

TOLLAND PUBLIC SCHOOLS
Tolland, Connecticut

BOARD POLICY

REGARDING:
EMPLOYMENT CHECKS

Number: 4050
Personnel

Approved: 2/12/03

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Revised: 1/25/12

Each applicant for a position with the district shall be asked whether he/she has ever been convicted of a crime, whether there are any criminal charges pending against him/her at the time of application and whether the applicant is included on the abuse and neglect registry of the Connecticut Department of Children and Families ("DCF") ("the Registry") or an equivalent database maintained in another state if the applicant's current or most recent employment occurred out of state. Applicants shall not be required to disclose any arrest, criminal charge or conviction that has been erased.

A. Reference Checking Procedures

Prior to hiring any person, the district shall make a documented good faith effort to contact previous employers of the applicant in order to obtain information and recommendations that may be relevant to the applicant's fitness for employment.

B. DCF Registry Checks

Prior to hiring any person for a position requiring a certificate, authorization or permit issued by the State Board of Education, the District shall require such applicant to submit a records check of information maintained on the Registry concerning the applicant.

Prior to hiring any person for any other position, if the District does not have access to the information on the Registry without the consent of the applicant, the district shall request that the applicant provide the district with authorization to access information maintained on the registry

Concerning the applicant. Refusal to permit the district to access such information shall be considered grounds for rejecting any applicant for employment.

On and after July 1, 2012, prior to hiring any person for any position, including one that does not require a certificate, authorization or permit issued by the State Board

of Education, the District shall require such applicant to submit to a records check of information maintained on the Registry concerning the applicant.

For any applicant whose current or most recent employment occurred out of state, the District shall request that the applicant provide the District with authorization to access information maintained concerning the applicant by the equivalent state agency in the state of most recent employment, if such state maintains information about abuse and neglect and has a procedure by which such information can be obtained. Refusal to permit the district to access such information shall be considered grounds for rejecting any applicant for employment.

The district shall request information from the Registry or its out of state equivalent promptly, and in any case no later than thirty (30) days from the date of employment. Registry checks will be processed according to the following procedure:

1) No later than ten (10) calendar days after the Superintendent or his/her designee has notified a job applicant of a decision to offer employment to the applicant, or as soon thereafter as practicable, the Superintendent or designee will either obtain the information from the Registry or, if the applicant's consent is required to access the information, will supply the applicant with the release form utilized by DCF, or its out of state equivalent when available, for obtaining information from the registry.

2) If consent is required to access the registry, no later than ten (10) calendar days after the Superintendent or his/her designee has provided the successful job applicant with the form, the applicant must submit the signed form to DCF or its out of state equivalent, with a copy to the Superintendent or his/her designee. Failure of the applicant to submit the signed form to DCF or its out of state equivalent within such ten-day period, without good cause, will be grounds for the withdrawal of the offer of employment.

3) Upon receipt of Registry or out of state registry information indicating previously undisclosed information concerning abuse or neglect investigations concerning the successful job applicant/employee, the Superintendent or his/her designee will notify the affected applicant/employee in writing of the results of the registry check and will provide an opportunity for the affected applicant/employee to respond to the results of the registry check.

4) If notification is received by the Superintendent or designee that that the applicant is listed as a perpetrator of abuse or neglect on the Registry, the Superintendent or designee shall provide the applicant with an opportunity to be heard regarding the results of the registry check. If warranted by the results of the registry check and any additional information provided by the applicant, the Superintendent or designee shall revoke the offer of employment and/or terminate the applicant's employment if he or she has already commenced working for the district.

C. Criminal Records Check Procedure

Each person hired by the district shall be required to submit to state and national criminal record checks within 30 days from the date of employment. Each worker placed within a school under a public assistance employment program, or employed by a provider of supplemental services pursuant to the No Child Left Behind Act, or in a nonpaid, noncertified position completing preparation requirements for issuance of an education certificate, who performs a service involving direct student contact shall also be required to submit to state and national criminal record checks with 30 days from the date such worker begins to perform such service. Record checks will be processed according to the following procedure:

1) No later than ten calendar days after the Superintendent or his/her designee has notified a job applicant of a decision to hire the applicant, or as soon thereafter as practicable, the Superintendent will supply the applicant with a packet containing all documents and materials necessary for the applicant to be fingerprinted by the Tolland police department or by the police department, Resident Trooper, State Police Troop for the town in which the successful applicant resides. This packet shall also contain all documents and materials necessary for the police department to submit the completed fingerprints to the State Police Bureau of Identification for the processing of state and national criminal record checks.

2) No later than ten calendar days after the Superintendent has provided the successful job applicant with the fingerprinting packet, the applicant must arrange to be fingerprinted by the Tolland police department or by the police department/Resident Trooper/State Police Troop for the town in which the successful applicant resides. Failure of the applicant to have his/her fingerprints taken within such ten-day period, without good cause, will be grounds for the withdrawal of the offer of employment.

3) Any person for whom criminal records checks are required to be performed pursuant to this policy must pay all fees and costs associated with the fingerprinting process and/or the submission or processing of the requests for criminal record checks.

4) Upon receipt of a criminal record check indicating a previously undisclosed conviction, the Superintendent or his/her designee will notify the affected applicant/employee in writing of the results of the record check and will provide an opportunity for the affected applicant/employee to respond to the results of the criminal record check.

5) Decisions regarding the effect of a conviction upon an applicant/employee, whether disclosed or undisclosed by the applicant/employee, will be made on a case-by-case basis. Notwithstanding the foregoing, the falsification or omission of any information on a job application or in a job interview, including but not limited to information concerning criminal convictions or pending criminal charges,

shall be grounds for disqualification from consideration for employment or discharge from employment.

D. Notice of Conviction

If, at any time, the board of education receives notice of a conviction of a crime by 1) a person holding a certificate, authorization or permit issued by the or permit issued by the State Board of Education, or 2) a person employed by a provided of supplemental services, the Board shall send such notice to the State Board of Education.

E. School Nurses

School nurses or nurse practitioners appointed by, or under contract with, the Board of Education shall also be required to submit to a criminal history records check in accordance with the procedures outlined above.

F. Substitute Teachers

A substitute teacher who is hired by the district must submit to state and national criminal history record checks according to the procedures outlined above, subject to the following:

1.) If the state and national criminal history record checks for a substitute teacher have been completed within one year prior to the date the district hired the substitute teacher, and if the substitute teacher arranged for such prior criminal history record checks to be forwarded to the Superintendent, then the substitute teacher will not be required to submit to another criminal history record check at the time of such hire.

2.) If a substitute teacher submitted to state and national criminal history record checks upon being hired by the district, then the substitute teacher will not be required to submit to another criminal history record check so long as the substitute teacher is continuously employed by the district, that is, employed for at least one day of each school year, by the district.

G. Policy Inapplicable to Operators of School Transportation Vehicles.

- 1) This policy shall not apply to an operator of a school transportation vehicle who is already required to submit to a criminal history records check pursuant to Connecticut General Statutes § 14-44 (d).
- 2) This policy shall also not apply to a student employed by the local or regional school district in which the student attends school.

H. Falsification Of Records

The falsification or omission of any information on a job application or in a job interview, including but not limited to information concerning abuse or neglect investigations or pending criminal applications, shall be grounds for disqualification from consideration for employment or discharge from employment.

Legal References:

Conn. Gen. Stat. § 10-221d. Criminal history records checks of school personnel. Fingerprinting. Termination or dismissal.

Conn. Gen. Stat. § 10-212. School Nurses and Nurse Practitioners (As Amended by Public Act 04-181)

No Child Left Behind Act of 2001, Public Law 107-110

Public Act 11-93, An Act Concerning the Response of School Districts and the Departments of Children and Families to Reports of Child Abuse and Neglect and the Identification of Foster Children Within a District.