

BACKGROUND CHECKS

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 (“Out-Of-State Registry”) if the applicant’s current or most recent employment occurred out of state and/or the applicant resided out-of-state within twelve (12) months prior to the application. Applicants shall not be required to disclose any arrest, criminal charge or conviction that has been erased. All applicants, existing employees as stated below, and individuals, including, but not limited to, employees of contractors, who have ongoing, overnight, and/or regular interaction with students shall be checked against the sex offender database.

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 any position, the District shall require such applicant to submit to a records check of 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.

For any applicant whose current or most recent employment occurred out of state, or if the applicant resided out of state within twelve (12) months prior to the application, the District shall require that the applicant provide the District with authorization to access information maintained concerning the applicant in the Out-Of-State Registry in the state of most recent employment and/or state(s) in which the applicant resided within the twelve (12) months prior to the application. 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 and any applicable Out-Of-State Registry promptly, and in any case no later than thirty (30) days from the date of employment. Registry and Out-Of-State 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, and any applicable Out-Of-State Registry, for obtaining information from the Registry and Out-Of-State Registry.

2) If consent is required to access the Registry or Out-Of-State 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 and any applicable Out-Of-State Registry, with a copy to the Superintendent or his/her designee. Failure of the applicant to submit the signed form to DCF or any applicable Out-Of-State Registry 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 and Out-Of-State Registry check and will provide an opportunity for the affected applicant/employee to respond to the results of the Registry and Out-of-State Registry check.

4) If notification is received by the Superintendent or designee that the applicant is listed as a perpetrator of abuse or neglect on the Registry and/or Out-Of-State Registry, the Superintendent or designee shall provide the applicant with an opportunity to be heard regarding the results of the Registry and/or Out-Of-State Registry check. If warranted by the results of the Registry check, Out-Of-State Registry Check, and/or 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 thirty (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 any applicable successor act, or in a nonpaid, noncertified position completing preparation requirements for the issuance of an educator certificate, who performs a service involving direct student contact shall also be required to submit to state and national criminal record checks within thirty (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 (10) 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 Weston Police Department. 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. Job applicants may also have their fingerprints taken at a Regional Educational Service Center (“RESC”). The RESC must agree to forward the results of such criminal history record check to the Weston Board of Education.

2) No later than ten (10) calendar days after the Superintendent has provided the successful job applicant with the fingerprinting packet, the applicant must arrange to be fingerprinted by the Weston Police Department or a RESC as stated above. 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 from employment or discharge from employment.

6) Given the time required to receive the results from the fingerprint background check process, the District will also conduct outside criminal background checks utilizing investigative or background check providers (“Outside Background Checks”) in the event that fingerprint background check records are not received prior to the commencement of employment. Such Outside Background Checks must be completed within ten (10) work days following the employee’s first day of work. Also, to the extent permitted by law, additional Outside Background Checks may occur periodically during the course of an individual’s employment. ;

D. Sex Offender Registry Checks

School district personnel shall cross-reference the Connecticut Department of Public Safety's sexual offender registry, and the national sexual offender registry, prior to hiring any new employee. Registration as a sexual offender constitutes grounds for denial of employment opportunities or discharge from employment.

E. 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 State Board of Education, or 2) a person employed by a provider of supplemental services, the Board shall send such notice to the State Board of Education.

F. 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. Such school nurses and nurse practitioners shall also undergo a civil court records check regarding any prior claims concerning the performance of their professional responsibilities.

G. 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 may 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 may 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 five days of each school year, by the District. However, substitute teachers will be subject to periodic Outside Background Checks as described in paragraph C(6) above.

H. Personal Online Accounts

For purposes of these Administrative Regulations, "personal online account" means any online account that is used by an employee or applicant exclusively for personal purposes and unrelated to any business purpose of the District, including, but not limited to,

electronic mail, social media and retail-based Internet web sites. “Personal online account” does not include any account created, maintained, used or accessed by an employee or applicant for a business purpose of the District.

- 1) During the course of an employment check, the District may not:
 - (a) request or require that an applicant provide the District with a user name and password, password or any other authentication means for accessing a personal online account;
 - (b) request or require that an applicant authenticate or access a personal online account in the presence of the District; or
 - (c) require that an applicant invite a supervisor employed by the District or accept an invitation from a supervisor employed by the District to join a group affiliated with any personal online account of the applicant.

- 2) The District may request or require that an applicant provide the District with a user name and password, password or any other authentication means for accessing:
 - (a) any account or service provided by District or by virtue of the applicant’s employment relationship with the District or that the applicant uses for the District’s business purposes, or
 - (b) any electronic communications device supplied or paid for, in whole or in part, by the District.

- 3) In accordance with applicable law, the District maintains the right to require an applicant to allow the District to access his or her personal online account, without disclosing the user name and password, password or other authentication means for accessing such personal online account, for the purpose of:
 - (a) conducting an investigation for the purpose of ensuring compliance with applicable state or federal laws, regulatory requirements or prohibitions against work-related employee misconduct based on the receipt of specific information about activity on an applicant’s personal online account; or
 - (b) conducting an investigation based on the receipt of specific information about an applicant’s unauthorized transfer of the District’s proprietary information, confidential information or financial data to or from a personal online account operated by an applicant or other source.

I. Operators of School Transportation Vehicles, Students Employed by the School District, Volunteers, and Employees of Contractors

1) Operators of school transportation vehicles who are already required to submit to a criminal history records check pursuant to Connecticut General Statutes § 14-44 (d) may also be required to be fingerprinted and submit to criminal history checks. Further, the District reserves the right to conduct periodic Outside Background Checks and the names of all such employees shall be checked against the sex offender database. Employees' social security numbers may be used for the Outside Background Checks described in this Policy.

2) This policy shall not apply to a student employed by the local or regional school District in which the student attends school.

3) The names of volunteers shall be checked against the sex offender database and volunteers may be subject to Outside Background Checks. Volunteers will also be subject to such other criminal or abuse background checks as the Superintendent may deem necessary, but they shall not be required to be fingerprinted. For the purposes of this subsection, volunteers shall be defined as someone who has ongoing, overnight, and/or regular interaction with students.

4) The Superintendent, or his/her designee, may in his/her sound discretion require employees of contractors to be fingerprinted and/or undergo Outside Background Checks, including, but not limited to, those providing transportation, cleaning, construction, technology, and food services, and those who interact with students on a regular basis. The names of all employees of contractors shall be checked against the sex offender database.

J. 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 charges, shall be grounds for disqualification from consideration for employment or discharge from employment.

K. Superintendent's Discretion

Notwithstanding the foregoing, the Superintendent, or his/her designee, may in his/her sound discretion require individuals who have ongoing, overnight, and/or regular interaction with students to undergo Outside Background Checks.

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).

Conn. Gen. Stat. §31-51tt

Public Act 15-6, “An Act Concerning Employee Online Privacy”

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

Fair Credit Reporting Act, 15 U.S.C. §1681 et. seq.

Policy References: Board Policy and Administrative Regulations 4111 (Recruiting and Selection)

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WESTON PUBLIC SCHOOLS
Weston, Connecticut