E. The District may employ any person completing the requirements listed in Paragraph D of this Article in a classified position prior to receiving the results of the fingerprint check. However, the District may terminate the employment of such person if the results are inconsistent with the information provided by the person in the form submitted per Paragraph D of this Article. The District shall notify the Park County District Attorney of such inconsistent results for purposes of action or possible prosecution.

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- F. When the District finds good cause to believe that an employee, licensed or classified, has been convicted of any felony or misdemeanor other than a misdemeanor traffic offense or traffic infraction subsequent to employment, the employee shall submit to the District a complete set of his/her fingerprints taken by a qualified law enforcement agency. Said fingerprints shall be submitted within twenty (20) days of receipt of written notification from the District. The employee shall not be charged any fees for fingerprint processing. The fingerprints shall be forwarded to the Colorado Bureau of Investigation for the purpose of conducting a state and national fingerprint-based criminal history record check.
- G. When the District is contacted by another school district with regard to the employment of a previous District employee or current employee, the Superintendent or designee may provide information or recommendations concerning the applicant. (Note: CRS 22-32-109.7 establishes immunity from civil liability unless (1) the information is false or is provided with reckless disregard concerning the veracity of such information and (2) such information is to the detriment of the applicant because of a refusal to employ the applicant based on the information or to the detriment of the District because the applicant was employed based on positive information concerning the person later determined to be false.)

ARTICLE 5 HIRING

- A. All candidates shall be considered on the basis of their merits, qualifications and the needs of the School District. Upon completion of the selection process, selected candidates shall be recommended to the Board of Education by the Superintendent.
- B. The Board of Education shall have final authority in determining whether or not any individual shall be hired as an employee of the School District. A recommended employee shall only be considered to be employed through an affirmative vote by a majority of the Board, except that the Superintendent is authorized to offer employment for a period not to exceed 20 work-days when a vacancy must be immediately filled to maintain programs and services.

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20 U.S.C. §1681 Title IX of the Educational Amendments of 1972
20 U.S.C. §201 et seq. Fair Labor Standards Act
20 U.S.C. §621 et seq. Age Discrimination in Employment Act of 1967
20 U.S.C. §701 et seq. Section 504 of the Rehabilitation Act of 1973
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ARTICLE 6 TEACHER CONTRACTS

- A. Any individual employed as a teacher shall hold a valid Colorado license or authorization, except that the District may hire a person who is not licensed and does not hold an authorization as a resident teacher pursuant to a teacher in residence program implemented by the School District. "Teacher" means any person who holds a teacher's license issued pursuant to the provisions of Colorado's Educator Licensing Act who is employed to instruct, direct, or supervise the instructional program. "Teacher" does not include those persons holding authorizations and the chief administrative officer.
- B. Each teacher, except substitute teachers, shall receive a written contract that fulfills requirements of Colorado law. "Substitute teacher" means an itinerant teacher, holding a Colorado teaching license or substitute authorization, who performs services on a day-to-day or similar short-term basis for a non-probationary or probationary teacher. "Substitute teacher" also means a teacher holding a Colorado substitute authorization who normally performs services as an employee for four hours or more during each regular school day, but works on one continuous assignment for a total of less than ninety (90) school days, or for less than one semester during an academic year. "Substitute teacher" does not include a licensed teacher assigned to replace a non-probationary or probationary teacher. A "substitute authorization" authorizes the District to employ a person to teach on a substitute basis in a continuous assignment for less than ninety (90) days or less than one semester.
1. The contract shall specify the teacher's placement on the salary schedule and the amount of salary per annum.
 2. The contract shall contain a provision for damages as required by law. Damages may be assessed in an amount up to one-twelfth of the specified annual salary if the teacher abandons, breaches, or otherwise refuses to perform services as contracted and has not provided 30 days written notice that he/she will not fulfill contract obligations.

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3. A teacher may be suspended temporarily during the contractual period until the date of dismissal as ordered by the Board, pursuant to law, or may have the employment contract cancelled during the contractual period when there is a justifiable decrease in the number of teaching positions. When a justifiable reduction in the number of teaching positions within a particular endorsement area occurs, the employment contracts of first year probationary teachers who are occupying such positions shall be cancelled first. Further reductions in the number of teaching positions through the cancellation of employment contracts of second-year and third-year probationary teachers and non-probationary teachers shall be made based upon administrative determination of the best qualified individuals for each position based upon experience, training, endorsements and other criteria deemed important to best fulfill requirements of the assignment. The provisions of this article do not create any property right or contract right, expressed or implied, for second-year and third-year probationary teachers.
- C. No teacher employment contract shall contain a provision that restricts or prohibits the School District from disclosing to another school or district the reason or reasons why a teacher left employment with the Platte Canyon School District.
- D. No contract or employment arrangement made by and between the School District and teacher shall require by inference or otherwise that said teacher shall become a member of or required to belong to any group or organization.

ARTICLE 7 ASSIGNMENTS AND TRANSFERS

- A. The Superintendent shall be responsible for assigning or re-assigning staff to positions within the District. Once assigned to a school, the Principal shall assign and reassign staff as necessary to positions for which they are qualified. Assignments and re-assignments of food services staff, transportation staff and itinerant special education staff shall be made by the appropriate Director unless such assignment extends beyond the program or service authority of the Director.
- B. The Superintendent or designated Principal or Director shall assign an employee to a position based upon (1) needs of the District, (2) qualifications of the employee and (3) the employee's expressed desire. When it is not possible to meet all three conditions, personnel

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will be assigned based upon needs of the District; second, based upon the employee's qualifications and third, in accordance with the expressed preferences of employees in order of seniority.

- C. Requests for transfers or changes of assignment must be submitted in writing by the employee to the Superintendent or, in the case of a re-assignment request within the school or program, to the Principal or Director. The request must include the reason for the desired change. The request may be granted based upon the criteria listed in paragraph B of this Article. The reason for not granting the request shall be given in writing by the Superintendent or appropriate Principal or Director.
- D. Reasons for transfer or changes of assignment that are not voluntary shall be discussed with the employee and summarized in writing by the administrator prior to announcement of such transfer or re-assignment.
- E. Employees shall not be placed in an assignment where they will be supervised by a direct family member including supervision by a parent, sibling, spouse, son or daughter.

ARTICLE 8 EXTRA DUTY ASSIGNMENTS

- A. Extra-duty assignments including team leaders, department chairs, coaching, sponsorships, temporary duties and any other paid extra-duty may be made by administrators. However, such assignments may not be made for any individual until he/she is an employee of the District as stated in Article 6 of this policy.
- B. Extra-duty assignments are for one year. No right for continuing placement in an extra-duty assignment is granted. Rather, annual assignments are to be made based upon program needs, qualifications of available staff, budget constraints, and the best interests of the school or District as determined by the administrator. Assignments may be terminated at any time if, in the judgment of the administrator in charge, the employee is not fulfilling responsibilities of the assignment or demonstrating conduct in violation of school or District codes or policies.

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ARTICLE 9 EMPLOYMENT REPORTING

- A. The District shall submit to the Colorado Department of Education the name, date of birth, and social security number for each classified (non-licensed) employee.
- B. At the beginning of each semester, the District shall notify the Colorado Department of Education when a classified employee is no longer employed by the District.
- C. In accordance with Federal and State law, the District will report the name, address and social security number of every new employee to Child Support Enforcement, 1375 Sherman Street, P.O. Box 2920, Denver, Colorado 80201 (Fax number 303-297-2595.) The report, due within 20 days of the date of the hire or on the first payroll after the 20 days have expired, shall be submitted even if the employee quits or is terminated before the report is due.
- D. Upon termination, the employee's last known address and the fact of the termination shall be reported to the applicable court or agency as requested in keeping with statutory requirements.
- E. Upon receiving a Notice of Wage assignment, the District shall remit the designated payment within 7 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.

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