

Security/Reference Checks

In order to create a safe and orderly environment for students, all offers of employment will be conditional upon the successful outcome of a criminal record check. In addition, any person applying for employment with the Board shall submit to a record check of the Department of Children and Families (DCF) Child Abuse and Neglect Registry before the person may be hired.

Note: Applicants for all positions, certified or non-certified must submit to a check of Department of Children and Families Child Abuse and Neglect Registry.

Applicants, as required, shall make disclosures containing (1) current and past employers' contact information; (2) authorization allowing contact with such employers; and (3) statements about any past misconduct, discipline, or licensure penalties as a result of sexual misconduct or abuse allegations.

Prior to hiring such applicants, Central Office will (1) ensure that applicants complete the above stated three requirements; (2) review applicants' employment history after making a documented, good faith effort to contact previous employers for information; and (3) request any available information about applicants from SDE.

District employees shall within 30 days after they are hired submit to state and national criminal checks. District students employed by the school system are exempted from this requirement.

Workers placed in a school under a public assistance employment program shall also submit to the criminal check if such individuals will have direct contact with students.

School nurses and nurse practitioners appointed by the Board or under contract with the Board shall also submit to a criminal history check pursuant to C.G.S. 29-17a.

Student teachers placed in North Canaan Elementary School as part of completing preparation requirements for the issuance of an educator certificate shall also be required to undergo the same criminal background checks and DCF child abuse and neglect registry check already required for school employees.

A District student employed by the District or a person employed by the Board as a teacher for a non-credit adult class or adult education activity (as defined in C.G.S. 10-67) who is not required to hold a teaching certificate, pursuant to C.G.S. 10-145b, as amended by PA 18-51, is exempt from the fingerprinting requirement.

Criminal Justice Information (CJI) is to be maintained in accordance with the administrative regulation pertaining to the use and disclosure of criminal justice information.

Legal Reference: Connecticut General Statutes

10-221d Criminal history records checks of school personnel. Fingerprinting. Termination or dismissed. (as amended by PA 01-173, PA 04-181 and June 19 Special Session, PA 09-1, PA 11-93, PA 16-67, PA 18-51 and PA 19-91)

29-17a Criminal history checks. Procedure. Fees.

PA 16-67 An Act Concerning the Disclosure of Certain Education Personnel Records

Criminal Justice Information Services (CJIS) Security Policy, Version 5.4, U.S. Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division, October 6, 2015.

Policy adopted: June 16, 2020

NORTH CANAAN BOARD OF EDUCATION

North Canaan, Connecticut

Security Check/Fingerprinting

Each person hired by the school system shall be required to submit to state and national criminal record checks. In order to process such record checks, the following procedure will be followed:

1. No later than ten calendar days after the Superintendent or his/her designee has notified job applicant of a decision to hire the applicant, or as soon thereafter as practicable, the Superintendent or his/her designee will supply the applicant with a packet containing all documents and materials necessary for the applicant to be fingerprinted by the Regional Service Center. This packet shall also contain all documents and materials necessary for the Regional Service Center 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 or his/her designee has provided the successful job applicant with the fingerprinting packet, the applicant must arrange to be fingerprinted. 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.
6. Each applicant for a position involving direct student contact is required to make three disclosures to the Board for a position involving direct student contact. The applicant must:
 - a. Provide the District with contact information for current and former employers if they were education employers or the employment otherwise involved contact with children. The contact information must include each employer's name, address, and telephone number.
 - b. Provide a written authorization that consents to and authorizes such former employers to disclose information and related records about him or her that is requested on the SDE-designed standardized form that interviewing education employers send. The authorization also must consent to and authorize the State Department of Education (SDE) to disclose information and related records to requesting education employers and release such former employers and SDE from any liability that may arise from such disclosure or release.

- c. Give a written statement about whether he or she:
 - i. was the subject of an abuse or neglect or sexual misconduct investigation by any employer, state agency, or municipal police department, unless the investigation resulted in a finding that all allegations were unsubstantiated;
 - ii. was disciplined or asked to resign from a job or resigned from or otherwise separated from any job while an allegation of abuse or neglect was pending or under investigation by the Department of Children and Families (DCF), or an allegation of sexual misconduct was pending or under investigation or because of an allegation substantiated by DCF of abuse or neglect or sexual misconduct or a conviction for abuse or neglect or sexual misconduct; or
 - iii. had a professional or occupational license or certificate suspended or revoked or ever surrendered one while an allegation of abuse or neglect was pending or under investigation by DCF, or an investigation of sexual misconduct was pending or under investigation, or because of an allegation substantiated by DCF of abuse or sexual misconduct or a conviction for abuse or sexual misconduct.
 - iv. has, at the time of application, any criminal charges pending to state the charges and the court in which such charges are pending.
7. The District is prohibited from offering employment for any position involving direct student contact until the following has occurred:
 - a. the applicant has complied with the above disclosure requirements;
 - b. the District has reviewed, either through written or telephone communication, the applicant's employment history on the standardized form filled out by current and past employers, which current or former employers must complete and return within five business days of receipt; and
 - c. the District has requested information from SDE about the applicant's eligibility status for a position requiring a certificate, authorization, or permit; previous disciplinary action for a substantiated finding of abuse or neglect or sexual misconduct; and notice of a criminal conviction or pending criminal charges against the applicant.
8. A good faith effort to reach an applicant's current and previous employers shall be made. A "good faith effort" is one requiring no more than three phone calls on three separate days.
9. The District may request additional information from an applicant's current or former employers relating to any response the applicant listed on the standardized SDE form, to which the applicant must respond within five business days of receipt. Immunity is provided from criminal and civil liability to any employer who provides such information, as well as to SDE, as long as the information supplied is not knowingly false.
10. The information available to the Board from SDE about an applicant may include:
 - a. any information about the applicant's eligibility for employment with such education employer in a position that requires a certificate, authorization, or permit;

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- b. whether SDE knows if the applicant was disciplined for a finding of abuse or neglect or sexual misconduct, and any information related to the finding; and
 - c. whether SDE has been notified that the applicant has been convicted of a crime or of pending criminal charges against the applicant and any information about such charges.
11. Applicants for substitute teaching positions must also fulfill the disclosure requirements as listed above. The District will also request information from the applicant's prior employers and SDE (in the same manner required for other applicants).
 12. Adult education teachers and substitute teachers, if they are continuously employed by the district, do not have to be re-fingerprinted after fulfilling the initial requirement.
 13. The District shall maintain a list of individuals suitable to work as substitute teachers. Only those on the list may be hired as substitute teachers. An individual remains on the list as long as (1) he or she is continuously employed by the District as a substitute teacher and (2) District does not have any knowledge that would cause the person to be removed from the list.
 14. School nurses and nurse practitioners appointed by the Board or under contract with the Board shall also submit to a criminal history check pursuant to C.G.S. [29-17a](#).
 15. Student teachers placed in District schools as part of completing preparation requirements for the issuance of an educator certificate shall also submit to a criminal history check. The criminal history check shall be done prior to being placed in a school for clinical experiences such as field experiences, student teaching or internship. Candidates are required to be fingerprinted at one of the RESCs and not through local police stations or the school district. The District is required to notify the State Board of Education if notice is received that a student teacher has been convicted of a crime. Student teachers must also submit to a records check of the Department of Children and Families Child Abuse and Neglect Registry.
 16. Each applicant for a certified position must submit to a records check of the Department of Children and Families (DCF) Child Abuse and Neglect Registry established pursuant to C.G.S. 17a-101k before the applicant may be hired. The Superintendent or his/her designee shall request the required records check of DCF in accordance with the procedures established by DCF.
 17. Each applicant for a non-certified position must submit to a records check of the Department of Children and Families (DCF) Child Abuse and Neglect Registry established pursuant to C.G.S. 17a-101k before the applicant may be hired. The Superintendent or his/her designee shall request the required records check of DCF in accordance with the procedures established by DCF.
 18. Contractors who apply for positions involving direct student contact are required to perform the checks on their employees who would fill such positions. These checks are similar to the ones the District must perform on applicants.

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- a. A contractor's employee must fulfill the three disclosure requirements that a regular, direct applicant for such a position must fulfill.
 - b. The contractor must contact any current or former employers that were education employers and request, by telephone or in writing, any information about whether there was a finding of abuse or neglect or sexual misconduct against the employee, and which the employer must report if there is one.
 - c. Should the contractor receive any information indicating such a finding of abuse, neglect, or sexual misconduct, or otherwise has knowledge of such information, s/he must immediately forward, either by telephone or in writing, the information to the District.
 - d. The District must determine whether the employee may work in a position involving direct student contact at any of its schools.
 - e. It is not considered a breach of contract for the District to determine that the contractor's employee is forbidden to work under any such contract in such a position.
19. The District shall notify SDE when it receives information that applicants or employees have been disciplined for a finding of abuse or sexual misconduct.
20. The District is required to provide upon request, to any other education employer or to the Commissioner of Education, information it may have about a finding of abuse or sexual misconduct for someone being vetted for hire as a direct employee of the Board or a contractor's employee.
21. The Board is prohibited from entering into any collective bargaining agreement, employment contract, resignation or termination agreement, severance agreement, or any other agreement or take any action that results in any of the following outcomes:
- a. has the effect of suppressing information about an investigation of a report of suspected abuse or neglect or sexual misconduct by a current or former employee;
 - b. affects the education employer's ability to report suspected abuse or neglect or sexual misconduct to appropriate authorities; or
 - c. requires the district to expunge information about an allegation or finding of suspected abuse or neglect or sexual misconduct from any documents it maintains, unless after investigation the allegation is dismissed or found to be false.
22. The District may employ or contract with an applicant for up to 90 days while awaiting the complete review of their application information, as long as the following has occurred:
- a. the applicant has submitted to the District the three required disclosures,
 - b. the District has no information about the applicant that would disqualify him or her from employment, and
 - c. the applicant affirms that he or she is not disqualified from employment with the education employer.

23. Applicants who knowingly provide false information or knowingly fail to disclose information that is statutorily required to the District are subject to discipline by the District. Such discipline may include denial of employment or termination of a certified employee's contract.

A District student, employed by the District or a person employed by the Board as a teacher for a non-credit adult class or adult education activity (as defined in C.G.S. [10-67](#)) who is not required to hold a teaching certificate, pursuant to C.G.S. [10-145b](#), as amended by PA 18-51, is exempt from the fingerprinting requirement.

Criminal Justice Information*

Policies #4112.5/4212.5 and #4112.51/4212.51 and applicable law require applicants for employment in the District to submit to state and national criminal record checks. All results for such background checks and accompanying information is considered "Criminal Justice Information (CJI)." Such information is to be maintained, used and disclosed in compliance with this administrative regulation. These regulations apply to all CJI that the District possesses or controls in any form or format. All CJI, including CJI contained in correspondence, documentation or reports, is handled and possessed at the Regional level.

Legal Reference: Connecticut General Statutes

10-221d Criminal history records checks of school personnel. Fingerprinting. Termination or dismissed. (as amended by PA 01-173, PA 04-181, June 19 Special Session, PA 09-1, PA 11-93, PA 16-67, PA 18-51, and PA 19-91)

17a-101k Registry of findings of abuse or neglect of children maintained by Commissioner of Children and Families. Notice of finding of abuse or neglect of a child. Appeal of finding. Hearing procedure. Appeal after hearing. Confidentiality. Regulations.

29-17a Criminal history checks. Procedure. Fees.

PA 16-67 An Act Concerning the Disclosure of Certain Education Personnel Records.

PA 16-83 An Act Concerning Fair Chance Employment

Criminal Justice Information Services (CJIS) Security Policy, Version 5.4, U.S. Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division, October 6, 2015.

*This section of the administrative regulation pertaining to Criminal Justice Information (CJI) is based upon information originally developed by the law firm of Shipman and Goodwin.

Regulation approved: June 16, 2020