

File: ADDA

C.O.R.I. REQUIREMENTS

It shall be the policy of the Sharon 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 C.O.R.I. data for employees of taxicab companies that have contracted with the 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 February 17, 2003, "Direct and unmonitored contact with children means contact with a child when no other C.O.R.I. 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 C.O.R.I. 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 C.O.R.I. 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.

C.O.R.I. 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. C.O.R.I. 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 contact the criminal history systems board.

Access to C.O.R.I. material must be restricted to those individuals certified to receive such information. In the case of prospective employees or volunteers, C.O.R.I. 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.

The hiring authority, subject to applicable law, reserves the exclusive right concerning any employment decision made pursuant to Chapter 385 of the Acts of 2002. The employer may consider the following factors when reviewing C.O.R.I.:

The type and nature of the offense; the date of the offense and whether the individual has been subsequently arrested, as well as any other factors the employer deems relevant.

The Superintendent shall ensure that on the application for employment and/or volunteer form there shall be a statement that as a condition of employment or volunteer service the school district is required by law to obtain Criminal Offender Record Information for any employee, individual who regularly provides school related transportation, or volunteer service the school district is required by law to obtain Criminal Offender Record Information for any employee, individual who regularly provides school related transportation, or volunteer who may have direct and unmonitored contact with children. Current employees, persons regularly providing school related transportation, and volunteers shall also be informed in writing by the Superintendent prior to the periodic obtaining of their Criminal Offender Record information.

The Superintendent shall amend employment applications to include questions concerning criminal records (see attachment) which the Massachusetts Commission against Discrimination has determined may be legally asked of prospective employees. Any employment application which seeks information concerning prior arrest or convictions of the applicant 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 inquiry herein relative to prior arrest or criminal court appearances. In addition, any applicant for employment may answer no record with respect to any inquiry relative to prior arrest, 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 special education schools and other providers to require a signed statement that the provider has met all the legal requirements of the state where it is located relative to criminal background checks for employees and others having direct and unmonitored contact with children.

As soon as possible after the district obtains the certification from the criminal history systems board to receive C.O.R.I. data, the Superintendent shall obtain such data for any person then providing volunteer service, as a condition of continued service.

M.G.L.71:38R, 151B,276,/.100A, St.2002. c385
MCAD Regulations and D.O.E. Advisory on C.O.R.I. Law (Feb. 17, 2003)

Source: Sharon

CORI REQUIREMENTS AND PROCEDURES

The Sharon Public Schools will obtain from the criminal history systems, Criminal Offender Record Information (CORI) of prospective employee(s), volunteer(s), and contractors who may have direct and unmonitored contact with children. Pursuant to a Department of Elementary and Secondary Education CORI Law Advisory of February 17, 2003, "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 used and separated by sight or sound from other staff) that are accessible to students."

The CORI process must be completed prior to hiring an employee(s) or contractor or accepting any person as a volunteer. The Superintendent, or designee in accordance with the law, (as hereinafter "the Superintendent") will also conduct CORI checks for any individual who regularly provides school-related transportation to children that have contracted with the schools. The Superintendent shall conduct CORI checks on the above-mentioned employees, contractors, and volunteers periodically, but not less frequently than every three years. The Superintendent or his/her designee, subject to applicable law, reserves the exclusive right concerning any employment decision made pursuant to Chapter 385 of the Acts of 2002.

The Superintendent shall ensure that on the application for employment and/or volunteer form there shall be a statement that as a condition of employment or volunteer service the school district is required by law to obtain CORI for any employee, contractor, volunteer, or any individual who may have direct and unmonitored contact with children. Current employees, persons regularly providing school related transportation, and volunteers shall also be informed in writing by the Superintendent prior to the periodic obtainment of their CORI.

The Superintendent shall require special education schools and other providers where Sharon students attend to provide a signed statement that the provider has met all the legal requirements of the state relative to criminal background checks for employees and others having direct and unmonitored contact with children. The Superintendent reserves the right to conduct a CORI check on any individual employed by any provider that has direct and unmonitored contact with children.

The Superintendent, or his/her designee(s), shall prohibit the dissemination of the CORI 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.

In the event of a disputed report the individual should be given information regarding how to contact the criminal history systems board. Access to CORI material must be restricted to those individuals certified to receive such information.

Applicants challenging the accuracy of the policy shall be provided a copy of the Criminal History Systems Board's (CHSB) *Information Concerning the Process in Correcting a Criminal Record*. If the CORI record provided does not exactly match the identification information provided by the applicant, the Superintendent will make a determination based on a comparison of the CORI record and documents provided by the applicant. The Superintendent may contact the CHSB and request a detailed search consistent with CHSB policy.

If the Superintendent reasonably believes the record belongs to the applicant and is accurate, then the determination of suitability for the position or license will be made. Unless otherwise provided by law, factors considered in determining suitability may include, but not be limited, to the following:

1. relevance of the crime to the position sought;
2. the nature of the work to be performed;
3. time since the offense or conviction;
4. age of the candidate at the time of the offense or conviction;
5. seriousness and specific circumstances of the offense or conviction;
6. the number of offenses or convictions;
7. whether the applicant has pending charges;
8. any relevant evidence of rehabilitation or lack thereof; or
9. any other relevant information, including information submitted by the candidate.

The Superintendent will notify the applicant of the decision and the basis of the decision in a timely manner.

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

It is unlawful for an employer to make any inquiry of an applicant or employee regarding:

1. An arrest, detention or disposition regarding any violation of law in which no conviction resulted;
2. First convictions for the misdemeanors of drunkenness, simple assault, speeding, minor traffic violations, affrays or disturbance of the peace. For the purposes of 804 CMR 3.02 minor traffic violations include any moving traffic violation other than reckless driving, driving to endanger and motor vehicle homicide; and/or
3. Any conviction of a misdemeanor where the date of the conviction or the completion of any period of incarceration resulting therefrom, whichever date is later, occurred five or more years prior to the date of such inquiry, unless such person has been convicted of any offense within five years immediately preceding the date of the inquiry.

No person shall be held under any provision of any law to be guilty of perjury or of otherwise giving false statement by reason of his failure to recite or acknowledge such information as he has a right to withhold by 804 CMR 3.02.

Legal Refs.: M.G.L.71:38R, 151B, 276, §.100A, St.2002, c.385
MCAD Regulations and D.O.E. Advisory on CORI Law (Feb 17, 2003)
803 CMR 3.05 (Chapter 149 of the Acts of 2004)

Cross Refs.: ADDA-E-1, Information Concerning the Process in Correcting a Criminal Record
KI Visitors to the Schools

Revised: January 6, 2016