



August 2, 2016

TO THE HONORABLE MEMBERS OF THE SCHOOL COMMITTEE:

Revisions to Policy Governing Fingerprint-Based Criminal History Record Information (CHRI)  
Checks Made for Non-Criminal Justice Purposes

Recommendation: That the School Committee approve the revisions to the Policy Governing Fingerprint-Based Criminal History Record Information (CHRI) Checks Made for Non-Criminal Justice Purposes as detailed in the attached document.

This is a first reading of this proposed policy revision.

Description: The revisions to the Policy Governing Fingerprint-Based Criminal History Record Information (CHRI) Checks Made for Non-Criminal Justice Purposes that are detailed in the attached document are being made in order to bring the language of the policy into alignment with revisions made by the Department of Criminal Justice Information Services (DCJIS) in its model policy for the Statewide Applicant Fingerprint Identification Services (SAFIS) model Criminal History Record Information (CHRI) Policy for Non-Criminal Justice Entities, which applies to all Massachusetts pre-k to grade 12 public schools.

Supporting data: Policy Governing Fingerprint-Based Criminal History Record Information (CHRI) Checks Made for Non-Criminal Justice Purposes

Respectfully submitted,

A handwritten signature in black ink, appearing to be "KS", is written over a faint, larger signature.

Kenneth N. Salim, Ed.D.  
Superintendent of Schools

2

File: ADDA-1

**CAMBRIDGE PUBLIC SCHOOLS' POLICY GOVERNING  
FINGERPRINT-BASED CRIMINAL HISTORY RECORD INFORMATION (CHRI) CHECKS  
MADE FOR NON-CRIMINAL JUSTICE PURPOSES**

This policy is applicable to any fingerprint-based state and national criminal history record check made for non-criminal justice purposes and requested under applicable federal authority and/or state statute authorizing such checks for licensing or employment purposes. Where such checks are allowable by law, the following practices and procedures will be followed and are in addition to the Criminal Offender Record Information (CORI) checks that the school district conducts pursuant to its Criminal Offender Record Information Policy and state law regarding conducting CORI checks on current and prospective employees, contracted service providers, volunteers and school transportation providers and other individuals who may have direct and unmonitored contact with children.

**I. Requesting CHRI checks**

Fingerprint-based CHRI checks will only be conducted as authorized by M.G.L.c. 71, §38R and 42 U.S.C. §16962, in accordance with all applicable state and federal rules and regulations, and in compliance with M.G.L.c. 6, §§167-178 and 803 CMR §§2.00, *et seq.* If an applicant or employee is required to submit to a fingerprint-based state and national criminal history record check, he/she shall be informed of this requirement and instructed on how to comply with the law. Such instruction will include information on the procedure for submitting fingerprints. In addition, the applicant or employee will be provided with all information needed to successfully register for a fingerprinting appointment (e.g., IdentoGo website address, Provider Identification Number (Provider ID).

The Superintendent may, as appropriate, also obtain a fingerprint-based state and national criminal history record check for any volunteer, subcontractors or laborers commissioned by the School Committee, Cambridge Public Schools or employed by the City to perform work on school grounds, who may have direct and unmonitored contact with children.

Direct and unmonitored contact with children is defined in the regulations promulgated by the Massachusetts Department of Elementary and Secondary Education as contact with a student when no other employee who has received a suitability determination by the school district is present. Contact refers to any contact with a student that provides the individual with opportunity for physical touch or personal communication.

**II. Access to CHRI**

All CHRI is subject to strict state and federal rules and regulations in addition to Massachusetts CORI laws and regulations. CHRI records cannot be shared with ~~any unauthorized other entities~~ for any purpose; with the exception of the limited information contained in the "Determination of Suitability" that may be shared with other school districts, as defined below, including subsequent hiring determinations. All receiving entities are subject to audit by the Massachusetts Department of Criminal Justice Information Services (DCJIS) and the FBI, and failure to comply with such rules and regulations could lead to sanctions. Title 28, U.S.C., §534, Pub. L. 92-544 and Title 28 C.F.R. 20.33(b) provide that the exchange of records and information is subject to cancellation if dissemination is made outside of the receiving entity or related entities. Furthermore, an entity can be charged with federal and state crimes for the willful, unauthorized disclosure of CHRI.

**III. Storage of CHRI**

CHRI shall only be stored for extended periods of time when needed for the integrity and/or utility of an individual's personnel file in accordance with applicable law. Administrative, technical, and physical safeguards, which are in compliance with the most recent FBI CJIS Security Policy, have been implemented to ensure the security and confidentiality of CHRI. Each individual involved in the handling of CHRI is to familiarize himself/herself with these safeguards. In addition to the above, each individual involved in the handling of CHRI will strictly adhere to the policy on the storage, retention and destruction of CHRI.

**VII. Relying on Previous Suitability Determination.**

The school district may obtain and rely on a favorable ~~S~~suitability ~~d~~Determination from a prior employer if the following criteria are met:

The ~~s~~suitability ~~d~~Determination was made within the last seven years; and

The individual has not resided outside of Massachusetts for any period longer than three years since the ~~s~~suitability ~~d~~Determination was made to the employer's knowledge; and either

The individual has been employed continuously for one or more school employers or has gaps totaling no more than two years in his/her employment for school employers, based on the employment history information provided by the individual; or

~~If the individual works as a substitute employee, the individual is still deemed suitable for employment by the school employer who made the favorable suitability determination. Upon request of another school employer, the initial school employer shall provide documentation that the individual is still deemed suitable for employment by the initial school employer.~~

**VIII. Adverse Decisions Based on CHRI**

If inclined to make an adverse decision based on an individual's CHRI, the Cambridge Public Schools school district will take the following steps prior to making a final adverse determination:

- Provide the individual with a copy of his/her CHRI used in making the adverse decision;
- Provide the individual with a copy of the Cambridge Public Schools CHRI Policy;
- Provide the individual the opportunity to complete or challenge the accuracy of his/her CHRI with the appropriate agency or agencies; and
- Provide the individual with information on the process for updating, changing, or correcting CHRI as generally provided by the DCJIS.

A final adverse decision based on an individual's CHRI will not be made until the individual has been afforded a reasonable period of time depending on the particular circumstances, which in most instances will not exceed fifteen (15) days and at a maximum will not exceed thirty (30) days to correct or complete the CHRI. During this period, the individual may not be actively employed by the Cambridge Public Schools.

**~~IX. Secondary Dissemination of CHRI~~**

~~If an individual's CHRI is released to another authorized entity, a record of that dissemination must be made in the secondary dissemination log. The secondary dissemination log is subject to audit by the DCJIS and the FBI.~~

~~The following information will be recorded in the log:~~

- ~~(1) Subject Name;~~
- ~~(2) Subject Date of Birth;~~
- ~~(3) Date and Time of the dissemination;~~
- ~~(4) Name of the individual to whom the information was provided;~~
- ~~(5) Name of the agency for which the requestor works;~~
- ~~(6) Contact information for the Requestor; and~~
- ~~(7) The specific reason for the request.~~

Formatted: Indent: Left: 0"

**IX. Local Agency Security Officer**

The Cambridge Public Schools, as a non-criminal justice agency (NCJA) that receives CHRI, is required to designate a Local Agency Security Officer (LASO). An individual designated as a LASO is:

In addition to the above, the LASO shall notify the DCJIS of the termination of any individual authorized to access CHRI who is also a SAFIS-R User. This notification shall be made immediately upon the termination of the user and shall be accomplished by emailing a SAFIS-R User Designation Form with the "Remove" checkbox checked to the DCJIS SAFIS Unit at safis@state.ma.us.

Authorized Personnel Transfer

Formatted: Font: Italic

Any individual with access to CHRI who has been reassigned or transferred shall have his/her access reviewed by the LASO to ensure access is still appropriate. If continued access is determined to be inappropriate, the LASO shall immediately suspend access following the steps below:

- a. The LASO will review access to CHRI.
- b. The review will be initiated when the LASO is notified of the reassignment or transfer.
- c. The timeframe for disconnection of CHRI access will be completed no longer than twenty-four hours after the LASO received notification of the reassignment or transfer.
- d. The LASO will ensure that if the individual possesses any keys/access cards/access codes to files and office in which physical CHRI media is stored that such keys/access cards are turned in to the LASO.
- e. The LASO will ensure that if the individual had access to electronic CHRI media, that the individual's email account, passwords or access codes to any electronic CHRI system of records is disabled and terminated.

- Formatted: Not Highlight
- Formatted: Not Highlight
- Formatted: Not Highlight
- Formatted: Not Highlight
- Formatted: Not Highlight
- Formatted: Font: Bold
- Formatted: Font: Bold, Italic
- Formatted: Font: Bold, Italic
- Formatted: Not Highlight
- Formatted: Not Highlight
- Formatted: Not Highlight
- Formatted: Not Highlight
- Formatted: Indent: Left: 0"
- Formatted: Font: Italic

In addition to the above, the LASO shall notify the DCJIS of the transfer of any individual authorized to access CHRI who is also a SAFIS-R User and for whom it is determined that CHRI access is no longer appropriate. This notification shall be made immediately upon the termination of the user and shall be accomplished by emailing a SAFIS-R User Designation Form with the "Remove" checkbox checked to the DCJIS SAFIS Unit at safis@state.ma.us.

Sanctions

Persons found non-compliant with state or federal laws, the current FBI CJIS Security Policy, DCJIS policies or regulations, or other applicable rules or regulations, including the Cambridge Public Schools Information Security Policy, will be formally disciplined. Discipline can include, but may not be limited to, counseling, the reassignment of CHRI responsibilities, dismissal, civil penalties or prosecution. Discipline will be based on the severity of the infraction and the discretion of the Cambridge Public Schools and/or the CSO of the MSP.

When an individual is sanctioned for such non-compliance, the LASO shall notify the DCJIS CSO in writing of the infraction(s) and of the discipline imposed within five (5) business days. Additionally, if the discipline imposed includes denying access to CHRI and the individual is also a SAFIS-R User for whom it is determined that CHRI access is no longer appropriate, this notification shall be made immediately upon the termination of the user and shall be accomplished by emailing a SAFIS-R User Designation Form with the "Remove" checkbox checked to the DCJIS SAFIS Unit at safis@state.ma.us.

Formatted: Indent: Left: 0"

**XI. Media Protection**

All media containing CHRI is to be protected and secured at all times. The following is established and to be implemented to ensure the appropriate security, handling, transporting and storing of CHRI media in all its forms.

Media Storage and Access

Formatted: Font: Italic

Electronic and physical CHRI media shall be securely stored within physically secured locations or controlled areas. Access to such media is restricted to authorized personnel only and shall be secured at all times when not in use or under the supervision of an authorized individual.

Physical CHRI media:

