



SPRINGFIELD PUBLIC SCHOOLS
CORI AND NATIONAL CRIMINAL HISTORY CHECK POLICY

The Springfield School Committee has adopted the following Criminal Offender Record Information (“CORI”) and National Criminal History Check Policy in accordance with the regulations of the Department of Criminal Justice Information Services (“DCJIS”) and Department of Elementary and Secondary Education (“DESE”).

A. Individuals Subject to CORI Checks and National Criminal History Checks for Suitability Determinations

1. Springfield Public Schools (“SPS”) shall obtain all available CORI from DCJIS for the purpose of determining the suitability of individuals in the following categories:

- a. prospective employees, substitute employees or volunteers of SPS, who may have direct and unmonitored contact with children;
- b. employees or volunteers of educational or internship programs, including student teachers and interns, who provides services to SPS and who may have direct and unmonitored contact with children during the term of their employment, volunteer or other service;
- c. unless the Springfield School Committee delegates by written agreement, individuals who regularly provide school related transportation to children; and
- d. subcontractors or laborers who have been commissioned by SPS to perform work on SPS school grounds and who may have direct and unmonitored contact with children.

2. At a cost to the individual applicant, SPS shall obtain and review the results of a national criminal history check for the purpose of determining the suitability of individuals in the following categories:

- a. prospective employees, including substitute employees, of SPS who may have direct and unmonitored contact with children;

- b. employees or volunteers of educational or internship programs, including student teachers and interns, who provide services to SPS and who may have direct and unmonitored contact with children during the term of their employment, volunteer and other service;
- c. individuals who regularly provide school related transportation to children; and
- d. subcontractors or laborers who have been commissioned by SPS to perform work on SPS school grounds and who may have direct and unmonitored contact with children.

3. Direct and unmonitored contact with children means contact with students (defined as any contact with a student that provides the individual with opportunity for physical touch or personal communication) when no other employee, for whom SPS has made a suitability determination pursuant to this policy is present. The determination of whether there is potential for direct and unmonitored contact with children is made by assessing the circumstances and specific factors including but not limited to, whether the individual will be working in proximity with students, the amount of time the individual will spend on school grounds, and whether the individual will be working independently or with others. Additional factors may include the likelihood of direct and unmonitored contact, the duration of potential contact, and the ability of SPS to limit potential for unmonitored contact. If the individual has only the potential for incidental unsupervised contact in commonly used areas of the school grounds, the individual shall not be considered to have the potential for direct and unmonitored contact with children.

4. The Superintendent, Principal, or their designees shall notify any subcontractors or laborers who perform work on school grounds of the requirement to obtain and review all available CORI from DCJIS for individuals who may have direct and unmonitored contact with children.

5. In the case of the Superintendent or any other individual directly hired by the School Committee, the Chair of the School Committee shall review the results of the CORI report and national criminal history check.

B. SPS's Procedure for Applicants for Employment or Service

1. CORI checks and national criminal history checks will only be conducted as authorized by DCJIS and DESE, respectively and consistent with federal and state laws. If an applicant or employee is required to submit to a fingerprint based national criminal history check, SPS shall inform the individual of the requirements, how to comply with the law, and how to register for a fingerprint appointment. All applicants subject to a CORI check and/or a national criminal history check will have their CORI and criminal history record information ("CHRI") reviewed for determination on whether they are suitable for employment or service with SPS. If requested, the applicant will be provided with a copy of this policy.

2. All applicants subject to CORI checks and/or national criminal history checks must sign a consent form authorizing receipt by SPS of all available CORI data from the DCJIS and all available CHRI. The consent form shall satisfy the requirements of the policies of the FBI's Criminal Information System ("CJIS") and DCJIS. Completed consent forms must be kept in secure and locked files. CORI checks and and/or national criminal history checks shall only be conducted after consent forms have been signed by applicants and after SPS has made a decision to make a conditional offer of employment or service to an individual.

3. For applicants who have been given a conditional offer of employment or service, the authorized SPS employee shall obtain and review the applicant's CORI report and determine whether the CORI report precludes employment or service. If no criminal record is contained in the CORI report and no national criminal history check is required, the applicant will be processed to start service.

4. If information regarding a criminal record is received from DCJIS, the authorized SPS employee will closely compare the record with the information on the consent form and any other identifying information provided by the applicant to ensure the record relates to the applicant. If SPS reasonably believes that the CORI report belongs to the applicant and is accurate, then the determination of suitability for the position will be made. Unless otherwise provided by law, factors considered in determining suitability may include, but not be limited to the following:

- a. relevance of the crime to the position sought;
- b. the nature of the work to be performed;
- c. time since the conviction;
- d. age of the applicant at the time of the offense;
- e. seriousness and specific circumstances of the offense;
- f. the number of offenses;
- g. whether the applicant has pending charges;
- h. any relevant evidence of rehabilitation or lack thereof; and
- i. any other relevant information, including information submitted by the candidate or requested by SPS.

5. Unless otherwise provided by law, a criminal record will not automatically disqualify an applicant. Rather, determinations of suitability based on CORI checks or the national criminal history checks will be made consistent with this policy and any applicable law or regulations.

6. If the CORI report does not preclude employment or service and the applicant is subject to a national criminal history check suitability determination, the applicant will be required to submit his or her fingerprints for a national criminal history check, unless SPS will rely on another school district's favorable suitability determination pursuant to Section F, below. The applicant is responsible for the cost of obtaining a national criminal history check. The applicant will be required to submit his or her fingerprints for a national criminal history check at the time the applicant signs the consent forms.

7. If no information regarding a criminal record is received as a result of the national criminal history check, the applicant will be processed to start work or service.

8. If information regarding a criminal record is received from the results of the national criminal background check, the authorized SPS employee will closely compare the record with the information on the consent form and any other identifying information provided by the applicant to ensure the record relates to the applicant. If SPS reasonably believes that the CHRI belongs to the applicant and is accurate, then the determination of suitability for the position will be made using the factors contained in paragraph 4, above.

9. Before asking any questions regarding an applicant's criminal history and before taking adverse action based on the applicant's CORI report or the national criminal history check, SPS shall:

- a. notify the applicant immediately in person, by telephone, fax, or electronic or hard copy correspondence of the potential determination of suitability for employment or service;
- b. provide to the applicant in confidential and secure manner a copy of the applicant's CORI's and/or CHRI;
- c. provide a copy of this policy to the applicant;
- d. identify the information in the applicant's CORI report or CHRI that is the basis of the potential determination of suitability for employment or service;
- e. provide the applicant with the opportunity to dispute the accuracy of the information in the CORI report or the CHRI;
- f. provide the applicant with a copy of the DCJIS information and FBI information regarding the process for correcting a CORI or a CHRI; and
- g. document all steps taken to comply with this policy.

10. Individuals will be afforded a reasonable time depending on the particular circumstances to correct a CORI or CHRI. SPS will notify the applicant of the final decision regarding employment or service in a timely manner.

11. SPS shall document its review of an applicant's CORI and/or CHRI ("Suitability Determination"). The documentation is limited to the name and date of birth of the individual, the date on which SPS received the CORI and/or CHRI and the suitability determination by stating either "Suitable" or "Unsuitable."

12. Except as provided in paragraph 13, below, no prospective employee or volunteer can start work or service at SPS until SPS receives a satisfactory CORI report from DCJIS and/or satisfactory CHRI from the criminal history background check.

13. In exigent circumstances and with the Superintendent's approval, SPS may hire an employee conditionally for whom a national criminal history check is required, without first receiving the results of a national criminal history check. The exigent circumstances for such a conditional hire are when SPS seeks to hire an individual for whom a national criminal history check has been requested but SPS is unlikely to receive the results before the individual's employment will begin. In order to hire such a conditional employee, SPS:

- a. shall obtain and review the result of a CORI check;
- b. shall require the individual to submit fingerprints for a national criminal history check;
- c. may, until SPS makes a suitability determination based on the results of a national criminal history check or documentation of a previous suitability determination is received, require an individual to provide information regarding the individual's history or criminal convictions; however, the individual cannot be asked to provide information about juvenile adjudications or sealed convictions; and
- d. shall make a suitability determination after the results of the national criminal history check become available.

C. SPS's Procedure for Current Employees, Volunteers or Other Individuals

1. SPS shall periodically, but not less than every three (3) years, obtain all available CORI from DCJIS of individual in the following categories:

- a. employees, substitute employees or volunteers of SPS who may have direct and unmonitored contact with children;
- b. employees or volunteers of educational or internship programs, including student teachers and interns, who provide services to SPS and who may have direct and unmonitored contact with children during their term of employment, volunteer or other service; and

- c. unless the Springfield School Committee delegates by written agreement, individuals who regularly provide school related transportation to children.

2. Before the start of the 2016-2017 school year and in accordance with a schedule established by DESE, SPS shall obtain and review national criminal history checks of all individuals in the following categories:

- a. current employees, including substitute employees, of SPS who may have direct and unmonitored contact with children;
- b. current employees or volunteers of educational or internship programs, including student teachers and interns, who provide services to SPS and who may have direct and unmonitored contact with children during the term of their employment, volunteer and other service;
- c. individuals who currently and regularly provide school related transportation to children;
- d. current subcontractors or laborers who have been commissioned by SPS to perform work on SPS school grounds and who may have direct and unmonitored contact with children.

The individual will be responsible for the cost of obtaining a national criminal history check.

3. All current SPS employees and volunteers and other individuals who are subject to the periodic CORI checks and national criminal history checks must sign a consent form authorizing receipt by SPS of all available CORI data from the DCJIS and all available CHRI. The consent form shall satisfy the requirements of the policies of the FBI's Criminal Information System ("CJIS") and DCJIS. In the event that an individual has questions concerning the signing of the consent form, he/she may meet with the Principal or Superintendent or their designee; however failure to sign the consent form may result in SPS taking appropriate action. Completed consent forms must be kept in secure and locked files. CORI checks and and/or national criminal history checks shall only be conducted after consent forms have been signed by the individual.

4. If information regarding a criminal record is received from DCJIS or as a result of the national criminal background check, the authorized SPS employee will closely compare the record with the information on the consent form and any other identifying information provided by the SPS employee or individual to ensure the record relates to the individual.

5. If SPS reasonably believes that the CORI report or CHRI belongs to the individual and is accurate, then the determination of continued suitability for the position will be made. Unless otherwise provided by law, factors considered in determining suitability may include, but not be limited to the following:

- a. relevance of the crime to the position sought;
- b. the nature of the work to be performed;
- c. time since the conviction;
- d. age of the individual at the time of the offense;
- e. seriousness and specific circumstances of the offense;
- f. the number of offenses;
- g. whether the individual has pending charges;
- h. any relevant evidence of rehabilitation or lack thereof; and
- i. any other relevant information, including information submitted by the individual or requested by SPS.

6. Unless otherwise provided by law, a criminal record will not automatically disqualify an individual from employment or service. Rather, determinations of continued suitability based on CORI checks or the national criminal history checks will be made consistent with this policy and any applicable law or regulations.

7. Before asking any questions regarding an individual's criminal history and before taking adverse action based on the individual's CORI report or the national criminal history check, SPS shall:

- a. notify the individual immediately in person, by telephone, fax, or electronic or hard copy correspondence of the potential determination of suitability for employment or service;
- b. provide to the individual in a confidential and secure manner a copy of the individual's CORI's and/or CHRI;
- c. provide a copy of this policy to the individual;
- d. identify the information in the individual's CORI report or CHRI that is the basis of the potential determination of suitability for employment or service;
- e. provide the individual with the opportunity to dispute the accuracy of the information in the CORI report or the CHRI;
- f. provide the individual with a copy of the DCJIS information and FBI

information regarding the process for correcting a CORI or a CHRI; and

g. document all steps taken to comply with this policy.

8. Individuals will be afforded a reasonable time depending on the particular circumstances to correct a CORI or CHRI. SPS will notify the individual of the final decision regarding continued employment or service in a timely manner.

9. SPS shall document an individual's Suitability Determination, which shall be limited to the name and date of birth of the individual, the date on which SPS received the CORI and/or CHRI, and the suitability determination by stating "Suitable" or "Unsuitable."

D. Access and Dissemination of CORI and CHRI.

1. Access to CORI and CHRI shall be restricted to SPS employees approved to access such information and trained to review CORI and CHRI. In the case of prospective employees or volunteers, CORI reports and CHRI should be obtained only where SPS has determined that the applicant is otherwise qualified for the position for which they have applied and the decision to make a conditional offer of employment or service has been made.

2. CORI and CHRI may only be disseminated to the subject of the CORI or the CHRI and to DESE, if reporting to the Commissioner is required under Section H, below. Any dissemination of CORI outside of SPS shall be recorded in a secondary dissemination log maintained by SPS. The secondary dissemination log must include the subject's name and date of birth, the date and time of dissemination, the name of the person to whom CORI or CHRI was disseminated along with the name of the organization for which the person works and the specific reason for dissemination. The secondary dissemination log shall be maintained for at least one year. Except as set forth above, CORI and CHRI cannot be shared with any unauthorized entity for any purpose, including subsequent hiring determinations.

3. SPS is subject to audit by DCJIS and the FBI. Failure to comply with applicable rules and regulations may subject SPS to sanctions.

E. Confidentiality, Storage and Destruction

1. CORI reports and CHRI are confidential and not subject to disclosure under the public records law.

2. When employment or service decisions are pending, SPS shall store CORI reports and/or CHRI in a secure and locked location, separate from personnel files within SPS's Human Resources Department. Electronically stored CORI and CHRI shall be password protected and encrypted.

3. Once SPS has documented the Suitability Determination and any reporting obligations are complete, SPS shall destroy the CORI reports and/or CHRI consistent with

DCJIS regulations. All paper copies of CORI reports and CHRI shall be shredded. All electronic copies of CORI reports and CHRI shall be deleted from the hard drive on which they are stored. The executed consent form shall be retained for a minimum of one (1) year. If the individual is employed by SPS, the executed consent form shall be retained in the individuals' personnel file.

4. SPS shall comply with the policies of CJIS and DCJIS pertaining to the use, storage, dissemination, and destruction of CORI and CHRI.

F. Retention of SPS's Suitability Determination

1. SPS shall retain the Suitability Determination during the individual's employment or service or seven (7) years, whichever is longer.

2. SPS shall provide a copy of an individual's Suitability Determination to another school district or to the individual, upon request of the individual for whom SPS conducted a suitability determination.

G. Reliance on Another School District's Previous Favorable Suitability Determination

1. SPS may obtain and may rely on another school district's previous favorable suitability determination if the following criteria are met:

- a. The suitability determination was made within the last seven (7) years;
- b. The individual has not resided outside Massachusetts for any period longer than three (3) years since the suitability determination was made; and
- c. The individual has worked continuously for one or more school employers or has gaps totaling no more than two (2) years in his or her employment for school employers.

2. SPS shall retain a copy of the documentation received from the school district that made the relied-upon suitability determination and the documentation that the individual met the criteria in paragraph 1, above in this Section.

3. If SPS chooses to perform a new national criminal history check on an individual rather than rely on a previous school employer's favorable suitability determination, SPS shall bear the cost of the national criminal history check.

H. Report to Commissioner

If SPS 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 CORI or national criminal history check, SPS shall report such decision or action to the Commissioner of DESE in writing within thirty

(30) days of SPS's action or educator's resignation.

If SPS discovers information from a national criminal history check about a licensed educator or an applicant for a Massachusetts educator license that implicates grounds for license action pursuant to 603CMR 7.15(8)(a), SPS shall report to the Commissioner of DESE in writing within thirty (30) days of discovery, regardless of whether SPS retains or hires the educator as an employee.

APPROVAL DATE: September 26, 2019

APPROVED BY: SCHOOL COMMITTEE

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