

EDUCATION SUPPORT PROFESSIONALS RECRUITING/HIRING/BACKGROUND CHECKS

Background Checks

1. Prior to employing any applicant in an Education Support Professional (ESP) position, Colorado Springs School District 11 (the District) shall:
 - a. Make an inquiry concerning the applicant to the Colorado Department of Education (the CDE) to determine whether the applicant:
 - (i) has been convicted of, pled nolo contendere to or received a deferred sentence for a felony or a misdemeanor crime involving unlawful sexual behavior or unlawful behavior involving children;
 - (ii) 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; and
 - (iii) has ever had a Colorado educator's license or authorization (if the applicant holds one) denied, annulled, suspended or revoked; and
 - b. Contact previous employers of the applicant to obtain information or recommendations relevant to the applicant's fitness for employment.
2. During the employment of any ESP by the District, the Colorado Springs School District 11 Board of Education (the Board) may make an inquiry concerning such employee to CDE for the purposes described above.

Fingerprinting

1. Any applicant selected for employment in an ESP position must submit to the District a complete set of fingerprints taken by a qualified law enforcement agency or an authorized District employee, and a notarized, completed form regarding felonies and misdemeanors.
2. On the form, the applicant must certify under penalty of perjury either that he or she has never been convicted of a felony or misdemeanor charge (not including any misdemeanor traffic offense or traffic infraction), or that he or she has been convicted of a felony or misdemeanor charge (not including any misdemeanor traffic offense or traffic infraction). The applicant must specify on the form the felony or misdemeanor for which he or she was convicted, the date of conviction and the court entering judgment.
3. The District shall forward the fingerprints to the Colorado Bureau of Investigation (the CBI) for the purpose of conducting a state and national fingerprint-based criminal history record check, utilizing the records of the CBI and the Federal Bureau of Investigation (the FBI).
4. Applicants may be conditionally employed prior to the District receiving the fingerprint results. However, he or she may be terminated if the results are inconsistent with the

information provided. He or she shall be terminated if the results disclose a conviction, after August 10, 2011, for any of the following offenses:

- a. felony child abuse, as described in C.R.S. 18-6-401;
- b. a crime of violence, as described in C.R.S. 18-1.3-406(2);
- c. a felony involving unlawful sexual behavior, as defined in C.R.S. 16-22-102(9);
- d. felony domestic violence, as defined in C.R.S. 18-6-800.3;
- e. a felony drug offense described in C.R.S. 18-18-4, committed on or after August 25, 2012;
- f. felony indecent exposure, as described in C.R.S. 18-7-302; or
- g. An offense committed outside of this state, which if committed in this state would constitute an offense described in items a-f.

The District shall notify the District Attorney of such inconsistent results for action or possible prosecution.

5. If the District finds good cause to believe that any ESP employed by the District has been convicted of any felony or misdemeanor (other than a misdemeanor traffic offense or traffic infraction) subsequent to such employment, the District shall require such employee to submit to the District a complete set of his or her fingerprints taken by a qualified law enforcement agency. The fingerprints must be submitted within twenty days of receipt of written notification from the District. The District shall forward the fingerprints of such employee to the CBI for the purpose of conducting a state and national fingerprint-based criminal history record check, utilizing the records of the CBI and the FBI.

Other

In accordance with state law:

1. The District shall submit to CDE the name, date of birth and social security number for each ESP employed by the District.
2. The District, at the beginning of each semester, shall notify CDE when an ESP is no longer employed by the District.
3. The District shall notify CDE in the event an ESP is dismissed or resigns as a result of an allegation of unlawful behavior involving a child, including unlawful sexual behavior, which is supported by a preponderance of the evidence, within ten business days after the dismissal or resignation. The District shall also notify the ESP that information concerning his or her dismissal or resignation is being forwarded to CDE unless the notice would conflict with state law.
4. The District shall notify CDE if the District learns from a source other than CDE that a current or past ESP of the District has been convicted of, 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.

5. The District shall treat as confidential information received from CDE or an applicant's prior employers.

Current practice codified 1994
Reviewed May, 1995
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Reviewed October 5, 2012
Reviewed February 22, 2017

CROSS REFS.: GDE/GDF, Education Support Professionals Recruiting/Hiring/
Background Checks
Education Support Professionals Meet and Confer Handbook

LEGAL REFS.: C.R.S. § 22-32-109(f)(l)
C.R.S. § 22-32-109.7
C.R.S. § 22-32-109.8
C.R.S. § 24-72-202(1.3)
C.R.S. § 24-72-204(3)(a)