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December 19, 2017

TO THE HONORABLE MEMBERS OF THE SCHOOL COMMITTEE:

Approval of Revisions to Cambridge Public Schools
Criminal Offender Record Information Policy

Recommendation: That the School Committee approve the revisions to the Criminal Offender Record Information Policy as detailed in the attached document.

Description: These revisions to the Criminal Offender Record Information Policy are being presented to align the policy with recent updates to the state's Criminal Offender Record Information Law.

This is the second reading of these proposed revisions to the Criminal Offender Record Information Policy.

Supporting Data: Attached redline of revisions to Cambridge Public Schools Criminal Offender Record Information Policy.

Respectfully submitted,

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

File: ADDA

CRIMINAL OFFENDER RECORD INFORMATION POLICY

The Cambridge Public Schools seeks to provide a safe learning environment for its students and a safe working environment for its employees. Accordingly, it is the policy of the Cambridge Public Schools, in accordance with the provisions of M.G.L.c. 71, §38R, as amended by Chapter 385 of the Acts of 2002, M.G.L.c. 6, §§168-178L, as amended, to conduct criminal background checks ("CORI checks") at least every three (3) years on current and prospective employee(s), contracted service providers, volunteer(s) and school transportation provider(s) and other individual(s) who may have direct and unmonitored contact with children. CORI checks will be conducted on current and prospective employee(s) and service providers prior to employment and/or contracting and on any volunteer prior to accepting the person as a volunteer. Additionally, in accordance with state law, CORI checks also will be obtained from individuals who regularly provide transportation to children, including, taxicab company employees, and the school district may also have access to CORI check information from any subcontractor, ~~or~~ laborer or -vendor who performs work on school grounds, and who may have direct and unmonitored conduct with children, and shall notify them of this requirement.

CORI checks will only be conducted as authorized by the Department of Criminal Justice Information Services (DCJIS). All applicants will be notified that a CORI check will be conducted. If requested, the applicant will be provided with a copy of this policy.

An informed review of a criminal record requires adequate training. Accordingly, all personnel authorized to review CORI in the decision-making process will be thoroughly familiar with the educational materials made available by the DCJIS.

Prior to initiating a CORI check, the Cambridge Public Schools will review the qualifications of a prospective employee to determine if he/she is otherwise qualified for the relevant position. The Cambridge Public Schools will not conduct a CORI check on an applicant for a position within the Cambridge Public Schools thatwho is not otherwise qualified for the relevant position.

Unless otherwise provided by law, a criminal record will not automatically disqualify an applicant. Rather, determination of suitability based on CORI checks will be made consistent with this policy and applicable laws and regulations.

If a criminal record is received from DCJIS, the authorized individual will closely compare the record provided by DCJIS with the information on the CORI request form and any other identifying information provided by the applicant, to ensure the record relates to the applicant. If, in receiving a CORI report, the Cambridge Public Schools receives information that it is not authorized to receive, the Cambridge Public Schools will inform the applicant, provide the applicant with a copy of the report and with information concerning the process for correcting a criminal record so that the applicant may pursue correction with the DCJIS.

Prior to any questioning of the applicant about his/her criminal history, the Cambridge Public Schools will provide the applicant with a copy of the criminal record and this policy. If the

Cambridge Public Schools is planning to make an adverse decision based on the results of a CORI check, the applicant will be notified immediately, provided with a copy of the criminal history information records, advised of the part(s) of the report that make the individual unsuitable for the position or to volunteer and the source of the criminal history information, given an opportunity to dispute the accuracy and relevance of the CORI report and provided with a copy of DCJIS information concerning the process for correcting a the criminal history information record so that the applicant may pursue correction with the DCJIS, and the Cambridge Public Schools will document in writing that all of these steps have been taken.

If the CORI record provided does not exactly match the identification information provided by the applicant, the Cambridge Public Schools will make a determination based on a comparison of the CORI record and documents provided by the applicant. The Cambridge Public Schools may contact DCJIS and request a detailed search consistent with DCJIS policy and procedures.

If the Cambridge Public Schools reasonably believes the record belongs to an applicant and is accurate, then the determination of suitability for the position will be made. Unless otherwise provided by law, factors considered in determining suitability may include, but not be limited to the following: (a) relevance of the crime to the position sought; (b) the nature of the work to be performed; (c) time since conviction; (d) age of the candidate at the time of the offense; (e) seriousness and specific circumstances of the offense; (f) number of offenses; (g) whether the applicant has pending charges; (h) any relevant evidence of rehabilitation or lack thereof; and (i) any other relevant information, including information submitted by the candidate or requested by the Cambridge Public Schools.

The Cambridge Public Schools will notify the applicant of the decision and the basis of the decision in a timely manner.

CORI information shall not be disseminated or shared with any unauthorized employees or others, but shall be maintained in confidence consistent with the obligations of law.

The Cambridge School Committee authorizes the Superintendent of Schools to develop procedures and guidelines covering (i) the categories of persons for whom CORI checks may and will be obtained; (ii) standards for determining whether a staff or volunteer position entails direct and unmonitored contact with children; (iii) process for informing current and prospective employees, volunteers and others about CORI checks and for obtaining written confirmation from these individuals to conduct CORI checks by completion of a CORI Request Form; (iv) procedures to be followed when a person refuses to sign a CORI Request Form; (v) process for requesting, reviewing and maintaining CORI information; (vi) personnel who are authorized to request, access and review CORI information; (vii) process and standard of review for determining an individual's eligibility for employment or service based upon CORI information, including whether any criminal offenses may disqualify an individual; (viii) procedures to be followed when the subject of a CORI check challenges the accuracy of the CORI report; and (ix) requirements of confidentiality and prohibitions against the unauthorized dissemination of CORI check information.

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Additionally, the Superintendent of Schools shall ensure all contracts with out of state special education schools and other out of state providers that have direct and unmonitored contact with students include a statement that the provider is required to sign certifying that the provider has met all legal requirements of the state where it is located relative to criminal background checks for employees and others having unmonitored contact with children.

| *Adopted: ~~December 18, 2012~~*