EMPLOYMENT CHECKS

Each applicant for a position with Integrated Day Charter School 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”). [Optional language: If the applicant’s current or most recent employment occurred out of state, the applicant will also be asked whether he/she is included on an equivalent database and/or abuse/neglect registry maintained in that other state].* Applicants shall not be required to disclose any arrest, criminal charge or conviction that has been erased.

[*Note: This language is optional, as out-of-state registry checks are not required under Connecticut law. However, given that the intent of state law is to ensure access to all relevant background information, we have included this provision should schools wish to require this additional information.]

A. Reference Checking Procedures

Prior to hiring any person, Integrated Day Charter School 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, Integrated Day Charter School shall require such applicant to submit to a records check of information maintained on the Registry concerning the applicant.

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, Integrated Day Charter School shall also require such applicant to submit to a records check of information maintained on the Registry concerning the applicant.

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[Optional: For any applicant whose current or most recent employment occurred out of state, the school shall request that the applicant provide 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 school to access such information shall be considered grounds for rejecting any applicant for employment.]

Integrated Day Charter School 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 Director 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 Director 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 Director 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 Director 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 Director 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 Director or designee that that the applicant is listed as a perpetrator of abuse or neglect on the Registry, the Director 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 Director 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 school.

C. Criminal Records Check Procedure

Each person hired by Integrated Day Charter School 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 in a non-paid, non-certified 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 Director or his/her designee has notified a job applicant of a decision to hire the applicant, or as soon thereafter as practicable, the Director will supply the applicant with a packet containing all documents and materials necessary for the applicant to be fingerprinted by the ______________________ [insert name of applicable law enforcement agency]. 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 (10) calendar days after the Director has provided the successful job applicant with the fingerprinting packet, the applicant must arrange to be fingerprinted by the ______________________ [insert name of applicable law enforcement agency]. 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 Director or his/her designee will notify the affected applicant/employee in writing
Employment Checks

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. Sex Offender Registry Checks

Integrated Day Charter School personnel shall cross-reference the Connecticut Department of Public Safety’s sexual offender registry prior to hiring any new employee. Registration as a sexual offender constitutes grounds for denial of employment opportunities.

E. Credit Checks

The school may also ask a prospective employee for a credit report for employment for certain school positions, where the school’s receipt of a credit report is substantially related to the employee’s potential job. Substantially related is defined to mean “the information contained in the credit report is related to the position for which the employee or prospective employee who is the subject of the report is being evaluated.” Prior to asking for a credit report, the school will determine whether the position falls within one of the categories as described in this paragraph. The position must: (1) be a managerial position which involves setting the direction or control of the school; (2) involve access to employees’ personal or financial information; (3) involve a fiduciary responsibility to the school, including, but not limited to, the authority to issue payments, collect debts, transfer money or enter into contracts; (4) provide an expense account or school debit or credit card; or (5) involve access to the school’s nonfinancial assets valued at two thousand five dollars or more.

When a credit report will be requested as part of the employment process, the school will provide written notification to the prospective employee regarding the use of credit checks. That notification must be provided in a document separate from the employment application. The notification must state that the school may use the information in the consumer credit report to make decisions related to the individual’s employment.

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The school will obtain consent before performing the credit or other background checks. If the school intends to take an action adverse to a potential employee based on the results of a credit report, the school must provide the prospective employee with a copy of the report on which the school relied in making the adverse decision, as well as a copy of “A Summary of Your Rights Under the Fair Credit Reporting Act,” which should be provided by the company that provides the results of the credit check. The school will notify the prospective employee either orally, in writing or via electronic means that the adverse action was taken based on the information in the consumer report. That notice must include the name, address and phone number of the consumer reporting company that supplied the credit report; a statement that the company that supplied the report did not make the decision to take the unfavorable action and cannot provide specific reasons for the school’s actions; and a notice of the person’s right to dispute the accuracy or completeness of any information the consumer reporting company furnished, and to get an additional free report from the company if the person asks for it within sixty (60) days.

F. **Notice of Conviction**

If, at any time, the Integrated Day Charter School Governing Board 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.

G. **School Nurses**

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

H. **Substitute Teachers**

A substitute teacher who is hired by Integrated Day Charter School 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 Integrated Day Charter School hired the
substitute teacher, and if the substitute teacher arranged for such prior criminal history record checks to be forwarded to the Director, 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 school, 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 school, that is, employed for at least one day of each school year, by the school.

I. 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 Integrated Day Charter School, 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 Integrated Day Charter School.

1) During the course of an employment check, Integrated Day Charter School may not:

   (a) request or require that an applicant provide Integrated Day Charter School with a username 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 School administration; or

   (c) require that an applicant invite a supervisor employed by Integrated Day Charter School or accept an invitation from a supervisor employed by Integrated Day Charter School to join a group affiliated with any personal online account of the applicant.
2) Integrated Day Charter School may request or require that an applicant provide Integrated Day Charter School with a username and password, password or any other authentication means for accessing:

   (a) any account or service provided by Integrated Day Charter School or by virtue of the applicant’s employment relationship with Integrated Day Charter School or that the applicant uses for the School’s business purposes, or

   (b) any electronic communications device supplied or paid for, in whole or in part, by Integrated Day Charter School.

3) In accordance with applicable law, Integrated Day Charter School maintains the right to require an applicant to allow school administration to access his or her personal online account, without disclosing the username 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 Integrated Day Charter School’s proprietary information, confidential information or financial data to or from a personal online account operated by an applicant or other source.

J. Policy Inapplicable to Operators of School Transportation Vehicles and Students Employed by the School

   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).

K. 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.

[* Note: This is a sample policy designed to provide compliance with the provisions of Connecticut General Statutes § 10-221d. Individual charter schools may wish to treat certain aspects of this policy differently. For example, a charter school may wish to do the required fingerprinting on-site, using school personnel. Also, a charter school may request a regional educational service center to arrange the taking and forwarding of the fingerprints, with the direction to provide the charter school board of directors with the results of the criminal history records checks.]

§ 10-221d (d)(3) emphasizes that a board of education, and therefore a charter school, has discretion to require any person that the board employs as a teacher for a non-credit adult class or adult education activity who is not obliged to hold a teaching certificate pursuant to Connecticut General Statutes § 10-145b for his her position, to submit to state and national criminal history records check. This will also apply to charter schools.


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