

ADDA BACKGROUND CHECKS

It shall be the policy of the Minuteman Regional Vocational Technical School District (District) that, as required by law, a state and national fingerprint criminal background check will be conducted to determine the suitability of full or part time current and prospective District employees, 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. District 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 working for Minuteman High School, Minuteman Community Education Programs, Minuteman Technical Institute, or any District sponsored activity. The entity having direct hiring authority (School Committee, Superintendent, or their designee) shall obtain a fingerprint background check/CORI/SORI for current and prospective employees. The Superintendent shall also obtain a state and national fingerprint background check for any individual who regularly provides school related transportation to children. The Superintendent or designee may obtain a state and national fingerprint criminal background check for any volunteer, subcontractor or laborer employed by the District to perform work on school grounds, who may have direct and unmonitored contact with children. 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 District will provide the applicant information on how to successfully register for a fingerprinting appointment.

The District 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) and Sexual Offender Record Information (SORI) for any current and prospective employee or volunteer within the school district 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/SORI checks.

ORIGINAL ADOPTION: 5/71

REVISION:

FIRST READING: 11/19/19

SECOND READING: 1/14/20

ADOPTION: 1/14/20

REVIEW:

MINUTEMAN REGIONAL VOCATIONAL TECHNICAL SCHOOL DISTRICT

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 District will follow procedures consistent with all applicable laws and regulations. The District will maintain internal procedures that comply with state laws that detail the Storage, Access, and Destruction of CHRI, including CORI and SORI records. The District will also comply with state law and follow procedures regarding training, determining suitability, and adverse Decision based on CHRI, CORI, and SORI records.

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.

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)

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FBI Criminal Justice Information Services Security Policy
Procedure for correcting a criminal record
FAQ - Background Checks
ADDA-R

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