

## CRIMINAL RECORD INFORMATION PROCEDURES

### A DEFINITIONS

1. Direct and Unmonitored Contact With Children

As determined by the Massachusetts Department of Education, for purposes of implementation of this Policy, "direct and unmonitored contact with children" means contact with a child when no other CORI cleared employee of the school or district is present. "Contact" refers to any contact with a student that provides the individual with the opportunity for physical touch or personal communication. FPS will determine when there is a potential for direct and unmonitored contact with children 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. 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 used and separated by sight or sound from other staff) that are accessible to students."

2. Applicants for employment

An applicant for employment is defined as any person under consideration for hire as an employee to provide services to students where the position has the potential for direct and unmonitored contact with students. The Superintendent or their designee shall determine whether the position for which application is made involves direct and unmonitored contact with children.

3. Current Employee

A current employee is a person who is currently employed by the FPS in any position which may involve direct and unmonitored contact with children. The Superintendent or their designee shall determine whether the employee's position involves direct and unmonitored contact with children.

4. Volunteer

A volunteer is defined as any person who works in an unpaid capacity for the FPS or a related entity such as the Franklin PCC or Lifelong Learning program and may have direct and unmonitored contact with children. The Superintendent or their designee shall determine whether a particular category of volunteer activity entails direct and unmonitored contact with children.

5. Taxicab Drivers

Taxi drivers are individuals employed by vendors who provide special education transportation to FPS special education students. All taxi companies contracting with FPS must provide FPS with the names of drivers who will be transporting FPS students in order for FPS to request CORI.

6. Subcontractors and laborers

Subcontractors and laborers are individuals performing work on school premises who are not employees of FPS and who may have direct and unmonitored contact with children in the course of their job performance, including school bus or van drivers employed by a transportation company under contract with the District to provide transportation services to students.

### B. DISQUALIFICATION

The existence of a criminal record creates a high level of scrutiny of an applicant for or continued service in a position in the FPS. As determined by the Superintendent or their designee, no applicant will be hired or current employee retained, or volunteer accepted or retained, or individual permitted to regularly provide school-related transportation for students, who has a criminal record containing information which, in the judgment of the Superintendent or their designee, demonstrates a potential risk to students or otherwise compromises that ability of the individual to perform the duties of the position applied for or currently occupied by the individual.

1. The Superintendent or their designee may consider factors, including but not limited to:
  - age of the applicant at the time of the offense and conviction;
  - degree of satisfaction of any parole or probation conditions;
  - seriousness and specific circumstances of the offense;
  - relationship of the criminal act to the nature of work to be performed;
  - the nature of the work to be performed
  - the number of offenses;
  - the date of the offenses and dispositions thereof; and
  - any relevant evidence of rehabilitation or lack thereof;
  - whether the applicant has pending charges
2. The Superintendent or their designee will closely compare the CORI record 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. Suppose the CORI record provided does not precisely match the identification information provided by the applicant. In that case, FPS will make a determination based upon a comparison of the CORI record and documents provided by the applicant, such as those described in the next paragraph. FPS may also contact the Department of Criminal Justice Information Services ("DCJIS") and request a detailed search consistent with DCJIS policy.
3. In reviewing the criminal record of an individual to determine whether to use discretion to disqualify the individual, the Superintendent or their designee may request that the individual submit additional information, including a letter from the individual's probation or parole office. The Superintendent or their designee may also contact police, courts, or prosecuting attorneys for additional information relevant to assessing the review standards described above.
4. If the FPS 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, FPS' CORI policy, and a copy of the DCJIS' Information Concerning the Process in Correcting a Criminal Record. The applicant will be advised of the part(s) of the record that make the individual unsuitable for the position and given a reasonable opportunity to dispute the accuracy and relevance of the CORI record.

### **C. PROCEDURE**

1. All individuals subject to this Policy shall sign a Request Form authorizing FPS to receive all available CORI from the DCJIS.

2. All individuals subject to this Policy shall be required to provide verification of their identity with a government-issued photographic form of identification, which will be photocopied and maintained by FPS.
3. Applicants for employment and prospective volunteers will be required to sign a Request Form only if 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 FPS.
4. 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.
5. Nothing in this Policy prohibits an applicant or current employee, or prospective or current volunteer from meeting with the Superintendent or their designee regarding the requirements of this Policy.
6. All documents related to implementation of this policy, including but not limited to Request Forms, photocopies of identification, and other CORI material shall be kept in a secure location, separate from personnel files. This Policy specifically prohibits release of any 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 information shall be restricted to persons certified to receive such information.
7. The Superintendent or their designee shall assure that all applicants and current employee and prospective and current volunteers are notified of the requirement that the FPS 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.
8. The Superintendent or their designee shall assure that all inquiries regarding an individual's criminal record comply with the guidelines issued by the Massachusetts Commission Against Discrimination regarding the permissible scope of inquiry into such matters.
9. All individuals covered by this Policy shall have the right to review and CORI information received by FPS.

#### **D. THIRD PARTIES**

The Superintendent or their designee shall assure that all contracts with private or out-of-district special education programs contain a provision which requires certification that the private or out-of-district special education program has conducted CORI reviews, as required by law, of all employees or volunteers who may have direct and unmonitored contact with children. The Superintendent or their designee may require the operators of camps for children, or other entities or organizations engaged in providing activities or programs to children 18 years of age or under, which are permitted to use school facilities pursuant to a lease or other agreement, to certify that the organization has conducted CORI reviews of its employees or volunteers as required by law. The Superintendent or their designee may determine that a CORI review is required in other circumstances, such as work study programs,

internships or field trip providers where other individuals, not directly covered by this policy may have direct and unmonitored contact with students in programs which are associated with FPS.

Legal References: M.G.L. c. 71, §38R, c. 6, § 172G, §172H, §172I (St. 2002, c.385), c. 151B, c.276;  
Cross Reference: Franklin School Committee Policy IJOC

Adopted : March 14, 2006

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