

Effective 6/30/2005

CORI REQUIREMENTS

Effective June 30, 2005, new Criminal Offender Record Information regulations were established and a new form created.

1. This new form contains additional fields of information that must be collected to provide CHSB with additional information for further research. The new regulation mandates that the applicant's identity must be verified with a government issued photographic form of identification.
2. All applicants, volunteers, school transportation providers, and others who may have direct and unmonitored contact with children, must come to either one of the schools in the district or the superintendent's office to complete the form. We will not accept photocopies or faxes of completed CORI forms. A government issued photo id, (driver's license, valid passport) must be shown when you are completing a CORI request.
3. CORIs are valid for three years. If someone has a valid CORI on file prior to June 30, 2005, this new form does not need to be completed until the present one expires.

Overview of the New CORI Law

Chapter 385 of the Acts of 2002, An Act Further Protecting Children, was enacted into law on November 27, 2002. The purpose of this advisory, prepared by the Department of Education in cooperation with the Criminal History Systems Board (CHSB), is to inform all public and private schools about this new law and its requirements, and to present certain issues that must be considered by schools as they work to comply with the law, which took effect on February 25, 2003. A copy of Chapter 385 is available for your reference on the Massachusetts General Law website at: www.state.ma.us/legis/laws/seslaw02/sl020385.htm.

Section 2 of Chapter 385 amends M.G.L. c. 71 § 38R **to require that all schools conduct criminal background checks on current and prospective employees, volunteers, school transportation providers, and others who may have direct and unmonitored contact with children.** Criminal offender record information (CORI) must be obtained from the Criminal History Systems Board (CHSB) – the state agency authorized to provide CORI to certified agencies – at least every three (3) years during an individual's term of employment or service. In addition, schools may perform CORI checks on subcontractors or laborers commissioned to do work on school grounds who may have direct and unmonitored contact with children.

Factors to Consider in Reviewing a Record

In reviewing a criminal record, the CHSB advises consideration of the following factors: the type of offence (is it a felony or misdemeanor); the nature of the offense; whether the charge resulted in a conviction; the type of sentence; whether the individual successfully completed probation; the date of the offense; and whether the individual has been arrested subsequently.

Unauthorized Dissemination of CORI Prohibited

CORI is not subject to the public records law and may not be disseminated to unauthorized

persons or for any purpose “other than to further the protection of children.” To willfully request, obtain or seek CORI under false pretenses, or to communicate or to seek to communicate CORI to any agency or person not authorized to receive it may subject the offending agency or individual to criminal or civil penalties. CORI may always be shared with the individual to whom it pertains. A school or district may advise individuals that they may obtain a copy of their own CORI at no cost by submitting a personal record request to the CHSB. Consult the CHSB website for additional information.

CORI must be kept in a secure location, separate from personnel files and may be kept for no more than three (3) years. In order to ensure the security of the records and to control access to them, the Department recommends that CORI records be kept in a secure district office rather than in individual schools, if applicable.

QUESTIONS AND ANSWERS

1. What entities and individuals are covered by the new CORI law?

The requirements for accessing and obtaining CORI under M.G.L. c. 71, § 38R apply to the school committee and superintendent of any city, town or regional school district, and the principal or chief administrator of all public, private and parochial schools in the Commonwealth. While certain educational entities, such as educational collaboratives, are not expressly covered by the statute, the Department has interpreted the law to apply to all PreK-12 public and private schools, public school districts, educational collaboratives, charter schools, approved day and residential special education schools, and private providers of educational services for children with which a local education agency has contracted within the Commonwealth. The authority of the superintendent, school committee, and principal to obtain and review CORI may be delegated by those individuals to other school or district personnel as appropriate.

2. Which school or district staff should be authorized to access CORI?

In determining who from your school or district will access CORI, please consider that centralized coordination of the CORI process by the superintendent or human resources director may be appropriate in smaller districts. In some large districts, however, officials may decide that CORI is best handled by each school principal or by other designated personnel. Consider the school’s or district’s particular needs in identifying all appropriate personnel who will be designated and receive authorization from CHSB to submit requests and view CORI.

3. Is the school or district required to obtain CORI on all volunteers?

M.G.L. c. 71, § 38R requires a certified school or district to obtain CORI for “any current or prospective...volunteer of the school department, who may have direct and unmonitored contact with children, including any individual who regularly provides school related transportation to children.” The school may determine that there are circumstances in which a volunteer is never in the presence of a child without also being in the presence of another CORI-checked individual, such as the classroom teacher.

Similarly, the school may determine that a parent chaperone at a school dance is never permitted to have direct and unmonitored access to students due to the nature of the volunteer position. In these examples, school officials, in consultation with their legal counsel, may determine that the statutory standard does not apply and that they do not need to obtain CORI about these types of volunteers. In contrast, a volunteer who chaperones an overnight field trip or drives students in his or her car on a field trip, or one who tutors students privately in a resource room, will be in an unsupervised setting with children. It would be appropriate, therefore, for the school or district to conduct CORI checks on the volunteers for whom student contact is unsupervised and more than incidental.

The Department recommends that these decisions be made on a case-by-case basis as necessary, and in consultation with legal counsel. Factors to be considered in making the decisions may be included in the school's or district's CORI policy.

4. What if an individual refuses to sign a Request Form?

Under current law, a school or district may not obtain CORI unless the subject has signed a Request Form. Employment applications should be revised, if necessary, to make clear that hiring may be conditioned on a satisfactory CORI check. If a current employee or volunteer refuses to sign the required Request Form, the school or district is unable to carry out its duty to obtain CORI. We recommend that school officials consult with their legal counsel about the steps to take if this situation occurs.