SORI and CORI Requirements

Policy Information

Series A Foundations and Commitments

SORI and CORI Requirements
Policy # ADDA

File: ADDA

SORI AND CORI REQUIREMENTS

Purpose

It shall be the policy of the Bourne Public School District to obtain all available Criminal Offender Record Information (C.O.R.I) and Sex Offender Registry Information (S.O.R.I) from the Criminal History Systems Board 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 C.O.R.I. data for employees of taxicab companies that have contracted with the schools to provide transportation to pupils. In addition, the Bourne Public School District will also require S.O.R.I. data.

The Superintendent-Director, Principal, or their certified designees shall periodically, but not less than every three years, obtain all available Criminal Offender Record Information from the Criminal History Systems Board and Sex Offender Records Information from the Sex Offender Registry Board (SORB) on all employees. This includes 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 or their certified designees may also have access to Criminal Offender Record Information and Sex Offender Records 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 C.O.R.I. Law Advisory dated February 17, 2003, "Direct and unmonitored contact with children means contact with a child when no other C.O.R.I. or S.O.R.I. 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."

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 a request form authorizing receipt by the district of all available C.O.R.I. and S.O.R.I. data from the Criminal History Systems Board. In the event that a current employee has questions concerning the signing of the request form, he/she may meet with the Principal or Superintendent-Director. However, failure to sign the C.O.R.I. or S.O.R.I request form may result in a referral to local counsel for appropriate action. Completed request forms must be kept in secure files. The School Committee, Superintendent-Director, Principal or their designees certified to obtain information under this policy, shall prohibit the dissemination of school information for any purpose other than to further the protection of school children.

C.O.R.I. / S.O.R.I. 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. C.O.R.I. / S.O.R.I. may be shared with the individual to whom it pertains, upon his or her request, and in the event of an inaccurate report the individual should contact the Criminal History Systems Board or the Sex Offender Registry Board.

Access to C.O.R.I. / S.O.R.I. material must be restricted to those individuals certified to receive such information. In the case of prospective employees or volunteers, C.O.R.I / S.O.R.I. material should be obtained only where the Superintendent-Director has determined that the applicant is qualified and may forthwith be recommended for employment or volunteer duties.

The Superintendent, subject to applicable law, reserves the exclusive right concerning any employment decision made pursuant to Chapter 385 of the Acts of 2002. The employer may consider the following factors when reviewing C.O.R.I.: The type and nature of the offense; the date of the offense and whether the individual has been subsequently arrested, as well as any other factors the employer deems relevant. Unless otherwise provided by law, a criminal record will not automatically disqualify an applicant. Rather, determinations of suitability based on C.O.R.I. checks will be made consistent with this policy and any applicable law or regulations.

If a criminal record is received from the Criminal History Systems Board (CHSB), the Superintendent will closely compare the record provided by CHSB with the information on the C.O.R.I. request form and any other identifying information provided by the applicant, to ensure the record relates to the applicant.

If the district is inclined to make an adverse decision based on the results of the C.O.R.I. check, the applicant will be notified immediately. The applicant shall be provided with a copy of the criminal record and the district´s C.O.R.I. policy, advised of the part(s) of the record that make the individual unsuitable for the position or license, and given an opportunity to dispute the accuracy and relevance of the C.O.R.I. record.

The Superintendent shall ensure that on the application for employment and/or volunteer form there shall be a statement that as a condition of employment or volunteer service the school district is required by law to obtain Criminal Offender Record Information or Sex Offender Registry Information for any employee, individual who regularly provides school related 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-Director prior to the periodic obtaining of their Criminal Offender Record Information or Sex Offender Registry Information.

The Superintendent shall amend employment applications to include questions concerning criminal records and sex offender 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 commissioner of probation may answer no record´ with respect to an inquiry herein relative to prior arrests, criminal court appearances or convictions. An applicant for employment with a sealed record on file with the commissioner of probation may answer no record´ 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 complaint 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.

As soon as possible after the district obtains the certification from the Criminal History Systems Board to receive C.O.R.I. data and certification from the Sex Offender Registry Board, the Superintendent shall obtain such data for any person then providing volunteer service, as a condition of continued service.

LEGAL REF: M.G.L.71:38R, 151B, 276, §.100A, St.2002, c.385

MCAD Regulations and D.O.E. Advisory on C.O.R.I. Law (Feb 17, 2003)

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

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