

OLR Backgrounder: Vetting Applicants for Public School Employment

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Issue

Describe how a school operator could determine whether a prospective employee had committed any offenses making him or her ineligible to work with students, particularly if he or she had previously resigned from another school district to avoid termination.

Summary

State law contains mechanisms to help school operators (i.e., boards of education, charter school governing councils, magnet school operators, or private school operators) assess whether an applicant who previously resigned from a position working with students is disqualified from employment (e.g., due to crimes revealed in checks of state or national criminal history records or the state child abuse and neglect registry). There are disclosure requirements that the applicant must follow and investigatory requirements that the employer must follow. The State Department of Education (SDE) may also have relevant information about an applicant employee on file. Additionally, the law prohibits school operators from entering into a resignation or termination agreement with an employee that suppresses information about allegations or findings that could make the individual ineligible to work with students.

Applicant Requirements

By law, an applicant for employment with a school operator must submit a written statement that addresses, among other topics, whether he or she has ever been disciplined or asked to resign from employment or resigned from or otherwise separated from any employment:

1. while an allegation of abuse or neglect was pending or under investigation by the Department of Children and Families,
2. while an allegation of sexual misconduct was pending or under investigation, or
3. due to a substantiated allegation of or conviction for abuse or neglect or sexual misconduct ([CGS § 10-222c\(a\)\(1\)\(C\)](#)).

The applicant must also provide the name, address, and telephone number of any such employer if (1) it was a school operator or (2) the employment involved contact with children ([CGS §§ 10-222c\(a\)\(1\)\(a\) & \(a\)\(2\)](#)).

If an applicant knowingly provides false information to any of the above required questions, or knowingly fails to disclose information, then he or she is subject to discipline by the employing school operator. This may include denial of employment or, if the individual is a certified employee, termination of the employment contract ([CGS § 10-222c\(h\)](#)).

Employer Requirements

Employment History Checks

State law requires the employing school operator to review an applicant's employment history by contacting the current and former employers listed by the applicant in his or her application. Among other questions, the prospective employer must ask, either by phone or in writing, whether the previous employers have knowledge that the applicant (1) was disciplined or asked to resign from employment or (2) resigned from or otherwise separated from any employment while an allegation of abuse or neglect or sexual misconduct was pending.

At most, the prospective employer is required to make a "good faith" effort to contact previous employers at least three times by phone on three separate days. Previous employers must respond within five business days. The law also allows the prospective employer to ask follow-up questions after receiving the responses, which also have a five-day response deadline ([CGS §§ 10-222c\(a\)\(2\) & \(l\)](#)).

Resignation Agreement Prohibition

State law prohibits school operators from entering into a resignation or termination agreement that does the following:

1. suppresses information about an investigation of a report of suspected abuse or neglect or sexual misconduct by a current or former employee,

2. affects the school operator's ability to report suspected abuse or neglect or sexual misconduct to appropriate authorities, or
3. requires school operators to expunge information about an allegation or finding of suspected abuse or neglect or sexual misconduct from any documents maintained by the operator, unless after investigation the allegation is dismissed or found to be false ([CGS § 10-222c\(e\)](#)).

SDE Information

When a prospective employer learns that an applicant has been disciplined in the past for a finding of abuse or neglect or sexual misconduct, the employer must notify SDE with the information. By law, the employing school operator must request such information from SDE prior to hiring the individual ([CGS § 10-222c\(a\)\(3\) & \(b\)](#)).

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