

Professional Staff Recruiting/Hiring

Recruiting

It is the responsibility of the executive director, with the assistance of other administrators, to determine the personnel needs of the BOCES and to locate suitable candidates to recommend to the Board for employment. The search for good teachers and other professional personnel will extend to a wide variety of educational institutions and geographical areas. It will take into consideration the diverse characteristics of the BOCES and the need for staff members of various backgrounds.

Recruitment procedures will not overlook the talents and potential of individuals already employed by the BOCES. Any present employee of the BOCES may apply for a position for which they are licensed, qualified, and/or meet other stated requirements.

Background checks

Prior to hiring any person, the BOCES must conduct background checks with the Colorado Department of Education and previous employers regarding the applicant's fitness for employment.

Hiring

Discrimination in the hiring process on the basis of disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, marital status, national origin, religion, ancestry, genetic information, age, or conditions related to pregnancy or childbirth is prohibited.

In all cases where credit information or reports are used in the hiring process, the BOCES must comply with the Fair Credit Reporting Act and applicable state law.

All candidates will be considered on the basis of their merits, qualifications, and the needs of the BOCES.

All interviewing and selection procedures will ensure that the administrator directly responsible for the work of a staff member has an opportunity to aid in the staff member's selection.

Appointment of candidates

Nominations will be made at meetings of the Board. The vote of a majority of the Board is necessary to approve the appointment of teachers or any professional staff member. If there is a negative vote by the Board, the executive director must submit a new recommendation to the Board for approval.

Upon the hiring of any employee, information required by federal and state child support laws will be timely forwarded by the BOCES to the appropriate state agency.

(Adoption date: January 19, 2022)

LEGAL REFS.: 15 U.S.C. 1681 *et seq.* (Fair Credit Reporting Act)
[20 U.S.C. 6312 (c)(6) (teacher licensure requirements under Every Student Succeeds Act)]
42 U.S.C. 653 (a) (Personal Responsibility and Work Opportunity Reconciliation Act)
[28 C.F.R. 50.12 (b) (notification requirements regarding fingerprints)]
C.R.S. 2-4-401 (3.4) (definition of gender expression)
C.R.S. 2-4-401 (3.5) (definition of gender identity)
C.R.S. 2-4-401 (13.5) (definition of sexual orientation)
C.R.S. 8-2-126 (limits employers' use of consumer credit information)
C.R.S. 14-14-111.5 (Child Support Enforcement procedures)
[C.R.S. 22-2-119 (inquiries prior to hiring)]
[C.R.S. 22-2-119.3 (6)(d) (name-based criminal history record check – definition)]
C.R.S. 22-32-109 (1)(f) (Board duty to employ personnel)
C.R.S. 22-32-109 (1)(pp) (annual employee notification requirement regarding federal student loan repayment programs and student loan forgiveness programs)
[C.R.S. 22-32-109.7 (inquiries prior to hiring)]
[C.R.S. 22-32-109.8 (non-licensed personnel – submittal of fingerprints and name-based criminal history record check)]
[C.R.S. 22-60.5-114 (3) (State Board can waive some requirements for initial license applicants upon request of BOCES)]
[C.R.S. 22-60.5-201 (types of teacher licenses issued)]
[C.R.S. 22-61-101 (prohibiting discrimination)]
C.R.S. 24-5-101 (effect of criminal conviction on employment)
C.R.S. 24-34-301 (3.3) (definition of gender expression)
C.R.S. 24-34-301 (3.5) (definition of gender identity)
C.R.S. 24-34-301 (7) (definition of sexual orientation)

C.R.S. 24-34-402 (1) (*discriminatory and unfair employment practices*)

C.R.S. 24-34-402.3 (*discrimination based on pregnancy, childbirth or related conditions; notice of right to be free from such discrimination must be posted "in a conspicuous place" accessible to employees*)

C.R.S. 24-72-202 (4.5) (*definition of personnel file in open records law*)

CROSS REF.: GBA, Open Hiring/Equal Employment Opportunity

NOTE 1: State law requires public school teachers to take an oath/affirmation or sign a written pledge that states the following: "I solemnly (swear) (affirm) (pledge) that I will uphold the constitution of the United States and the constitution of the state of Colorado, and I will faithfully perform the duties of the position I am about to enter." C.R.S. 22-61-103 (1). A person authorized to administer oaths in Colorado shall administer the oath or affirmation, or the teacher must sign the pledge. C.R.S. 22-61-103 (2). The Colorado Department of Education has stated that BOCES hiring officials must ensure that teachers take the oath orally or in writing at the time of hiring or during the signing of the teacher's contract.

NOTE 2: State law requires school Boards to annually distribute to employees "informational materials related to federal student loan repayment and student loan forgiveness programs, including updated materials received from the department of education." C.R.S. 22-32-109 (1)(pp). In addition to annual distribution, school Boards must "distribute the informational materials to newly hired district employees as part of its employee orientation process." *Id.* Distribution to employees may be made via email "or as part of a mailing or regular communication to employees" *Id.*

NOTE 3: For purposes of this policy, these terms have the following meanings:

- "Race" includes hair texture, hair type, or a protective hairstyle that is commonly or historically associated with race. C.R.S. 22-32-110 (1)(k).
- "Protective Hairstyle" includes such hairstyles as braids, locs, twists, tight coils or curls, comrows, bantu knots, afros, and head wraps. *Id.*
- "Sexual Orientation" means an individual's identity, or another individual's perception thereof, in relation to the gender or genders to which the individual is sexually or emotionally attracted and the behavior or social affiliation that may result from the attraction. C.R.S. 2-4-401 (13.5) and C.R.S. 24-34-301 (7).
- "Gender Expression" means an individual's way of reflecting and expressing the individual's gender to the outside world, typically demonstrated through appearance, dress, and behavior. C.R.S. 2-4-401 (3.4) and G.R.S. 24-34-301 (3.3).

File: GCE/GCF

- *"Gender Identity" means an individual's innate sense of the individual's own gender, which may or may not correspond with the individual's sex assigned at birth. C.R.S. 2-4-401 (3.5) and C.R.S. 24-34-301 (3.5).*

[Revised September 2021]
CASB SAMPLE POLICY – BOCES 2015©

Support Staff Recruiting/Hiring

The Board will establish and budget for support staff positions in the BOCES on the basis of need and the financial resources of the BOCES.

Recruiting

The recruitment and selection of candidates for these positions is the responsibility of the executive director or designee who must confer with other supervisory personnel in making a selection.

All vacancies will be made known to the present staff. Anyone qualified for a position may submit an application.

Background checks

Prior to hiring any person, the BOCES must conduct background checks with the Colorado Department of Education and previous employers regarding the applicant's fitness for employment.

All applicants recommended for a position in the BOCES must submit a set of fingerprints and information about felony or misdemeanor convictions in accordance with state law. Applicants may be conditionally employed prior to receiving the fingerprint results.

Hiring

Discrimination in the hiring process on the basis of disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, marital status, national origin, religion, ancestry, age, genetic information, or conditions related to pregnancy or childbirth is prohibited.

In all cases where credit information or reports are used in the hiring process, the BOCES must comply with the Fair Credit Reporting Act and applicable state law.

The Board will officially appoint all employees upon the executive director's recommendation; however, temporary appointments may be made pending Board action.

Upon the hiring of any employee, information required by federal and state child support laws will be timely forwarded by the BOCES to the appropriate state agency.

(Adoption date: January 19, 2022)

LEGAL REFS.: 15 U.S.C. 1681 *et seq.* (Fair Credit Reporting Act)
42 U.S.C. 653 (a) (Personal Responsibility and Work Opportunity Reconciliation Act)
42 U.S.C. 2000ff *et seq.* (Genetic Information Nondiscrimination Act of 2008)
[28 C.F.R. 50.12 (b) (notification requirements regarding fingerprints)]
C.R.S. 2-4-401 (3.4) (definition of gender expression)
C.R.S. 2-4-401 (3.5) (definition of gender identity)
C.R.S. 2-4-401 (13.5) (definition of sexual orientation)
C.R.S. 8-2-126 (limits employers' use of consumer credit information)
C.R.S. 14-14-111.5 (Child Support Enforcement procedures)
[C.R.S. 22-2-119.3 (6)(d) (name-based criminal history record check – definition)]
C.R.S. 22-32-109 (1)(f) (Board duty to employ personnel)
C.R.S. 22-32-109 (1)(pp) (annual employee notification requirement regarding federal student loan repayment programs and student loan forgiveness programs)
[C.R.S. 22-32-109.7 (inquiries prior to hiring)]
[C.R.S. 22-32-109.8 (non-licensed personnel – submittal of fingerprints and name-based criminal history record check)]
C.R.S. 24-5-101 (effect of criminal conviction on employment)
C.R.S. 24-34-301 (3.3) (definition of gender expression)
C.R.S. 24-34-301 (3.5) (definition of gender identity)
C.R.S. 24-34-301 (7) (definition of sexual orientation)
C.R.S. 24-34-402 (1) (discriminatory and unfair employment practices)
C.R.S. 24-34-402.3 (discrimination based on pregnancy, childbirth or related conditions; notice of right to be free from such discrimination must be posted "in a conspicuous place" accessible to employees)

CROSS REFS.: GBA, Open Hiring/Equal Employment Opportunity
GDA, Support Staff Positions

NOTE 1: Specific procedures for background checks, fingerprinting, and submission of child support information may follow as a regulation. The regulation might also include specific procedures for making applications, screening, and selecting candidates to be recommended to the Board.

NOTE 2: 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 acknowledgment forms that meet these federal requirements, visit the Colorado Bureau of Investigation's website: <https://www.colorado.gov/pacific/cbi/identification-unit>.

NOTE 3: State law requires school Boards to annually distribute to employees "informational materials related to federal student loan repayment and student loan forgiveness programs, including updated materials received from the department of education." C.R.S. 22-32-109 (1)(pp). In addition to annual distribution, school Boards must "distribute the informational materials to newly hired district employees as part of its employee orientation process." *Id.* Distribution to employees may be made via email "or as part of a mailing or regular communication to employees" *Id.*

NOTE 4: For purposes of this policy, these terms have the following meanings:

- "Race" includes hair texture, hair type, or a protective hairstyle that is commonly or historically associated with race. C.R.S. 22-32-110 (1)(k).
- "Protective Hairstyle" includes such hairstyles as braids, locs, twists, tight coils or curls, comrows, bantu knots, afros, and head wraps. *Id.*
- "Sexual Orientation" means an individual's identity, or another individual's perception thereof, in relation to the gender or genders to which the individual is sexually or emotionally attracted and the behavior or social affiliation that may result from the attraction. C.R.S. 2-4-401 (13.5) and C.R.S. 24-34-301 (7).
- "Gender Expression" means an individual's way of reflecting and expressing the individual's gender to the outside world, typically demonstrated through appearance, dress, and behavior. C.R.S. 2-4-401 (3.4) and C.R.S. 24-34-301 (3.3).
- "Gender Identity" means an individual's innate sense of the individual's own gender, which may or may not correspond with the individual's sex assigned at birth. C.R.S. 2-4-401 (3.5) and C.R.S. 24-34-301 (3.5).