

**Cambridge Public Schools
Criminal Offender Record Information and Sexual Offender
Registry Information Procedures and Guidelines**

I. Categories of Persons For Whom CORI/SORI May Be Obtained

Through the Superintendent and the Superintendent's certified designee (Chief Talent Officer and designated staff in the Office of Human Resources), the Cambridge Public Schools shall periodically, and at least every three (3) years, obtain all available Criminal Offender Record Information ("CORI") from the Criminal History Systems Board ("CHSB") and Sexual Offender Registry Information ("SORI") from the Sex Offender Registry Board ("SORB") on all current and prospective school department employees; contracted service delivery providers; individuals who regularly provide school related transportation to children, including taxicab company employees contracted with the schools to provide transportation of students, and any subcontractor, laborer or vendor who performs work on school grounds, and who may have direct and unmonitored contact with children. Additionally, through the Superintendent's certified designee, the Cambridge Public Schools also shall periodically, and at least every three (3) years obtain all available CORI from the CHSB and SORI from the SORB on all school volunteers who may have direct and unmonitored contact with children.

"Direct and unmonitored contact with children" is defined, in accordance with the provisions of a Massachusetts Department of Education CORI Law Advisory dated February 17, 2003, as meaning "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." This means that parents/guardians/caregivers may volunteer in the classroom of their child(ren) without being CORI/SORI cleared so long as a CORI/SORI cleared employee of the school or school department, such as the classroom teacher or assistant principal or principal, is always present. Nothing in this policy should be construed as preventing any parent/guardian/caregiver who fails to be CORI/SORI cleared from communicating with school staff, in a manner that is deemed appropriate by the Cambridge Public Schools, regarding educational issues pertaining to their own child(ren).

II. Process for Obtaining CORI/SORI Data

As state law requires that it is a condition of employment or volunteer service in the Cambridge Public Schools to obtain CORI/SORI on any current or prospective employee, contracted service provider, individual who regularly provides school related transportation, or volunteer who may have direct and unmonitored contact with children, the Cambridge Public Schools will notify all current and prospective school department employees; contracted service delivery providers; individuals who regularly provide school related transportation to children, including taxicab company employees contracted with the schools to provide transportation of students, and any subcontractor, laborer or vendor who performs work on school grounds, and who may have direct and unmonitored contact with children of this periodic requirement. The Cambridge Public

Schools expects appropriate school personnel to review contracts and subcontracts to determine whether procedures can be put in place to ensure that contractors, subcontractors, laborers or vendors who perform work on school grounds will have only the potential for incidental unsupervised contact with children in commonly used areas of the school grounds or whether there is a potential for direct and unmonitored contact with children which necessitates CORI/SORI checks to be performed.

Such notification will be made by the Superintendent's certified designee prior to a CORI/SORI check being conducted on any individual and will inform the individual of the need to comply with the appropriate provisions of these procedures and guidelines. Additionally, at the start of each school year, Cambridge Public School principals will notify parents/guardians/caregivers and other school volunteers of this periodic requirement prior to a CORI/SORI check being conducted and the need to comply with the appropriate provisions of these procedures and guidelines.

In accordance with state law, all current and prospective employee(s), contracted service providers, volunteer(s) and persons regularly providing school related transportation to children attending the Cambridge Public Schools shall sign a CORI Request Form, which shall be maintained by the Office of Human Resources, authorizing receipt by the Cambridge Public Schools of all available CORI data from the CHSB, and shall sign a SORI Request form, which shall be maintained by the Office of Human Resources authorizing receipt by the Cambridge Public Schools of SORI information in accordance with the procedures and requirements established by the SORB. In the event that an individual has questions concerning the signing of the CORI/SORI Request Forms, they may meet with the Chief Talent Officer and/or designee.

In the case of a current or prospective employee, contracted service provider or person regularly providing school related transportation to children attending the Cambridge Public Schools, if the concerns are not resolved and the individual fails to sign the CORI/SORI Request Forms the school department may take appropriate action, which may include disciplinary action up to and including termination of employment or termination of the contractual relationship. In the case of a volunteer, if the concerns are not resolved and the individual fails to sign the CORI/SORI Request Forms, the school department will prohibit the individual from serving as a volunteer in the Cambridge Public Schools.

In the case of a current or prospective employee, CORI/SORI Request Forms will be secured by the Office of Human Resources. In the case of contracted service providers or persons regularly providing school related transportation to children attending the Cambridge Public Schools, CORI/SORI Request Forms will be secured as part of the contracting process and forwarded to the Chief Talent Officer. In the case of volunteers, CORI/SORI Request Forms will be secured by principals or coordinators and forwarded to the Chief Talent Officer in the Office of Human Resources. The Chief Talent Officer will submit signed CORI Request Forms to the Criminal Offender Record Information Board. Upon receipt of the CORI report from the Criminal Offender Record Information Board, the Chief Talent Officer will review the report in accordance with the factors set forth below in Section III and will, as necessary, notify the Superintendent and/or Legal Counsel, as the Superintendent's other certified designee of the results of the review. In the case of a current or prospective employee, contracted service provider or person regularly providing school related transportation to children attending the Cambridge Public Schools, the Chief Talent Officer may, as necessary, notify the Superintendent

and/or certified designees that the CORI report is not satisfactory. The Chief Talent Officer will submit signed SORI Request Forms in accordance with the procedures established by the SORB. Upon receipt of the SORI report, the Chief Talent Officer will review the report in accordance with the factors set forth below in Section III and will, as necessary, notify the Superintendent and/or Legal Counsel, as the Superintendent's other certified designee of the results of the review. In the case of a current or prospective employee, contracted service provider or person regularly providing school related transportation to children attending the Cambridge Public Schools, the Chief Talent Officer may, as necessary, notify the Superintendent and/or certified designees that the SORI report is not satisfactory. Upon receipt of such notification, the school department may then take appropriate action, which may include disciplinary action up to and including termination of employment or termination of the contractual relationship. In the case of a volunteer, the Chief Talent Officer would notify the appropriate school principal that the CORI/SORI reports are not satisfactory. Upon receipt of such notification, the school department may then take appropriate action, including prohibiting the individual from serving as a volunteer in the Cambridge Public Schools.

All reports from the Criminal Offender Record Information Board and SORB will be maintained in the Office of Human Resources and CORI/SORI information will not be disseminated except for the purpose of furthering the protection of students attending the Cambridge Public Schools.

III. Factors Considered When Reviewing CORI /SORI Data

The Cambridge Public Schools, subject to applicable law and applicable collective bargaining agreements, reserves the exclusive right concerning all employment decisions or volunteer service decisions made pursuant to Chapter 385 of the Acts of 2002 and may consider any of the following factors when reviewing CORI/SORI data: (i) relevance of the crime to the position sought; (ii) the nature of the work to be performed, (iii) the type and nature of the offense, (iv) type of sentence, (v) age of the candidate at the time of the offense, (vi) whether the individual successfully completed probation, (vii) any relevant evidence of rehabilitation or lack thereof; (viii) the date of the offense, (ix) the number of offenses (x) whether the individual was subsequently arrested, and (xi) whether the individual has pending charges as well as any other factors that the Cambridge Public Schools deems relevant.

IV. Notice Prior to Adverse Determination

If, in receiving a CORI/SORI report, the Cambridge Public Schools receives information that it is not authorized to receive, the Cambridge Public Schools will inform the applicant, provide the applicant with a copy of the report so that the applicant may pursue correction with the DCJIS and/or SORB.

Prior to any questioning of the applicant about their criminal history, the Cambridge Public Schools will provide the applicant with a copy of the criminal record and this policy. If the Cambridge Public Schools is planning to make an adverse decision based on the results of a CORI check, the applicant will be notified immediately, provided with a copy of the criminal history information, advised of the part(s) of the report that makes the individual unsuitable for the position or to volunteer and the source of the criminal history information, given an opportunity to dispute the accuracy and relevance of the CORI/SORI report, and provided with

a copy of DCJIS information concerning the process for correcting the criminal history information so that the applicant may pursue correction with the DCJIS and/or the SORB. The Cambridge Public Schools will document in writing that all of these steps have been taken.

If the CORI/SORI record provided does not exactly match the identification information provided by the applicant, the Cambridge Public Schools will make a determination based on a comparison of the CORI/SORI record and documents provided by the applicant. The Cambridge Public Schools may contact DCJIS and request a detailed search consistent with DCJIS policy and procedures. If the Cambridge Public Schools reasonably believes the record belongs to an applicant and is accurate, then the determination of suitability for the position will be made.

V. Review and Appeal Process

If an individual wishes to challenge the school department's determination made pursuant to Chapter 385 of the Acts of 2002, they may request a review of the determination with respect to the CORI/SORI check by sending a letter to the Chief Talent Officer within five (5) days of receipt of the determination requesting a review and stating the reasons why the determination with respect to the CORI/SORI check should be reversed. The Chief Talent Officer will respond in writing to the letter with the findings of the review within five (5) days.

In the case of a volunteer who wishes to appeal the Chief Talent Officer's determination, they may appeal the determination with respect to the CORI/SORI check by sending a letter to the Office of the Superintendent or designee within three (3) days of receipt of the determination by the Chief Talent Officer requesting an appeal and stating the reasons why the appeal with respect to the CORI/SORI check should be granted. The Superintendent or designee will respond in writing to the letter with the finding of the review within five (5) days. This determination shall be final.

In the case of a current or prospective employee, contracted service provider or person regularly providing school related transportation to children attending the Cambridge Public Schools who wishes to appeal the Chief Talent Officer's determination, they may appeal the determination with respect to the CORI/SORI check by sending a letter to the Office of Superintendent or designee within three (3) days of receipt of the determination by the Chief Talent Officer requesting an appeal and stating the reasons why the appeal with respect to the CORI/SORI check should be granted. The Superintendent or designee will respond in writing to the letter with the finding of the review within five (5) days. The determination shall be final.

If any individual seeks to request a review or an appeal of a determination with respect to a CORI/SORI check on the grounds of the accuracy of the CORI/SORI report, the individual must follow the procedures set forth below in Section VI. During the pendency of any challenge to the accuracy of a CORI/SORI report by an employee, contracted service provider, school transportation provider or other individual, the school department may take appropriate administrative action. During the pendency of any challenge to the accuracy of a CORI/SORI report, the volunteer will not be allowed to engage in any volunteer duties.

If an individual prevails in a challenge to the accuracy of a CORI/SORI report, then they may submit documentation to the Chief Talent Officer evidencing the success of their challenge to the accuracy of the CORI/SORI report, sign a new CORI/SORI Request Form, and request

that a new CORI/SORI check be conducted.

VI. Procedures for Individual Challenging Accuracy of CORI/SORI Report

If an individual wishes to challenge the accuracy of a CORI/SORI Report, they may do so by filing the appropriate paperwork to initiate a challenge with the Criminal History Systems Board. As detailed above in section three of these procedures and guidelines, the Cambridge Public Schools, subject to applicable law and applicable collective bargaining agreements, reserves the exclusive right concerning any employment decisions or volunteer service decisions made pursuant to Chapter 385 of the Acts of 2002. In making such employment or volunteer decisions it will take into account when reviewing CORI/SORI data the success or failure of any challenge to the accuracy of CORI/SORI Reports as well as any other factors that the Cambridge Public Schools deems relevant.

If the individual who is filing the challenge is a current employee, contracted service provider, school transportation provider or other individual who may have direct and unmonitored contact with children of the Cambridge Public Schools, the individual should provide written notification to the Chief Talent Officer that a challenge to the accuracy of the CORI/SORI Reports has been filed. Written notification must be provided within five (5) business days of the filing of the challenge. During the pendency of any challenge to the accuracy of CORI/SORI reports, the school department may take appropriate administrative action.

If the individual who is filing the challenge is a volunteer, the individual should provide written notification to the Chief Talent Officer that a challenge to the accuracy of the CORI/SORI Reports has been filed. Written notification must be provided within five (5) business days of the filing of the challenge. During the pendency of any challenge to the accuracy of a CORI/SORI report, the volunteer will not be allowed to engage in any volunteer duties.

VII. Prohibition Against Unauthorized Dissemination of CORI/SORI Data

In accordance with state law, the dissemination of CORI/SORI information for any purpose other than to further the protection of students attending the Cambridge Public Schools is strictly prohibited. In the event of any unauthorized dissemination of CORI /SORI data, the school department will take appropriate action, which may include disciplinary action up to and including termination of employment.

Policy References: ADDA, GCFE

Legal References: M.G.L.c. 6, §§168-178P; c. 71, §38R; 803 C.M.R. 1.00; 42 U.S.C. § 16962

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