



**Monomoy Regional School District - Monomoy Regional School Committee  
Policy Subcommittee Meeting**

**Monomoy Regional High School Main Street Conference Room A186**

**75 Oak Street, Harwich, MA 02645**

**Tuesday, September 9, 2025 at 5:30 PM**

**AGENDA**

- A. Call to order
- B. Vote for Chair
- C. Review Policies:
  - ADDA Fingerprint Policy
- C. Calendar for 2025-2026
- D. Discuss Proposed Policies to Review
- E. Adjourn

**Authorized Posting Officer  
Roberta Simmons  
September 4, 2025**

## Monomoy Regional School District

### **Fingerprint-based criminal history record information (CHRI) checks made for non-criminal justice purposes; CORI requirements; DCF Central Registry; Sex Offender Registry Board**

#### I. Requesting CHRI Checks

Fingerprint-based CHRI checks will only be conducted as authorized by M.G.L. c.71, §38R, and 42 U.S.C. § 16962, in accordance with all applicable state and federal rules and regulations, and in compliance with M.G.L. c. 6, §§167-178 and 803 CMR §§ 2.00, et seq. 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. All new Monomoy staff and bus drivers must have fingerprint-based background checks prior to employment. All current Monomoy staff, substitutes, coaches, club/activity advisors, and home-based tutors must have fingerprint-based background checks prior to September 1, 2016, or sooner as dictated by the DESE. Monomoy Regional Schools will consider the following factors in determining whether to conduct discretionary fingerprint-based background checks for volunteers or subcontractors/laborers who might have direct unmonitored contact with children. Factors might include the likelihood of direct and unmonitored contact, duration of potential contact, and the school's ability to limit potential contact. All volunteers who are likely to have unmonitored contact with students and all chaperones on overnight field trips will need fingerprint-based background checks.

#### II. Access to CHRI

All CHRI are 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. Title 28, U.S.C. 534, Pub. L. 92-544 and Title 28 C.F.R. 20.33(b) provide that the exchange of records and information is subject to cancellation if dissemination is made outside the receiving entity or related entities. Furthermore, an entity can be charged criminally for the unauthorized disclosure of CHRI.

#### III. 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. The CJIS Security Policy can be found here: [Criminal Justice Information Services \(CJIS\) Security Policy](#)

Each individual (**Superintendent and Human Resource Coordinator**) involved in the handling of CHRI is to familiarize himself/herself with these safeguards.

In addition to the above, each individual (**Superintendent and Human Resource Coordinator**) involved in the handling of CHRI will strictly adhere to the policy on the storage, retention, and destruction of CHRI.

#### IV. 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 **under lock and key and separate from personnel files** for the following purposes only:

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

CHRI will be kept **for not more than three years** for the above purposes in the Central Office of the School Department. 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 Monomoy Regional School District.

#### V. CHRI Training

An informed review of a criminal record requires training. Accordingly, all personnel authorized to receive and/or review (**Superintendent and Human Resource Coordinator**) CHRI at the Monomoy Regional School 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 CDJIS.

#### VI. Determining Suitability

In determining an individual's suitability, the following factors will be considered, 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.

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

1. The name and date of birth of the employee or applicant;
2. The date on which the school employer received the national criminal history check results; and,
3. The suitability determination (either "suitable" or "unsuitable").

A copy of any 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.

#### VII. Relying on Previous Suitability Determination.

The Monomoy Regional School District will typically require a new suitability determination when a new hire has previously had the one-time CHRI background check performed by another school employer. However, consistent with 603 CMR 51.06, where the employer will rely on a suitability determination made by another school employer, Monomoy Regional School District may waive the new suitability determination considering the following relevant factors: date of previous suitability determination, type of organization that conducted the previous determination (public school district, private school), state of residence of subject of suitability determination and/or the position sought.

#### VIII. Adverse Decisions Based on CHRI

If inclined to make an adverse decision based on an individual's CHRI, Monomoy Regional School District will take the following steps prior to making a final adverse determination:

1. Provide the individual with a copy of his/her CHRI used in making the adverse decision;
2. Provide the individual with a copy of this CHRI policy;
3. Provide the individual the opportunity to complete or challenge the accuracy of his/her CHRI; and
4. 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 to correct or complete the CHRI, as long as it does not adversely impact the operation of the school district. **Decisions shall be in accordance with applicable collective bargaining agreements and/or applicable laws.**

#### IX. Secondary Dissemination of CHRI

If an individual's CHRI is released to another authorized entity, **the individual shall be notified prior to that dissemination, and** a record of that dissemination must be made in the secondary dissemination log. The secondary dissemination log is subject to audit by the DCJIS (Department of Criminal Justice Information Services) and the FBI.

The following information will be recorded in the log:

1. Subject name;
2. Subject date of birth;
3. Date and time of the dissemination
4. Name of the individual to whom the information was provided;
5. Name of the agency for which the requestor works
6. Contact information for the requestor; and

7. The specific reason for the request.

#### X. Reporting to the Commission of Elementary and Secondary Education

Pursuant to M.G.L. ch 71, §71R and 603 CMR 51.07, if Monomoy Regional School 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, Monomoy Regional School 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 check results. Monomoy Regional School District shall notify the employee or applicant that it has made a report pursuant to 603 CMR 51.07(1) to the Commissioner.

Monomoy Regional School District Pursuant to M.G.L. ch. 71, §71R and 603 CMR 51.07, if Monomoy Regional School 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 licensed action pursuant to 603 CMR 7.15(8)(a), Monomoy Regional School District shall report to the Commissioner in writing within 30 days of the discovery, regardless of whether Monomoy Regional School 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 603 CMR 51.07(2) to the Commissioner and shall also send a copy of the criminal record check results to the employee or applicant.

#### XI. CORI Requirements

It shall be the policy of the Monomoy Regional School District to obtain all available Criminal Offender Record Information (C.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.

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 Criminal History Systems Board on all employees, individuals who regularly provide school related transportation to children, including taxicab 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 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. cleared employee of the school 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. 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; however, failure to sign the C.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, Principals 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.

Monomoy Regional School District C.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. 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.

Access to C.O.R.I. material must be restricted to those individuals certified (**Superintendent and Human Resource Coordinator**) to receive such information.

In the case of prospective employees or volunteers, C.O.R.I. material should be obtained only where the Superintendent has determined that the applicant is qualified and may forthwith be recommended for employment or volunteer duties.

The hiring authority, 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 Department of Criminal Justice Information Services (DCJIS) the Superintendent will closely compare the record provided by DCJIS 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 notify the candidate that as a condition of employment or volunteer service the school district is required by law to obtain Criminal Offender Record 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 prior to the periodic obtaining of their Criminal Offender Record Information.

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.

The Superintendent shall review contracts with special education schools and other providers to make sure that the provider has met all the legal requirements of the state where it is located relative to Monomoy Regional School District criminal background checks for employees and others having direct and unmonitored contact with children.

As soon as possible after the district obtains the certification from the criminal history systems board to receive C.O.R.I. data, the Superintendent shall obtain data for any person then providing volunteer service, as a condition of continued service.

## XII. Department of Children and Family (DCF) Requirements

It shall be the policy of the Monomoy Regional School District to obtain all available information from the DCF Central Registry of current and 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.

All current and prospective employees, 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 of the Monomoy Regional School District will be required to consent through an additional check of the current MA Department of Children and Families database of supported findings of abuse or neglect. To facilitate this process, all employees, current and

prospective, must consent to this check through completion of the Department Central Registry Record Requests

The DCF background checks are a critical part of maintaining a safe educational environment by ensuring that everyone who works with children has been thoroughly vetted. The district will re-run the Department Central Registry Record Request every three years.

Addressing sexual abuse of minors is a critical issue that requires clear policies to protect children. The district will review all allegations. The district considers an upheld, finding of sexual abuse to be conduct unbecoming and just cause for termination. The district may choose to delay employment action due to the appeals process. **Ant disciplinary action shall be in accordance with applicable collective bargaining agreements and/or applicable laws.**

Per this policy, MRSD reserves the exclusive right to make adverse employment decisions as a result of a Supported Finding from DCF regarding abuse of a minor (physical or sexual). Unsupported findings or findings that have been overturned through standard DCF appeal processes included but not limited to Fair Hearings and/or subsequent appeals through the Court system will not result in adverse employment decisions. Supported findings of neglect will not be used to make adverse employment decisions. This does not limit the District's ability to make adverse employment decisions in cases where this fact pattern exists but where other evidence is sufficient to make an adverse employment decision.

Factors influencing whether an adverse employment decision may be made may include, but are not limited to:

- the type of finding;
- the nature of the finding;
- whether the finding was accompanied by criminal charges;
- the date of the offense;
- whether the individual has had subsequent other supported findings

The District will consider unique factors such as the school environment, the student population, health and safety needs, and other relevant district policies and procedures when making decisions based on the Department Central Registry Record Request.

- If the district is inclined to make an adverse decision based on the results of the Central Registry Record Request, the applicant will be notified. The applicant shall be provided with a copy of the Supported Report(s), a copy of this policy, advised of the part(s) of the report(s) that make the individual unsuitable for the position or license, and given an opportunity to dispute the accuracy and relevance of the report(s) with appropriate union representation.

### XIII. Sex Offender Registry Board

It shall be the policy of the Monomoy Regional School District to obtain all available information from the Sex Offender Registry Board of current and 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.

All current and prospective employees, 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 of the Monomoy Regional School District will be required to consent through an additional check of the current Sex Offender Registry Board of a published offender. To facilitate this process, all employees, current and prospective, must consent to this check through completion of the CORI Form.

Pursuant to M.G.L. c. 6, § 178K(1), the Board is required to publish guidelines for determining each sex offender's level of risk of reoffense and degree of dangerousness posed to the public, or for relief from the obligation of registration. Pursuant to M.G.L. c. 6, § 178K(1) and (2), these guidelines shall provide for three levels of notification based on a sex offender's risk of reoffense and degree of dangerousness. The offender's final classification level determines the amount of information that can be disseminated about him or her to the public through the notification procedures, pursuant to M.G.L. c. 6, §§ 178C through 178Q.

#### Legal references:

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 1.00 & 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](#)

Adopted by the Monomoy Regional School Committee October 8, 2014

Revised:2/28/2025