

Cambridge Public Schools Criminal Offender Record Information Procedures and Guidelines

I. Categories of Persons For Whom CORI May Be Obtained

Through the Superintendent's certified designees (Deputy Superintendent of Teaching and Learning, Chief Operating Officer, Chief Financial Officer, Executive Director of Human Resources, Legal Counsel and Principals), the Cambridge Public Schools shall periodically, and at least every three (3) years, obtain all available Criminal Offender Record Information ("CORI") from the Criminal History Systems Board on all current and prospective school department employees; contracted service delivery providers; individuals who regularly provide school related transportation to children, including taxicab company employees contracted with the schools to provide transportation of students, and any subcontractor or laborer who performs work on school grounds, and who may have direct and unmonitored contact with children. Additionally, through the Superintendent's certified designees, the Cambridge Public Schools also shall periodically, and at least every three (3) years obtain all available CORI from the Criminal History Systems Board on all school volunteers who may have direct and unmonitored contact with children.

"Direct and unmonitored contact with children" is defined, in accordance with the provisions of a Massachusetts Department of Education CORI Law Advisory dated February 17, 2003, as meaning "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." This means that parents/guardians may volunteer in the classroom of their child(ren) without being CORI cleared so long as a CORI cleared employee of the school or district, such as the classroom teacher or assistant principal or principal, also is always present. Nothing in this policy should be construed as preventing any parent/guardian who fails to be CORI cleared from communicating with school staff, in a manner that is deemed appropriate by the school district, regarding educational issues pertaining to his or her own child(ren).

II. Process for Obtaining CORI Data

As state law requires that it is a condition of employment or volunteer service in the Cambridge Public Schools to obtain CORI on any current or prospective employee, contracted service provider, individual who regularly provides school related transportation, or volunteer who may have direct and unmonitored contact with children, the Cambridge Public Schools will notify all current and prospective school department employees; contracted service delivery providers; individuals who regularly provide school related transportation to children, including taxicab company employees contracted with the schools to provide transportation of students, and any subcontractor or laborer who performs work on school grounds, and who may have

direct and unmonitored contact with children of this periodic requirement. The Cambridge Public Schools expects appropriate school personnel to review contracts and subcontracts to determine whether procedures can be put in place to ensure that contractors, subcontractors or laborers who perform work on school grounds will have only the potential for incidental unsupervised contact with children in commonly used areas of the school grounds or whether there is a potential for direct and unmonitored contact with children which necessitates CORI checks to be performed.

Such notification will be made by the Superintendent's certified designees prior to a CORI check being conducted on any individual and will inform the individual of the need to comply with the appropriate provisions of these procedures and guidelines. Additionally, at the start of each school year, Cambridge Public School principals will notify parents/guardians and other school volunteers of this periodic requirement prior to a CORI check being conducted and the need to comply with the appropriate provisions of these procedures and guidelines.

In accordance with state law, all current and prospective employee(s), contracted service providers, volunteer(s) and persons regularly providing school related transportation to children attending the Cambridge Public Schools shall sign a CORI Request Form, which shall be maintained by the Office of Human Resources, authorizing receipt by the Cambridge Public Schools of all available CORI data from the Criminal History Systems Board. In the event that an individual has questions concerning the signing of the CORI Request Form, he/she may meet with the Executive Director of the Office of Human Resources and/or Deputy Superintendent of Teaching and Learning.

In the case of a current or prospective employee, contracted service provider or person regularly providing school related transportation to children attending the Cambridge Public Schools, if the concerns are not resolved and the individual fails to sign the CORI Request Form the school department may take appropriate action, which may include disciplinary action up to and including termination of employment or termination of the contractual relationship. In the case of a volunteer, if the concerns are not resolved and the individual fails to sign the CORI Request Form, the school department will prohibit the individual from serving as a volunteer in the Cambridge Public Schools.

In the case of a current or prospective employee CORI Request Forms will be secured by the Office of Human Resources. In the case of contracted service provides or persons regularly providing school related transportation to children attending the Cambridge Public Schools, CORI Request Forms will be secured as part of the contracting process and forwarded to the Executive Director of the Office of Human Resources. In the case of volunteers, CORI Request Forms will be secured by principals or coordinators and forwarded to the Executive Director of the Office of Human Resources. The Executive Director of the Office of Human Resources will submit signed CORI Request Forms to the Criminal Offender Record Information Board. Upon receipt of the CORI report from the Criminal Offender Record Information Board, the Executive Director of the Office of Human Resources will review the report in accordance with the factors set forth below in Section III and will, as necessary, notify appropriate certified designees of the results of the review. In the case of a current or prospective employee, contracted service

provider or person regularly providing school related transportation to children attending the Cambridge Public Schools, the Executive Director may, as necessary, notify the Superintendent and/or his certified designees that the CORI report is not satisfactory. Upon receipt of such notification, the school department may then take appropriate action, which may include disciplinary action up to and including termination of employment or termination of the contractual relationship. In the case of a volunteer, the Executive Director of the Office of Human Resources would notify the appropriate school principal that the CORI report is not satisfactory. Upon receipt of such notification, the school department may then take appropriate action, including prohibiting the individual from serving as a volunteer in the Cambridge Public Schools.

All reports from the Criminal Offender Record Information Board will be maintained in the Office of Human Resources and CORI information will not be disseminated except for the purpose of furthering the protection of students attending the Cambridge Public Schools.

III. Factors Considered When Reviewing CORI Data

The Cambridge Public Schools, subject to applicable law and applicable collective bargaining agreements, reserves the exclusive right concerning all employment decisions or volunteer service decisions made pursuant to Chapter 385 of the Acts of 2002 and may consider any of the following factors when reviewing CORI data: (i) relevance of the crime to the position sought; (ii) the nature of the work to be performed, (iii) the type and nature of the offense, (iv) type of sentence, (v) age of the candidate at the time of the offense, (vi) whether the individual successfully completed probation, (vi) any relevant evidence of rehabilitation or lack thereof; (vii) the date of the offense, (viii) the number of offenses (ix) whether the individual was subsequently arrested, and (x) whether the individual has pending charges as well as any other factors that the Cambridge Public Schools deems relevant.

IV. Review and Appeal Process

If an individual wishes to challenge the school department's determination made pursuant to Chapter 385 of the Acts of 2002, he/she may request a review of the determination with respect to the CORI check by sending a letter to the Executive Director of the Office of Human Resources within five (5) days of receipt of the determination requesting a review and stating the reasons why the determination with respect to the CORI check should be reversed. The Executive Director of the Human Resources will respond in writing to the letter with the findings of the review within five (5) days.

In the case of a volunteer who wishes to appeal the Executive Director's determination, he/she may appeal the determination with respect to the CORI check by sending a letter to the Office of Legal Counsel within three (3) days of receipt of the determination by the Executive Director of Human Resources requesting an appeal and stating the reasons why the appeal with respect to the CORI check should be granted. The Office of Legal Counsel will respond in writing to the letter with the finding of the review within five (5) days. This determination shall be final.

In the case of a current or prospective employee, contracted service provider or person regularly providing school related transportation to children attending the Cambridge Public Schools who wishes to appeal the Executive Director's determination, he/she may appeal the determination with respect to the CORI check by sending a letter to the Office of Superintendent or his designee within three (3) days of receipt of the determination by the Executive Director of Human Resources requesting an appeal and stating the reasons why the appeal with respect to the CORI check should be granted. The Office of the Superintendent or designee will respond in writing to the letter with the finding of the review within five (5) days. The determination shall be final.

If any individual seeks to request a review or an appeal of a determination with respect to a CORI check on the grounds of the accuracy of the CORI report, the individual must follow the procedures set forth below in Section V. During the pendency of any challenge to the accuracy of a CORI report by an employee, contracted service provider, and school transportation provider or other individual, the school department may take appropriate administrative action. During the pendency of any challenge to the accuracy of a CORI report, the volunteer will not be allowed to engage in any volunteer duties.

If an individual prevails in a challenge to the accuracy of a CORI report, then he or she may submit documentation to the Executive Director of Human Resources evidencing the success of his or her challenge to the accuracy of the CORI report, sign a new CORI Request Form, and request that a new CORI check be conducted.

V. Procedures for Individual Challenging Accuracy of CORI Report

If an individual wishes to challenge the accuracy of a CORI Report, he/she may do so by filing the appropriate paperwork to initiate a challenge with the Criminal History Systems Board. As detailed above in section three of these procedures and guidelines, the Cambridge Public Schools, subject to applicable law and applicable collective bargaining agreements, reserves the exclusive right concerning any employment decisions or volunteer service decisions made pursuant to Chapter 385 of the Acts of 2002. In making such employment or volunteer decisions it will take into account when reviewing CORI data the success or failure of any challenge to the accuracy of a CORI Report as well as any other factors that the Cambridge Public Schools deems relevant.

If the individual who is filing the challenge is a current employee, contracted service provider, and school transportation provider or other individual who may have direct and unmonitored contact with children of the Cambridge Public Schools, the individual should provide written notification to the Executive Director of the Office of Human Resources that a challenge to the accuracy of the CORI Report has been filed. Written notification must be provided within five (5) business days of the filing of the challenge. During the pendency of any challenge to the accuracy of a CORI report, the employee, contracted service provider, and school transportation provider or other individual, the school department may take appropriate administrative action.

If the individual who is filing the challenge is a volunteer, the individual should provide written notification to the Executive Director of the Office of Human Resources that a challenge to the accuracy of the CORI Report has been filed. Written notification must be provided within five (5) business days of the filing of the challenge. During the pendency of any challenge to the accuracy of a CORI report, the volunteer will not be allowed to engage in any volunteer duties.

VI. Prohibition Against Unauthorized Dissemination of CORI Data

In accordance with state law, the dissemination of CORI information for any purpose other than to further the protection of students attending the Cambridge Public Schools is strictly prohibited. In the event of any unauthorized dissemination of CORI data, the school department will take appropriate action, which may include disciplinary action up to and including termination of employment.