

Personnel -- Certified/Non-Certified

Reference and Background Checks

CREC believes that it is critical that references on applicants be checked and a background check be completed prior to an offer of employment. The administration, therefore, is directed to require all applicants to submit all documentation required by law; and to review fully, as required by law, such documentation prior to an offer of employment.

The Executive Director or his/her designee is directed to develop guidelines for checking of applicant references and background.

(cf. 5125 – Student Records)

Legal References: Connecticut General Statutes

1-200 through 1-241 of the Freedom of Information Act.

5-193 through 5-269 -State Personnel Act

10-151c Records of teacher performance and evaluation not public records.

Federal Family Educational Rights and Privacy Act of 1974 (section 438 of the General Education Provisions Act, as amended, added by section 513 of P.L. 93-568, codified at 20 U.S.C. 1232g).

Dept. of Educ. 34 C.F.R. Part 99 (May 9, 1980 45 FR 30802) regs. implementing FERPA enacted as part of 438 of General Educ. provisions act (20 U.S.C. 1232g)-parent and student privacy and other rights with respect to educational records, as amended 11/21/96.

PA 01-173 An Act Concerning Revisions to the Education Statutes.

P.A. 16-67, An Act Concerning the Disclosure of Certain Education Personnel Records, Criminal Penalties for Threatening in Educational Settings and the Exclusion of a Minor's Name from Summary Process Complaints.

Policy adopted: September 17, 2003

Revised: April 19, 2017

CAPITOL REGION EDUCATION COUNCIL

Hartford, Connecticut

Personnel -- Certified/Non-Certified

Reference and Background Checks

The CREC Council (CREC) believes that it is critical that references on an application be checked prior to an offer of employment. In order to create a safe and orderly environment for students, all offers of employment will be conditioned upon the successful outcome of a criminal record check and a documented good faith effort to contact the applicant's former employer(s) for recommendations and information about the applicant's fitness for employment. In addition, any person applying for employment with CREC shall submit to a record check of the Department of Children and Families Child Abuse and Neglect Registry before being hired.

Requirements for Applicants

CREC shall not offer employment to an applicant for a position, including any position which is contracted for, if such applicant would have direct student contact, prior to requiring such applicant to provide:

1. A list of the name, address and telephone number of each current or former employer, if such current or former employer was a local or regional board of education, governing council of a local or state charter school, or interdistrict magnet school operator, or if such employment otherwise caused the applicant to have contact with children;

"Former employer" means any person, firm, business, educational institution, nonprofit agency, corporation, limited liability company, the state, any political subdivision of the state, any governmental agency, or any other entity by which the applicant was employed during any of the twenty (20) years prior to applying for a position with CREC.
2. A written authorization that:
 - (i) consents to and authorizes disclosure by the employers listed under subparagraph 1, above, of the information requested in the form developed by the Department of Education in accordance with state statute, and the release of related records by such employers;
 - (ii) consents to and authorizes disclosure by the Department of Education of information regarding the eligibility status for employment of any applicant for a position requiring a certificate, authorization or permit; whether the department has knowledge that a finding of abuse or neglect or of sexual misconduct has been substantiated against the applicant by the Department of Children and Families and any information concerning such a finding; and whether the department has received notification that the applicant has been convicted of a crime or of criminal charges pending against the applicant and the release of related records by the department; and
 - (iii) releases those employers and the Department of Education from liability that may arise from such disclosure or release of records; and
3. A written statement of whether the applicant:

- (i) has been 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) has ever been disciplined or asked to resign from employment or resigned from or otherwise separated from any employment while an allegation of abuse or neglect was pending or under investigation by the Department of Children and Families, or an allegation of sexual misconduct was pending or under investigation or due to a substantiated allegation of abuse or neglect, or of sexual misconduct or a conviction for abuse or neglect or sexual misconduct;
- (iii) has ever had a professional or occupational license or certificate suspended or revoked, or has ever surrendered such a license or certificate while an allegation of abuse or neglect was pending or under investigation by the Department of Children and Families; or an investigation of sexual misconduct was pending or under investigation; or due to an allegation of abuse or neglect or of sexual misconduct substantiated by the Department of Children and Families; or due to a conviction for abuse of neglect or sexual misconduct.
- (iv) has ever been convicted of a crime or whether criminal charges are pending against such applicant

Reference/Background Checking Procedures

Before offering employment for a position that would involve direct contact with students CREC shall:

1. Review the applicant's employment history by contacting each of the employers listed by the applicant. Such review shall be conducted by using the form developed by the Department of Education in accordance with state law, and may be done by telephone or through written communication. If necessary for the proper vetting of the applicant, additional information from each such employer may be requested.
2. Request information from the Department of Education concerning (a) the eligibility status for employment of any applicant for a position requiring a certificate, authorization or permit, (b) whether the department has knowledge that a finding of abuse or neglect or of sexual misconduct has been substantiated by the Department of Children and Families against the applicant and any information concerning such a finding, and (c) whether the department has received notification that the applicant has been convicted of a crime or of criminal charges pending against the applicant and any information concerning such charges.
3. Obtain a total of three (3) professional employment references. Two of these must be made by telephone contact. A combination of Telephone Reference Forms or a verified AppliTrack Online Survey will satisfy the telephone contact requirement.

Temporary Hires

CREC may employ or contract with an applicant on a temporary basis for a period not to exceed ninety days, pending review of the applicant's information, provided:

1. The applicant has provided all required information and documentation;
2. CREC has no knowledge of information that would disqualify the applicant from employment with CREC; and
3. The applicant affirms that he/she is not disqualified from employment with CREC.

Substitute Teachers

CREC shall only hire applicants for substitute teaching positions who comply with this regulation and accompanying policy and who fulfill the disclosure requirements, and who have been vetted after the required information from the applicants' prior employers and the State Department of Education has been reviewed. CREC shall determine which applicants are employable as substitute teachers and maintain a list of such persons. CREC shall hire only substitutes who are on such list.

Approved substitutes shall remain on such list as long as they are continuously employed by CREC as substitute teachers, provided CREC does not have any knowledge of a reason that such person should be removed from the list.

Contractors and Their Employees

In the case of an applicant who is a contractor, the contractor shall require any employee with such contractor who would be in a position involving direct student contact to supply to the contractor all information required of any applicant for a position with CREC, as required by this regulation and accompanying policy. The contractor shall contact any current or former employer of such employee that was a local or regional board of education, governing council of a local or state charter school, or interdistrict magnet school operator, or if such employment caused the employee to have contact with children, and request, either by telephone or through written communication, any information concerning whether there was a finding of abuse or neglect or sexual misconduct against such employee.

If the contractor receives any information indicating such a finding or otherwise has knowledge of such a finding, the contractor shall, immediately forward such information to CREC, either by telephone or through written communication.

Upon receipt of such information CREC shall determine whether such employee may work in a position involving direct student contact at any CREC school. No determination by CREC that such employee shall not work under any contract between CREC and the contractor shall constitute a breach of such contract.

Employment Agreements

CREC shall not enter into any collective bargaining agreement, employment contract, resignation or termination agreement, severance agreement or any other contract or agreement or take any action that:

1. Has the effect of suppressing information relating to an investigation of a report of suspected abuse or neglect or sexual misconduct by a current or former employee;
2. Affects CREC's ability to report suspected abuse or neglect or sexual misconduct to appropriate authorities; or
3. Requires CREC to expunge information about an allegation or a finding of suspected abuse or neglect or sexual misconduct from any documents maintained by CREC, unless after investigation such allegation is dismissed or found to be false.

Falsification of Records/Information

Any applicant who knowingly provides false information or knowingly fails to disclose information required by this regulation and accompanying policy in compliance with applicable statutes shall be subject to denial of employment, discipline, or termination.

Communication and Reporting

If CREC receives information that an applicant for a position or a CREC employee has been disciplined for a finding of abuse or neglect or sexual misconduct it shall notify the Department of Education.

CREC shall 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 an education employer or a contractor's employee.

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