



## Town of Mashpee

## Town Clerk

16 Great Neck Road North  
Mashpee MA 02649  
Phone # 508-539-1400 ext. 561  
Fax # 508-539-2892  
e-mail address [mcsantos@ci.mashpee.ma.us](mailto:mcsantos@ci.mashpee.ma.us)

Date: July 18, 2014

Mashpee Town Hall  
16 Great Neck Road North  
Mashpee, MA 02649

In accordance with the Massachusetts General Laws, Chapter 39, Section 23A-C, regarding Massachusetts Open Meeting Law the:

### School Committee-Regular Meeting

give you notice that it will meet for the purpose of acting upon such business as may come before it.

Day and Date of Meeting: Wednesday, July 23, 2014

Time of Meeting: 6:30 p.m.

Place: Mashpee Town Hall- Ockway Meeting Room

Chairman: Scott McGee./gkh

*Windows will be closed and lights will be shut off after meeting.*

\_\_\_\_\_  
Initials

***\*\*Please keep in mind that rooms are assigned on a first come, first serve basis. Therefore, it is imperative that you notify this office as quickly as possible to reserve your meeting room.***

***Except in an emergency, a notice of every meeting of any governmental body shall be filed with the clerk of the city or town in which the body acts, and the notice or a copy thereof shall, at least forty-eight hours, including Saturdays but not Sundays and legal holidays, prior to such meeting, be publicly posted in the office of such clerk or on the principal official bulletin board of such city or town.***

Date: July 23, 2014



IN THE MATTER OF: Litigation, Negotiation with non-union personnel

It is MOVED by **School Committee** that this governmental body hold an executive session.

A Roll was called (see attached roll call)

The Clerk of this executive session is designated as Joan Oliver

A Quorum being present and a Majority having voted to go into executive session, the chair states that:

1. This meeting convened in open session and
  - a. Notice and posting of the meeting was given (X)
  - b. the meeting is an emergency meeting. ( )
2. After the executive session the meeting
  - a. Will reconvene (X )
  - b. Will not reconvene ( )
3. The purpose or purposes of this executive session are:
  - A. To deliberate upon matters involving individuals where the individuals involved have been notified in writing of the meeting and have not requested an open meeting and regarding:
    1. The reputation and character of the individual ( )
    2. The physical condition and mental health of the individual ( )
    3. The discipline or dismissal of a public officer, employee, staff member or individual. ( )
    4. A Complaint or charge brought against an individual ( )
  - B. To deliberate upon matters which, if done in open meeting could detrimentally affect the position of the City, regarding:
    1. Bargaining ( )
    2. Strategy with respect to Collective Bargaining ( )
    3. Strategy with respect to litigation (X)
    4. The purchase, exchange, lease or value of real property ( )
    5. Strategy with respect to negotiations with non-union personnel (X)
  - C. To deliberate matters regarding:
    1. The deployment of security personnel devices ( )
    2. Allegations of criminal misconduct ( )
    3. To discuss strategies for security ( )
  - D. To comply with the provisions of General Law or special law or Federal Grant in Aid requirement, the specific law being

---
4. All of the foregoing is hereby made part of the official minutes of this body.

**MASHPEE PUBLIC SCHOOLS  
SCHOOL COMMITTEE REGULAR MEETING  
OF JULY 23, 2014  
Mashpee Town Hall- Ockway Meeting Room  
6:30 pm**

**Agenda \*\*\***

- I. Call Meeting to Order 6:30**
- II. \*Executive Session 6:31**
  - 2.1 To discuss strategy with respect to litigation
  - 2.2 Strategy for negotiations with non-union personnel (MHS principal contract, Special Education Administrator contract)
- III. Pledge of Allegiance 7:00**
- IV. \*Overnight field trip to Westfield State College- Matt Triveri 7:05 (pg. 1)**
- V. Tribal Education Department- Renee Pocknett 7:15**
- VI. Report from Liaison to Board of Selectman – Mike Richardson 7:25**
- VII. \*\*Public Comment 7:35**
- VIII. \*Approval of minutes of June 18, 2014 7:45 (p. 2-3)**
- IX. Report of the Superintendent 7:50**
  - 10.1 Personnel report (p. 4)

*\*Vote required*

*\*\*Public Forum – A total of 20 minutes will be allowed for this agenda item per School Committee policy BEDG*

*\*\*\*The listing of matters are those reasonable anticipated by the Chair which may be discussed at the meeting. Not all items listed may be discussed and other items not listed may also be brought up for discussion.*



**MASHPEE PUBLIC SCHOOLS  
SCHOOL COMMITTEE REGULAR MEETING  
OF JULY 23, 2014  
Mashpee Town Hall- Ockway Meeting Room  
6:30 pm**

**Agenda \*\*\***

- X. New Business 7:55**
  - 10.1 School committee delegate form (p. 5)
- XI. Specifically unassigned/unfinished business 8:05**
  - 11.1 School committee self-evaluation
  - 11.2 School committee goals
- XII. Sub-Committee Reports 8:15 (p. 6-18)**
  - 13.1 Policy subcommittee- fingerprinting regulations
- XIII. Events/Happenings 8:25**
- XIV. \*Adjournment 8:30**

*\*Vote required*

*\*\*Public Forum – A total of 20 minutes will be allowed for this agenda item per School Committee policy BEDG*

*\*\*\*The listing of matters are those reasonable anticipated by the Chair which may be discussed at the meeting. Not all items listed may be discussed and other items not listed may also be brought up for discussion.*

Mashpee Public Schools

Field Trip Request Form

Date of Application 7/7/14

Teacher(s) Heather Johnson Grade(s) 9-12

Date of Trip Aug 1-4 Substitute Needed Yes ☒ No

Destination Westfield State College

Time of Departure 8am Aug 1<sup>st</sup> Plan to Return 4pm Aug 4<sup>th</sup>

Number of Students 12 Number of Teachers 1 Number of Chaperones

Approximate Mileage 250 miles Admission price \$270 per cheerleader  
(Round trip) paid out of pocket

Vehicles to be used for transportation car pool

Please list connection(s) to state or local curriculum standards:

This is an annual cheerleading camp

Signed Heather Johnson  
(Teacher)

Approved   
(Assistant Principal)

Approved   
(Principal)

Approved   
(Superintendent)

After Approval:

Copy to Teacher-Assistant Principal- Principal

2.

## School Committee Finance Meeting

### Minutes

June 18, 2014

Present were: Scott McGee, Don Myers, Joan Oliver and Chris Santos. Also present was Brian Hyde, Superintendent of Schools and Paul Funk, Business Manager

**I. Call Meeting to Order**

Mr. McGee called the meeting to order at 6:30pm

**II. Pledge of Allegiance**

**III. Public Comment**

None

**IV. Approval of May 7 and June 4 meeting minutes**

Mr. Myers made a motion, seconded by Mrs. Oliver to approve the minutes of May 7, 2014.

**Roll Call Vote:** In favor – Mr. Santos, Mrs. Oliver, Mr. Myers and Mr. McGee; opposed – none.

Mrs. Oliver made a motion, seconded by Mr. Santos to approve the minutes of June 4, 2014.

**Roll Call Vote:** In favor – Mr. Santos, Mrs. Oliver, Mr. Myers and Mr. McGee; opposed – none.

**V. Business Report**

**5.1 FY14 Budget Monthly Reports**

Mr. Funk reviewed the FY14 budget with the Committee.

**5.2 Status of Grants, Revolving Accounts and Lunch Program**

Mr. Funk gave an overview on the grants, revolving accounts and lunch program.

**5.3 Budget Transfers**

Mr. Myers made a motion, seconded by Mrs. Oliver to approve the budget transfers #14-005A and #14-005B as presented by Mr. Funk.

**Roll Call Vote:** In favor – Mr. Santos, Mrs. Oliver, Mr. Myers and Mr. McGee; opposed – none

**VI. One Year Leave of Absence for Staff Member**

Mr. McGee made a motion, seconded by Mrs. Oliver to approve the 1 year leave of absence for a Unit A staff member.

**Roll Call Vote:** In favor – Mr. Santos, Mrs. Oliver, Mr. Myers and Mr. McGee; opposed – none.

**VII. School Committee Letter of Support for Bill H3773**

Mr. Myers made a motion, seconded by Mr. Santos to join forces with David Vieira, State Representative in support of Bill H3773.



**Roll Call Vote:** In favor – Mr. Santos, Mrs. Oliver, Mr. Myers and Mr. McGee; opposed – none.

**VIII. Preliminary Discussion of School Committee Self-Evaluation**

The Committee discussed a self-evaluation tool for the School Committee.

**IX. School Committee Goals**

The Committee will meet to come up with their goals for the new school year and present at the next meeting.

**X. School Committee Meeting Calendar**

Mr. Myers made a motion, seconded by Mr. Santos to approve the School Committee meeting schedule as presented.

**Roll Call Vote:** In favor – Mr. Santos, Mrs. Oliver, Mr. Myers and Mr. McGee; opposed – none.

**XI. Registration for MASC/MASS Conference 2014**

The Committee will contact Gail Hannan to register for the MASC/MASS Conference in 2014.

**XII. \*Adjournment**

Mr. Myers made a motion, seconded by Mrs. Oliver to adjourn the meeting at 7:40pm.

**Roll Call Vote:** In favor – Mr. Santos, Mrs. Oliver, Mr. Myers and Mr. McGee; opposed – none.

Respectfully submitted by,

Catherine E. Loyko  
School Committee Recording Secretary

4.

**MASHPEE PUBLIC SCHOOLS  
PERSONNEL SUMMARY REPORT**

**July 2014**

**District Wide**

Lindsay Kett – Guidance/College & Career Readiness Director  
Christine Brown – Special Education Team Chairperson  
Suzanne Avtges – Science Dept Head  
Kerri Brodie – Math Dept Head  
Brian Brodie – Social Studies Dept Head  
Brian Allen – English Dept Head

**Kenneth C. Coombs School**

Michelle Richmond – Preschool Teacher  
Evelyn O'Keefe – Kindergarten Teacher  
Kristine Jones – Grade 1 Teacher  
Debra Goulart – Grade 2 Teacher  
Lauren McGown – Speech & Language  
Helayne Dupont – Paraprofessional  
Laura Shores – Paraprofessional  
Rebecca Davies – Paraprofessional  
Rachel Sullivan - Paraprofessional

**Quashnet School**

Katie Gruner – Grade 3 Teacher  
Alexa Cabral – Grade 3 Teacher  
Jennifer Moses – School Nurse

**Kenneth C. Coombs/Quashnet School**

Elizabeth Wunder - .8 fte Administrative Assistant

**Middle/High School**

Sean Gilrein - Principal  
Amy Menard – Math Teacher  
Kathleen Simolaris – French Teacher  
Stephanie Soares – Science Teacher  
Scott Zinser – Physical Education Teacher  
Alan James – Paraprofessional  
Patricia Ahearn – Administrative Assistant



S.



**Massachusetts Association of School Committees, Inc.**

One McKinley Square, Boston, Massachusetts 02109

(617) 523-8454 (800) 392-6023 fax: (617) 742-4125 www.masc.org

Ann Marie Cugno, President

Date: March 2014

To: MASC member school committees, c/o superintendent of schools

Re: Voting delegate to annual business meeting

Date: **DURING JOINT CONFERENCE. DATE AND TIME TBD**

Location: **RESORT AND CONFERENCE CENTER AT HYANNIS, HYANNIS**

**FIRST NOTICE**

**In order for your school committee to have a vote at the annual business meeting of the Massachusetts Association of School Committees, it is necessary that an official delegate be designated in pursuance of Article IX, Sec. 6 of the By-Laws, as follows:**

*All members of the Association, and all members of school committees which are active members of the Association, may attend and speak at any meeting of the Association. Only active members shall be entitled to vote on the election of officers or on any other matter as to which members of the Association shall have the right to vote and each active member shall have one vote. No later than seven days prior to each meeting of the Association each active member shall, by written notice to the Executive Director, designate one of its members as its voting delegate and may by such notice designate one of its members as its alternate voting delegate. All ballots and other votes cast by an active member at any meeting of the Association shall be cast by and only by its voting delegate or if the delegate be absent, by its alternate voting delegate if one shall have been designated.*

**PLEASE NOTE:**

- An official delegate is only that delegate whose school committee has complied with annual dues regulations as spelled out in Article IV of the MASC By-Laws.
- Deadline for receipt of delegate forms by the Executive Director for the 2014 annual meeting is October 29, 2014.

---

**Official Delegate Form**

For the school committee of \_\_\_\_\_

The official voting delegate is: \_\_\_\_\_

\_\_\_\_\_

The alternate voting delegate is: \_\_\_\_\_

\_\_\_\_\_

Signed \_\_\_\_\_

NOTE: In order to register for the annual business meeting, delegates must send in this form in addition to the conference registration form.



# Mashpee Public Schools

Office of the Superintendent  
150A Old Barnstable Road  
Mashpee, MA 02649  
508-539-1500  
Fax 508-477-5805

6  
Brian A. Hyde  
Superintendent of Schools

Date: May 28, 2014

To: Mashpee School Committee  
RE: Background Checks Law – School Committee Policies  
FROM: Brian Hyde

As part of the adoption of the new fingerprint-based national background check regulations, school committees must consider which personnel will be required to obtain a back ground check. Based on information from other districts, the following is my recommendation:

- **Employees**
  - All employees (new, current, and all substitutes) are nonnegotiable- they must have the fingerprinting done per the new act. All parties below will still be CORI in accordance with the state law and school committee policy.
- **Day volunteers/In classroom volunteers/ Day field trip volunteers**
  - I recommend *not* require day to day or in classroom volunteers complete and submit to the new Act Relevant to Background Checks with the understanding and in accordance with the law they will continue to submit a regular CORI check.
  -
- **Over Night Field Trip Volunteers**
  - I recommend *to require* any volunteer/chaperones participating in an overnight school related activity (i.e. field trip, Washington D.C., Europe, etc) to complete a Background Check in accordance with the new Act Relevant to Background Checks beginning at the start of the next school year (September 2014)
- **Coaches/ Volunteer Coaches**
  - I recommend requiring anyone coaching an athletic team in any capacity – paid or unpaid (voluntary) be *required* to complete a Background Check in accordance with the new Act Relevant to Background Checks beginning at the start of the next school year (September 2014)
- **Subcontractors – construction/maintenance personnel**
  - I recommend *to not require* subcontractors- such as construction or maintenance personnel to complete a Background Check in accordance with the new Act Relevant to Background Checks and will be addressed in policy.

- **School Committee Members**
  - I recommend *to require* all school committee members to complete a Background Check in accordance with the new Act Relevant to Background Checks beginning at the start of the next school year (September, 2014).
- **Student Teachers/Student Observers/(Pre)Practicum Students**
  - I recommend *to require* all students completing an internship, practicum, and/or observations to complete a Background Check in accordance with the new Act Relevant to Background Checks.
  -
- **Transportation**
  - Currently our transportation for students is provided on a subcontractor basis-through the Cape Cod Collaborative and Cape Destinations. I recommend *to require* all transportation providers to require their drivers to complete a Background Check in accordance with the new Act Relevant to Background Checks. These results will be shared with the Mashpee Public Schools.
- **Hardship Exceptions/Waivers**
  - I recommend *to not have hardships or waivers*.



# MASC Policy Newsletter

Michael J Gilbert, Field Director – Policy Development

May 2014

## BACKGROUND CHECKS

Over the last year Massachusetts became the 50<sup>th</sup> state in the country to enact legislation requiring fingerprint-based national background checks for educators. The original legislation, Chapter 459 of the Acts of 2012, has been amended to meet federal rules and regulations. The state DCJIS (Department of Criminal Justice Information Systems), DESE (Department of Elementary and Secondary Education) and DEEC (Department of Early Education and Care) have each issued regulations regarding national and state background check requirements.

As a result School Committees are required to have policies that cover both national and state background checks and through the above-mentioned agencies sample policies have been prepared. MASC has examined these policies, laws, and regulations and has crafted from them and our existing sample CORI policies the attached policy documents, ADDA BACKGROUND CHECKS, including as a policy manual regulation the state model CORI policy.

The attached ADDA BACKGROUND CHECKS and ADDA-R DCJIS MODEL CORI POLICY will replace ADDA, ADDA-R, ADDA-E-1, and ADDA-E-2 in your manual upon adoption.

While the attached model policy includes all necessary School Committee decisions, some School Committees may wish to deliberate some optional provisions as outlined below:

1. Volunteers, subcontractors, contracted laborers, vendors who provide services in your district. In general, these individuals do not have direct, unmonitored contact with students and the School Committee may decide not to require a fingerprint-based federal background check which would require the individual to pay a fee. The attached policy grants the Superintendent the discretion to make a decision based upon the circumstances presented. For example, an overnight field trip where non-staff chaperones would be present would likely cause the Superintendent to require a national background check but a volunteer in a classroom where a teacher or a teacher and aide are present would not. CORIs would continue to be required for anyone who could have direct, unmonitored contact with students.
2. School Committee members, when acting in a capacity that would allow direct, unmonitored contact with students such as being a chaperone on an overnight field trip may be required to submit to a fingerprint background check. However, School Committee members, simply because they are School Committee members, would not be subject to the employee provision (they have no supervisor, cannot lose their position due to any result, and any result would be confidential).

3. Fees, or more importantly, who pays the fees. The attached policy as well as the law and regulation place the onus for the fee on the individual. MASC strongly recommends that School Committees retain this policy language. For professionals, this is similar to their license – it is a state government condition of employment for anyone who wishes to work or volunteer in an environment where they may have direct, unmonitored contact with students. The School Committee may, however, choose to provide reimbursement for a particular group or groups. If a School Committee wishes to explore this area, MASC advises that you seek the advice of legal counsel.
4. Hardship waivers for fees are not directly addressed in this policy but are allowed in the law and regulation. If a School Committee wishes to allow waivers for financial hardship, MASC suggests that the administration, in consultation with legal counsel, develop administrative procedures to ensure fairness and equity.

If you have any questions please contact the MASC office.

## BACKGROUND CHECKS

It shall be the policy of the school district that, as required by law, a state and national fingerprint criminal background check to determine the suitability of full or part time current and prospective school employees, who may have direct and unmonitored contact with children. School employees shall include, but not be limited to any apprentice, intern, or student teacher or individuals in similar positions, who may have direct and unmonitored contact with children. The school committee shall only obtain a fingerprint background check for current and prospective employees for whom the school committee has direct hiring authority. In the case of an individual directly hired by a school committee, the chair of the school committee shall review the results of the national criminal history check. The superintendent shall also obtain a state and national fingerprint background check for any individual, who regularly provides school related transportation to children. The school committee, superintendent or principal as appropriate may obtain a state and national fingerprint criminal background check for any volunteer, subcontractor or laborer commissioned by the school committee, school or employed by the city or town to perform work on school grounds, who may have direct and unmonitored contact with children. School volunteers and subcontractors/laborers who may have direct and unmonitored contact with children must continue to submit state CORI checks.

The fee charged by the provider to the employee and educator for national fingerprint background checks will be \$55.00 for school employees subject to licensure by DESE and \$35.00 for other employees, which fee may from time to time be adjusted by the appropriate agency. The employer shall continue to obtain periodically, but not less than every 3 years, from the department of criminal justice information services all available criminal offender record information (CORI) for any current and prospective employee or volunteer within the school district who may have direct and unmonitored contact with children.

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

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.

### Requesting CHRI checks

Fingerprint-based CHRI checks will only be conducted as authorized by state and federal law, in accordance with all applicable state and federal rules and regulations. 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.



### **Access to CHRI**

All CHRI is subject to strict state and federal rules and regulations in addition to Massachusetts CORI laws and regulations. CHRI cannot be shared with any unauthorized entity for any purpose, 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. Federal law and regulations 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 criminally for the unauthorized disclosure of CHRI.

### **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. Administrative, technical, and physical safeguards, which are in compliance with the most recent 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.

### **Retention and Destruction of CHRI**

Federal law prohibits the repurposing or dissemination of CHRI beyond its initial requested purpose. Once an individual's CHRI is received, it will be securely retained in internal agency documents for the following purposes *only*:

Historical reference and/or comparison with future CHRI requests,  
Dispute of the accuracy of the record  
Evidence for any subsequent proceedings based on information contained in the CHRI.

CHRI will be kept for the above purposes in a secure location in the office of the superintendent. When no longer needed, CHRI and any summary of CHRI data must be destroyed by shredding paper copies and/or by deleting all electronic copies from the electronic storage location, including any backup copies or files. The shredding of paper copies of CHRI by an outside vendor must be supervised by an employee of the district.

### **CHRI Training**

An informed review of a criminal record requires training. Accordingly, all personnel authorized to receive and/or review CHRI at the district will review and become familiar with the educational and relevant training materials regarding SAFIS and CHRI laws and regulations made available by the appropriate agencies, including the DCJIS.

**Determining Suitability**

In determining an individual's suitability, the following factors will be considered: these factors may include, but not necessarily be limited to: the nature and gravity of the crime and the underlying conduct, the time that has passed since the offense, conviction and/or completion of the sentence, nature of the position held or sought, age of the individual at the time of the offense, number of offenses, any relevant evidence of rehabilitation or lack thereof and any other factors deemed relevant by the district.

A record of the suitability determination will be retained. The following information will be included in the determination:

The name and date of birth of the employee or applicant;

The date on which the school employer received the national criminal history check results; and,

The suitability determination (either "suitable" or "unsuitable").

A copy of an individual's suitability determination documentation must be provided to another school employer, or to the individual, upon request of the individual for whom the school employer conducted a suitability determination.

**Relying on Previous Suitability Determination.**

The school employer may obtain and may rely on a favorable suitability determination from a prior employer, if the following criteria are met:

The suitability 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 suitability determination was made; 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 or her employment for school employers; or

If the individual works as a substitute employee, the individual is still deemed suitable for employment by the school employer who made a 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.

**Adverse Decisions Based on CHRI**

If inclined to make an adverse decision based on an individual's CHRI, the 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 this CHRI Policy;

Provide the individual the opportunity to complete or challenge the accuracy of his/her CHRI; and

Provide the individual with information on the process for updating, changing, or correcting CHRI.

A final adverse decision based on an individual's CHRI will not be made until the individual has been afforded a reasonable time depending on the particular circumstances not to exceed thirty days to correct or complete the CHRI.

**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:

Subject Name;  
Subject Date of Birth;  
Date and Time of the dissemination;  
Name of the individual to whom the information was provided;  
Name of the agency for which the requestor works;  
Contact information for the requestor; and  
The specific reason for the request.

**Reporting to Commissioner of Elementary and Secondary Education**

Pursuant to state law and regulation, if the district dismisses, declines to renew the employment of, obtains the resignation of, or declines to hire a licensed educator or an applicant for a Massachusetts educator license because of information discovered through a state or national criminal record check, the district shall report such decision or action to the Commissioner of Elementary and Secondary Education in writing within 30 days of the employer action or educator resignation. The report shall be in a form requested by the Department and shall include the reason for the action or resignation as well as a copy of the criminal record checks results. The superintendent shall notify the employee or applicant that it has made a report pursuant to the regulations to the Commissioner.

Pursuant to state law and regulation, if the district discovers information from a state or national criminal record check about a licensed educator or an applicant for a Massachusetts educator license that implicates grounds for license action pursuant to regulations, the superintendent shall report to the Commissioner in writing within 30 days of the discovery, regardless of whether the district retains or hires the educator as an employee. The report must include a copy of the criminal record check results. The school employer shall notify the employee or applicant that it has made a report pursuant to regulations to the Commissioner and shall also send a copy of the criminal record check results to the employee or applicant.

**C.O.R.I. REQUIREMENTS**

It shall be the policy of the district to obtain all available Criminal Offender Record Information (CORI) from the department of criminal justice information services 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 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 department of criminal justice informational services 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 regulation, "'Direct and unmonitored contact with children' means contact with students when no other employee, for whom the employer has made a suitability determination of the school or district, is present. 'Contact' refers to any contact with a student that provides the individual with opportunity for physical touch or personal communication. The school employer may determine when there is potential for direct and unmonitored contact with children by assessing the circumstances and specific factors including but not limited to, whether the individual will be working in proximity with students, the amount of time the individual will spend on school grounds, and whether the individual will be working independently or with others. An individual shall not be considered to have the potential for direct and unmonitored contact with children if he or she has only the potential for incidental unsupervised contact in commonly used areas of the school grounds."

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 an acknowledgement form authorizing receipt by the district of all available CORI data from the department of criminal justice information services. In the event that a current employee has a question concerning the signing of the acknowledgement form, he/she may meet with the Principal or Superintendent; however, failure to sign the CORI acknowledgement form may result in a referral to local counsel for appropriate action. Completed acknowledgement forms must be kept in secure files. The School Committee, Superintendent, Principals or their designees certified to obtain information under the 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 shall be shared with the individual to whom it pertains, pursuant to law, regulation and the following model policy, and in the event of an inaccurate report the individual should contact the department of criminal justice informational services.

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 had determined that the applicant is qualified and may forthwith be recommended for employment or volunteer duties.

The hiring authority, subject to applicable law and the model policy, reserves the exclusive right concerning any employment decision.

The Superintendent shall ensure that on the application for employment and/or volunteer form there shall be a statement that as a condition of the employment or volunteer service the school district is required by law to obtain Criminal Offender Record Information for any employee, individual who regularly provides 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 which the Massachusetts Commission against Discrimination has determined may be legally asked of prospective employees. Any employment application which seeks information concerning prior arrests or convictions of the applicant shall include the following statement: "An applicant for employment with a sealed record on file with the commission of probation may answer 'no record' with respect to an inquiry 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 compliant 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 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.

LEGAL REFS.: M.G.L.6:167-178; 15D:7-8; 71:38R, 151B, 276:100A  
P.L. 92-544; Title 28 U.S.C. § 534; Title 28 C.F.R. 20.33(b)

42 U.S.C. § 16962

603 CMR 51.00

803 CMR 2.00

803 CMR 3.05 (Chapter 149 of the Acts of 2004)

FBI Criminal Justice Information Services Security Policy

Procedure for correcting a criminal record

FAQ – Background Checks

SOURCE: MASC 2014

**NOTE:** The Department of Criminal Justice Information Services (DCJIS) has adopted regulations requiring that it maintain a model CORI policy and that any written policy must meet the minimum standards as found in the model. Therefore, MASC recommends that school districts retain both the school district specific policy incorporated here and the DCJIS model policy attached as ADDA-R.

## **DCJIS MODEL CORI POLICY**

This policy is applicable to the criminal history screening of prospective and current employees, subcontractors, volunteers and interns, and professional licensing applicants.

Where Criminal Offender Record Information (CORI) and other criminal history checks may be part of a general background check for employment, volunteer work, licensing purposes, the following practices and procedures will be followed.

### **CONDUCTING CORI SCREENING**

CORI checks will only be conducted as authorized by the DCJIS, state law, and regulation, and only after a CORI Acknowledgement Form has been completed.

If a new CORI check is to be made on a subject within a year of his/her signing of the CORI Acknowledgement Form, the subject shall be given seventy two (72) hours notice that a new CORI check will be conducted.

### **ACCESS TO CORI**

All CORI obtained from the DCJIS is confidential, and access to the information must be limited to those individuals who have a "need to know". This may include, but not be limited to, hiring managers, staff submitting the CORI requests, and staff charged with processing job applications. The district must maintain and keep a current list of each individual authorized to have access to, or view, CORI. This list must be updated every six (6) months and is subject to inspection upon request by the DCJIS at any time.

### **CORI TRAINING**

An informed review of a criminal record requires training. Accordingly, All district personnel authorized to review or access CORI will review, and will be thoroughly familiar with, the educational and relevant training materials regarding CORI laws and regulations made available by the DCJIS.

### **USE OF CRIMINAL HISTORY IN BACKGROUND SCREENING**

CORI used for employment purposes shall only be accessed for applicants who are otherwise qualified for the position for which they have applied.

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

### **VERIFYING A SUBJECT'S IDENTITY**

If a criminal record is received from the DCJIS, the information is to be closely compared with the information on the CORI Acknowledgement Form and any other identifying information provided by the applicant to ensure the record belongs to the applicant.



If the information in the CORI record provided does not exactly match the identification information provided by the applicant, a determination is to be made by an individual authorized to make such determinations based on a comparison of the CORI record and documents provided by the applicant.

### **INQUIRING ABOUT CRIMINAL HISTORY**

In connection with any decision regarding employment, volunteer opportunities, or professional licensing, the subject shall be provided with a copy of the criminal history record, whether obtained from the DCJIS or from any other source, prior to questioning the subject about his or her criminal history. The source(s) of the criminal history record is also to be disclosed to the subject.

### **DETERMINING SUITABILITY**

If a determination is made, based on the verification of identity information as provided in this policy, that the criminal record belongs to the subject, and the subject does not dispute the record's accuracy, 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:

- (a) Relevance of the record 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 and 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; and
- (i) Any other relevant information, including information submitted by the candidate or requested by the organization.

The applicant is to be notified of the decision and the basis for it in a timely manner.

### **ADVERSE DECISIONS BASED ON CORI**

If an authorized official is inclined to make an adverse decision based on the results of a criminal history background check, the applicant will be notified immediately. The subject shall be provided with a copy of the organization's CORI policy and a copy of the criminal history. The source(s) of the criminal history will also be revealed. The subject will then be provided with an opportunity to dispute the accuracy of the CORI record. Subjects shall also be provided a copy of DCJIS' *Information Concerning the Process for Correcting a Criminal Record*.

18.

## **SECONDARY DISSEMINATION LOGS**

All CORI obtained from the DCJIS is confidential and can only be disseminated as authorized by law and regulation. A central secondary dissemination log shall be used to record any dissemination of Cori outside this organization, including dissemination at the request of the subject.