

## SECTION 300 – PERSONNEL

### EMPLOYMENT

### POLICY 302

#### ARTICLE 1 EMPLOYMENT OF PERSONNEL

- A. The Board of Education shall employ all personnel required to maintain the operations and carry out the educational program of the District and to fix and order paid their compensation. The Superintendent shall recommend individuals to the Board of Education for employment upon completion of established employment procedures and policies.
- 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 may authorize the temporary or substitute employment of personnel to fill vacancies for a period not to exceed twenty workdays or, if less than 20 days, until the next regularly scheduled Board of Education meeting when such temporary employment is necessary to maintain services or programs.

#### ARTICLE 2 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, 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, 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 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. Recruitment shall take into consideration the diverse characteristics of the school system and the need for staff members of various backgrounds. Recruitment shall not overlook the talents and potential of individuals already employed in the District. Any present employee may apply for a position for which he/she is licensed or otherwise qualified.

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#### 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  
20 U.S.C. §12101 et seq. Title II of the Americans with Disabilities Act  
20 U.S.C. §2000d Title VI of the Civil Rights Act of 1964  
20 U.S.C. §200e Title VII of the Civil Rights Act of 1964  
C.R.S. 22-32-109 (1) (f) (l) Employ Personnel to Carryout Educational Program  
C.R.S. 22-32-109.1(8) Employee Screenings  
C.R.S. 22-32-109.7 Board of Education Duties – Employment of Personnel  
C.R.S. 22-32-109.8 Non-licensed fingerprinting; Prohibition Against Employing Persons for Failing to Comply  
C.R.S. 22-32-109.9 Licensed Personnel – Submittal of Fingerprints  
C.R.S. 22-32-110(g) through (k) Board of Education Powers - Personnel  
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#### 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 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. Except as otherwise specified by law, information received pursuant to Paragraphs A and B of this Article shall be confidential information. Any employee or Board Member releasing such information in violation of this policy or law 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.

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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  
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- E. The District may temporarily 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.
- 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.

### ARTICLE 5 POSITIONS AND VACANCIES.

- A. The Superintendent shall determine necessary positions to carry out the programs and services of the District within 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.

### ARTICLE 6 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.

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