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**School Committee Policy:**

**#402**

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### **Criminal Offender Record Information (CORI)**

It shall be the policy of the Maynard Public Schools to obtain all available Criminal Offender Record Information (C.O.R.I.) from the Criminal history systems board of prospective employee(s) or volunteer(s) of the school department including any individual who regularly provides school related transportation to children, who may have direct and unmonitored contact with children, prior to hiring the employee(s) or to accepting any person as a volunteer. State law requires that school districts obtain CORI data for employees of taxicab companies that have contracted with schools to provide transportation to pupils.

The Superintendent, Principal, or their certified designees shall periodically, but not less than every three years, obtain all available Criminal Offender Record Information from the criminal history systems board on all employees, individuals who regularly provide school related transportation to children including taxicab company employees, and volunteers who may have direct and unmonitored contact with children, during their term of employment or volunteer service.

The Superintendent, Principal or their certified designees may also have access to Criminal Offender Record Information for any subcontractor or laborer who performs work on school grounds, and who may have direct and unmonitored contact with children, and shall notify them of this requirement and comply with the appropriate provisions of this policy.

Pursuant to a Department of Education C.O.R.I. Law Advisory dated May 7, 2007, "Direct and unmonitored contact with children" means contact with a child when no other CORI cleared employee of the school or district is present. A person having only the potential for incidental unsupervised contact with children in commonly used areas of the school grounds, such as hallways, shall not be considered to have the potential for direct and unmonitored contact with children. These excluded areas do not include bathrooms and other isolated areas (not commonly utilized and separated by sight or sound from other staff) that are accessible to students."

In accordance with state law, all current and prospective employees, volunteers, and persons regularly providing school related transportation to children of the school district shall sign a request form authorizing receipt by the district of all available CORI data from the criminal history systems board. In the event that a current employee has questions concerning the signing of the request form, he/she may meet with the Principal or Superintendent; however, failure to sign the CORI request form may result in a referral to local counsel for appropriate action. Completed request forms must be kept in secure files. The School Committee, Superintendent,

Principals, or their designees certified to obtain information under this policy, shall prohibit the dissemination of school information for any purpose other than to further the protection of school children.

CORI is not subject to the public records law and must be kept in a secure location, separate from personnel files and may be retained for not more than three years. CORI may be shared with the individual to whom it pertains, upon his or her request, and in the event of an inaccurate report the individual should contact the criminal history systems board.

Access to CORI material must be restricted to those individuals certified to receive such information. In the case of prospective employees or volunteers, CORI material should be obtained only where the Superintendent has determined that the applicant is qualified and may forthwith be recommended for employment or volunteer duties.

If a criminal record is received from the Criminal History Board, the Superintendent, Principal or certified designee will closely compare the record provided by CHSB with the information on the C.O.R.I. request form and any other identifying information provided by the applicant, to ensure the record relates to the applicant.

If the Superintendent or certified designee reasonably believes the record belongs to the applicant and is accurate, based on the information as provided in district policy, then the determination of suitability for the position will be made. The hiring authority, subject to applicable law, reserves the exclusive right concerning any employment decision made, pursuant to State law. Without limiting that discretion, and unless otherwise provided by law, the hiring authority may consider, among others, the following factors in determining suitability:

- a. Relevance of the crime to the position sought;
- b. The nature of the work to be performed;
- c. Time since the conviction;
- d. Age of the candidate at the time of the offense;
- e. Seriousness of specific circumstances of the offense;
- f. The number of offenses;
- g. Whether the applicant has pending charges;
- h. Any relevant evidence of rehabilitation or lack thereof;
- i. Any other relevant information, including information submitted by the candidate or requested by the hiring authority

If the district is inclined to make an adverse decision based on the results of the C.O.R.I. check, the applicant will be notified promptly. The applicant be provided with a copy of the criminal record, the district's C.O.R.I. policy and information concerning the process for correcting a criminal record, advised of the part(s) of the record that make the individual unsuitable for the position or license, and given an opportunity to dispute the accuracy and relevance of the C.O.R.I. record.

The Superintendent shall amend employment applications to include questions concerning criminal records which the Massachusetts Commission against Discrimination has determined may be legally asked of prospective employees. Any employment application which seek information concerning prior arrests or convictions of the application shall include the following statement: "An applicant for employment with a sealed record on file with the commissioner of probation may answer "no record" with respect to an inquiry herein relative to prior arrests, criminal court appearances or convictions. An applicant for employment with a sealed record on file with the commissioner of probation may answer "no record" to an inquire herein relative to

prior arrests or criminal court appearances. In addition, any applicant for employment may answer “no record” with respect to any inquiry relative to prior arrests, court appearances and adjudications in all cases of delinquency or as a child in need of service which did not result in a complaint transferred to the superior court for criminal prosecution.”

Records sealed pursuant to law shall not operate to disqualify a person in any examination, appointment or application for public service on behalf of the Commonwealth or any political subdivision thereof.

The Superintendent shall revise contracts with other special education schools and other providers to require a signed statement that the provider has met all the legal requirement of the state where it is located relative to criminal background checks for employees and others having direct and unmonitored contact with children.

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Date Approved: 3/26/15

Earlier Version: 10/11, 4/03

Cross Reference: MCAD Regulations and DOE Advisory; Policy #403 Background Checks (Fingerprinting)

Legal Reference: M.G.L. 71:38R

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