

Per M.G.L. c. 71, Sect. 38R, Westford Public Schools will obtain all available Criminal Offender Record Information (CORI) from the Criminal History Systems Board (CHSB) prior to hiring employees or engaging volunteers and subcontractors who may have direct and unmonitored contact with children. No volunteer will be allowed to have unmonitored contact with children prior to a CORI check. The Westford Public Schools shall ensure that a CORI check is obtained on each employee and volunteer periodically, but not less often than every three years.

CORI Access Certification: Westford Public Schools will maintain, by annual renewal, its CORI Access Certification with the CHSB. This certification allows Westford Public Schools to review criminal records of candidates under consideration for employment or volunteer service individuals regularly providing school transportation for children in the district, and current employees, volunteers and drivers. The district's Certification enables specific designated individuals to review and process CORI. These individuals must sign an Individual Agreement of Non-Disclosure (AOND) and be listed in the district's Certification Application. The Superintendent, or his/her designee, will complete and submit the certification application.

Independent Entities: The Westford Public Schools will require independent entities, such as out-of-district special education schools or programs, or other entities or organizations which are primarily engaged in providing activities or programs to Westford Public School students, to adhere to the Massachusetts CORI standard.

Direct and Unmonitored Contact with Children Definition - According to the Department of Education definition, direct and unmonitored contact with children means contact with a child when no other CORI 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.

Disqualification – Unless otherwise provided by law, a criminal record will not automatically disqualify an applicant. However, the existence of a criminal record demands a high level of scrutiny of such a person if he/she seeks a new or continuing position in the Westford Public Schools. As determined by the Superintendent or designee, no applicant will be hired, current employee retained, volunteer accepted or retained, or individual permitted to provide school transportation for students, who has a criminal record containing information which, in the judgment of the Superintendent or designee, demonstrates a potential risk to students or otherwise compromises the ability of the individual to perform the duties of the position applied for or currently occupied by the individual.

In reviewing the criminal record of an individual to determine whether to use discretion to disqualify the individual, the Superintendent may request that the individual submit additional information, including a letter from the individual's probation or parole office. The Superintendent may also contact police, courts, or prosecuting attorneys for additional information relevant to assessing the review standards described above. The Superintendent shall consider relevant factors such as 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 he/she deems relevant.

Procedure:

1. All individuals subject to this policy shall sign a CORI request form authorizing the Westford Public Schools to receive all available CORI from the Massachusetts CHSB.

2. Applicants for employment and prospective volunteers will be required to sign a CORI Request Form only if it has been determined that the individual is qualified to perform such employment or volunteer duties, and would be recommended for such position, contingent upon satisfactory CORI review under this policy. Failure of an applicant for employment, or prospective or current volunteer, to sign a Request Form will disqualify the individual from employment or volunteering in the Westford Public Schools.

Applicants who have not resided in Massachusetts for the previous seven years will be required to provide a list of prior residences and CORI checks will be required for each state where the applicant resided during this period. The applicant will bear the cost of the CORI checks.

The Superintendent shall ensure employment applications include questions concerning criminal records which the Massachusetts Commission against Discrimination has determined may be legally asked of prospective employees. Any employment application form 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' in response to an inquiry herein relative to prior arrests, criminal court appearances or convictions contained in the sealed file. In addition, any applicant for employment may answer 'no record' in response to any inquiry relative to prior arrests, court appearances and adjudications in all instances where such actions pertain to (1) cases of delinquency, or (2) a child in need of service which did not result in a complaint transferred to the superior court for criminal prosecution."

3. Current employees will be required to sign a request form for all initial and for each subsequent CORI review required by law and this policy. Refusal to sign the CORI request may result in discipline or other action consistent with any procedures of Massachusetts law and any relevant collective bargaining agreement. Any action under this policy, which affects the employment status of a current employee, will be taken consistent with any procedures required by Massachusetts law or relevant collective bargaining agreements.

4. Nothing in this policy prohibits an applicant or current employee, or prospective or current volunteer from meeting with the Superintendent or designee regarding the requirements of this policy. However, failure to sign the CORI request form may result in a referral to local counsel for appropriate action.

5. All documents related to implementation of this policy shall be held secure in accordance with the 'Security of Records' section below,

6. The Superintendent or designee shall assure that all applicants, current employees, and prospective and current volunteers are notified of the requirement that the Westford Public Schools obtain CORI information as set forth in this policy, both for initial CORI reviews, and for all subsequent reviews required by law and this policy.

7. The Superintendent or designee shall assure that all inquiries regarding an individual's criminal record complies with the guidelines issued by the Massachusetts Commission Against Discrimination regarding the permissible scope of inquiry into such matters. If a criminal record is received from the CHSB, the Superintendent will closely compare the record provided by CHSB with the information on the CORI request form and any other identifying information provided by the applicant, to ensure the record relates to the applicant.

8. All individuals covered by this Policy shall have the right to review their CORI information file in the Westford Public Schools.

9. If the district is inclined to make an adverse decision based on the results of the CORI check, the applicant will be notified immediately. The applicant shall be provided with a copy of the criminal record and the district's CORI 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 CORI record in writing to the Superintendent of schools. In cases where the accuracy of the CORI record is in question the review will be stayed for a brief time while the applicant or employee/driver/volunteer contacts the CHSB to correct any alleged error.

Security of Records

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. Information retained shall include all documents related to implementation of this policy, including but not limited to request forms and other CORI material. CORI 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. This policy specifically prohibits any other release of information obtained under this policy for any purpose other than to protect children or to implement or enforce the provisions of this policy. Access to CORI material shall be restricted to those individuals certified to receive such information.

References

- Department of Education CORI law advisory, dated May 7, 2007
- Department of Education CORI Law Advisory dated February 17, 2003
- Legal References: M.G.L. c. 71, Sect. 38R, c. 6, Sect. 172G, Sect. 172H, 172I (St.2002, c. 151B, c.276; c.385)
- CAD Regulations; Massachusetts Department of Education Advisory, February. 17, 2003.

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