

QUINCY SCHOOL COMMITTEE

POLICY SUBCOMMITTEE MEETING

Tuesday, September 16, 2014

A meeting of the Policy Subcommittee was held on Tuesday, September 16, 2014 at 5:00 pm at the Coddington Building. Present were Mrs. Kathryn Hubley, Ms. Barbara Isola, Mrs. Anne Mahoney, Mr. David McCarthy, and Mr. Paul Bregoli, Chair. Also attending were Superintendent DeCristofaro, Deputy Superintendent Kevin Mulvey, Mrs. Mary Fredrickson, Mrs. Maura Papile, Mr. Keith Segalla; Mr. Scott Alessandro and Ms. Paula Reynolds, Citywide Parents Council Co-Chairs; Ms. Allison Cox, President of the Quincy Education Association; and Ms. Laura Owens, Clerk.

Mr. Bregoli called the meeting to order at 5:00 pm.

Deputy Superintendent Mulvey reviewed the National Background Check, noting that under the law, all employees, contractors, vendors must be fingerprinted. The only discretionary item is implementing this for volunteers. Mr. Mulvey presented from his own background as a former prosecutor in the Norfolk County District Attorney's Office, in 2002 successfully prosecuted a serial perpetrator of over 20 years of child exploitation and abuse. This man had been caught and sentenced many times, but once released would move and target victims in new towns through volunteering in youth organizations. Prior to this case, the Massachusetts CORI law didn't exist and while this has been successful, one gap is that perpetrators can move from state to state without the ability to have their records checked. At the time the CORI check was implemented, there was a concern of impact on volunteering, but in the long run, this has not proved to be true. The measure is designed to protect our children, and will be administered under a sensible standard. The potential for direct, unmonitored contact is the key. While there are many scenarios for volunteering, school administrators will be the best position to assess the potential for direct and unmonitored contact with students. Volunteers who will be supervised by a teacher would not be required to be fingerprinted.

Mr. Mulvey consulted with the Massachusetts Association of School Committees (MASC) and their position supports fingerprinting of volunteers who will have direct and unmonitored contact with students. Neighboring cities and towns have begun to implement fingerprinting for volunteers, most commonly for field trips and overnight trips and other situations at the discretion of administrators. Several towns are reviewing the policy for later implementation. In regard to determining fitness to volunteer, Mr. Mulvey reviews the CORI and NBC for relevance of crime to position sought (for example, an OUI conviction would affect a potential bus driver), time elapsed since the last conviction, the age at the time of offense, the number of offenses, pending charges, nature and seriousness of charges, and evidence of rehabilitation. Any issues that are surfaced are explored

in a confidential conversation between Mr. Mulvey and the person, and their identity is verified in case of identity theft.

Mr. Bregoli asked for clarification on whether a family festival with parents and principals present requires a CORI for volunteers and this does not. Athletics volunteers are different, they have the potential to have direct and unmonitored contact so they will be subject to the background check. Mr. Bregoli asked about high school students who are volunteering with elementary schools, unless they are 18, they do not undergo the background check. Students who work in the summer program in conjunction with the Maintenance Department, many of whom are over 18, are subject to this process.

Mr. Bregoli asked about the third-party company hired by the state, it would have been easier if the fingerprinting was handled by local police departments. Mr. Mulvey agreed and said that it would also have been easier if the state had funded the cost. DESE licensed staff pay \$55, all others pay \$35. Mr. Bregoli asked about how this impacts the hiring of outside companies. Mr. Mulvey said all workers have to go through the process, including all subcontractors. Public Buildings is responsible for monitoring the compliance. Mr. Mulvey said that when school is in session, there is always the chance of contact, so all workers must go through the process. In case of an emergency in a school building, the Maintenance department staff have already gone through the background check.

As a point of order, Ms. Isola asked if we could focus on background checks for volunteers. Mrs. Hubley asked for clarification that for a school festival or a movie night, when students are accompanied by their parents or a situation where a teacher would be directing a volunteer, the background check would not be required and Mr. Mulvey agreed.

Mr. McCarthy agreed that the scenarios are endless, and suggested that the Superintendent, Deputy Superintendent, and Principals are best positioned to make the determinations for specific situations. The Principals have been aware of this since March 2014 and many volunteers have already gone through the process. Deputy Superintendent Mulvey is continuing to work with Principals on specific scenarios. Mr. Mulvey said the issue will continue to be addressed at Principal meetings throughout the year. Mr. McCarthy reiterated that Mr. Mulvey and Ms. Isola have seen much in their professional lives; at his workplace, all employees undergo this background check and children are not even part of the equation. Out students' safety is our first priority.

Mrs. Mahoney said it would be good to have more information about the process for contractors at a different meeting, possibly another Policy meeting or at Facilities & Security. Mrs. Mahoney asked if there could be a standard list of situations and examples provided for Principals and families. As we create a Policy, we want to be sure the implementation is the same across the city. Mr. Mulvey said

that the standard is reviewed against the situation, one school may have teacher-supervised docent art and another doesn't. Mrs. Mahoney asked if we can say that volunteers at PTO events where parents are expected to be there will not need to go through the background check process. Mrs. Mahoney said some common sense guidelines and direction could be shared so that there is a better public understanding. Dr. DeCristofaro said that the intent is to improve the protection for the children, going through the process of evaluating each scenario as the school year unfolds will help the public understand. Mrs. Mahoney asked who the main contact would be for Quincy Public Schools and each principal will work with parents and/or Kevin Mulvey. Mr. Mulvey said that denials are confidential, so a principal would not know any specific information.

Mrs. Mahoney asked for clarification on the CORI results evaluation. Mr. Mulvey reviewed the information that he had shared earlier in the meeting. Mrs. Mahoney was glad to hear that the length of time elapsed since an incident is a consideration. Mr. Mulvey emphasized that any parent is welcome to call and have an off-the-record discussion.

Mrs. Hubley asked for confirmation that all field trips and overnight trips will require fingerprinting. Mr. Mulvey said that since there is the potential for direct and unmonitored contact, this background check must be completed. Mrs. Mahoney said this information should be shared on the website for parents as well.

Ms. Isola thanked Mr. Mulvey for his research and presentation and Mrs. Alessandro for her research on the DOE determination. While our proximity to other states makes this necessary, she agreed that disseminating the information for common implementation at all of our schools.

Mr. Bregoli invited Mr. Alessandro to comment on today's discussion. Mr. Alessandro reviewed his concern about the definition of direct and unmonitored contact. He also stressed the need for common implementation and a clear definition of who will make the determination.

Ms. Isola made a motion to bring the National Background Check for Volunteers to School Committee for establishment as a Policy. On the motion, Mrs. Mahoney said that more work would be needed to define the criteria and examples. Ms. Isola agreed that School Committee sets the Policy and the enacting of the Policy is the role of the Superintendent and Leadership Team. Several PTOs have set up funds to assist with the cost and many volunteers have already completed the fingerprinting. Mr. McCarthy seconded the motion and on the motion, asked Mr. Mulvey if he could be prepare a policy for review at the October 8 School Committee meeting.

Mr. McCarthy asked Ms. Cox to speak to any issues. Ms. Cox said that QEA understands this is the law and the only concern being pursued by the Massachusetts Teachers Association is the cost differential for licensed educators.

As a point of order, Ms. Isola noted that Mr. McCarthy is not on the Policy Subcommittee, so cannot second the motion. Mrs. Hubley seconded the motion. On a voice vote, the ayes have it.

This item will appear on the October 8 School Committee Meeting agenda and be eligible for vote at the October 22 School Committee Meeting. Mrs. Mahoney and Ms. Isola asked that the Principals be informed of today's discussion and determinations.

The next item on the agenda was the Review of the Regular School Committee Meeting Agenda. Mrs. Hubley said that for Reports of Subcommittee, Roberts Rules states that there should be no discussion on the minutes beyond corrections. She consulted with Mr. Glenn Kucher from MASC and he agreed that any discussion is a violation of the Open Meeting law. Ms. Isola said that if something happens at a Subcommittee that needs further discussion, it should be a School Committee meeting agenda item. Subcommittee meeting minutes do not need to be motioned for approval, unless they are amended, they stand as accepted.

Mrs. Mahoney asked if a School Committee member was not at a meeting, does this mean they cannot ask for clarification unless the topic is on the agenda. Ms. Isola said yes, but the item can be added to a future meeting agenda. Ms. Isola said if the draft minutes are sent to School Committee within the 48-hour window that allows for the Agenda to be publicly posted, any member can ask to add an item.

Ms. Isola made a motion that Subcommittee Meeting minutes be presented for approval only and not be discussed. Mrs. Hubley seconded the motion and on a voice vote, the ayes have it. This item will appear on the October 8 School Committee Meeting Agenda.

For Additional Business, Mrs. Hubley said that this provision is meant to be used only for emergency items. Mrs. Mahoney asked for definition. Mrs. Hubley suggested a security issue or facilities problem that requires immediate action. Mr. McCarthy said that he feels that this is a place to suggest requested future items. Mr. Mulvey agreed that Additional Business could be used for that purpose, as long as there is no discussion on the new topic. Mr. Mulvey said this should be simply presented, as any discussion not of an emergency nature is a violation of the Open Meeting law. From his discussion with School Committee Attorney. Edward Lennox, he understands that the School Committee needs to be able to address emergencies and bring up items for future discussion. Attorney Lennox stressed the need for caution to be sure there is not discussion. In other

districts, there is a checks and balance system. An emergency is presented to the chair, who then makes the determination of whether the item is an emergency or not. That determination is confirmed with a vote of the School Committee members present.

Ms. Isola made a motion to put the definition of Additional Business on the Agenda within the context of the Open Meeting law. She also added that if a member makes a statement that it is an opinion, that is considered deliberation and a violation of the Open Meeting law. Ms. Isola said she has read recent opinions from the Attorney General's office and that we need to be careful. It is easy enough to add items to the agenda. Mrs. Hubley seconded the motion and on a voice vote, the ayes have it. This item will appear on the October 8 School Committee Meeting Agenda.

Mrs. Hubley made a motion to adjourn the Policy Subcommittee Meeting at 6:10 pm. Ms. Isola seconded the motion and on a voice vote, the ayes have it.