

## **QUINCY PUBLIC SCHOOLS CORI AND NATIONAL BACKGROUND CHECK POLICY**

The Quincy School Committee has adopted the following Criminal Offender Record Information (“CORI”) and National Background 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 Background Checks for Suitability Determinations.
  - 1. Quincy Public Schools (“QPS”) 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 QPS, who may have direct and unmonitored contact with students;
    - b. employees or volunteers of educational or internship programs, including student teachers and interns, who provides services to QPS and who may have direct and unmonitored contact with students during the term of their employment, volunteer or other service;
    - c. individuals who regularly provide school related transportation to students; and
    - d. subcontractors or laborers who have been commissioned by QPS to perform work on QPS school grounds and who may have direct and unmonitored contact with students.
  - 2. At a cost to the individual applicant, QPS shall obtain and review the results of a National Background Check for the purpose of determining the suitability of individuals in the following categories:
    - a. prospective employees, including substitute employees, of QPS who may have direct and unmonitored contact with students;
    - b. employees or volunteers of educational or internship programs, including student teachers and interns, who provide services to QPS and who may have direct and unmonitored contact with students during the term of their employment, volunteer and other service;
    - c. individuals who regularly provide school related transportation to students; and
    - d. subcontractors or laborers who have been commissioned by QPS to perform work on QPS school grounds and who may have direct and unmonitored contact with students.
  - 3. Direct and unmonitored contact with students 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 QPS has made a suitability determination pursuant to this policy is present. The determination of whether there is potential for direct and unmonitored contact with students 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 QPS 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 students.

4. The Superintendent or his or her designee 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 students.

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

1. CORI checks and National Background 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 Background Check, QPS 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 Background Check will have their CORI and criminal history record information ("CHRI") reviewed for determination on whether they are suitable for employment or service with QPS. If requested, the applicant will be provided with a copy of this policy.
2. All applicants subject to CORI checks and/or National Background Checks must sign a consent form authorizing receipt by QPS 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 Background Checks shall only be conducted after consent forms have been signed by applicants and after QPS 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 QPS employee shall first 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 Background Check is required, the applicant will be processed to start service.

4. If information regarding a criminal record is received from DCJIS, the authorized QPS 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 QPS 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 QPS.
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 Background 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 Background Check suitability determination, the applicant will be required to submit his or her fingerprints for a National Background Check, unless QPS 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.
7. If no information regarding a criminal records is received as a result of the National Background 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 QPS 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 QPS 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 Background Check, QPS 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. QPS will notify the applicant of the final decision regarding employment or service in a timely manner.
  11. QPS 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 QPS 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 QPS until QPS 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, QPS may hire an employee conditionally for whom a National Background Check is required, without first receiving the results of a National Background Check. The exigent circumstances for such a conditional hire are when QPS seeks to hire an individual for whom a National Background Check has been requested but QPS is unlikely to receive the results before the individual's employment will begin. In order to hire such a conditional employee, QPS:
    - 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 QPS makes a suitability determination based on the results of a National Background 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. QPS's Procedure for Current Employees, Volunteers or Other Individuals.

1. QPS 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 QPS who may have direct and unmonitored contact with students;
  - b. employees or volunteers of educational or internship programs, including student teachers and interns, who provide services to QPS and who may have direct and unmonitored contact with students during their term of employment, volunteer or other service; and
  - c. individuals who regularly provide school related transportation to students.
2. Before the start of the 2016-2017 school year and in accordance with a schedule established by DESE, QPS shall obtain and review National Background Checks of all individuals in the following categories:
  - a. current employees, including substitute employees, of QPS who may have direct and unmonitored contact with students;
  - b. current employees or volunteers of educational or internship programs, including student teachers and interns, who provide services to QPS and who may have direct and unmonitored contact with students during the term of their employment, volunteer and other service;
  - c. individuals who currently and regularly provide school related transportation to students;
  - d. current subcontractors or laborers who have been commissioned by QPS to perform work on QPS school grounds and who may have direct and unmonitored contact with students.
  - e. The individual will be responsible for the cost of obtaining a National Background Check.
3. All current QPS employees and volunteers and other individuals who are subject to the periodic CORI checks and National Background Checks must sign a consent form authorizing receipt by QPS 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 QPS

taking appropriate action. Completed consent forms must be kept in secure and locked files. CORI checks and and/or National Background 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 QPS employee will closely compare the record with the information on the consent form and any other identifying information provided by the QPS employee or individual to ensure the record relates to the individual.
5. If QPS 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 QPS.
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 Background 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 Background Check, QPS 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 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 shall be afforded a reasonable time depending on the particular circumstances to correct a CORI or CHRI. QPS will notify the individual of the final decision regarding continued employment or service in a timely manner.
  9. QPS 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 QPS 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 QPS employees approved to access such information. In the case of prospective employees or volunteers, CORI reports and CHRI should be obtained only where QPS 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. Except as set forth above, CORI and CHRI cannot be shared with any other third party for any purpose, including subsequent hiring determinations.

#### 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, QPS shall store CORI reports and/or CHRI in a secure and locked location, separate from personnel files. Electronically stored CORI and CHRI shall be password protected and encrypted.
3. QPS shall comply with the policies of CJIS and DCJIS pertaining to the use, storage, dissemination, and destruction of CORI and CHRI.

#### F. Retention of QPS's Suitability Determination.

1. QPS shall retain the Suitability Determination during the individual's Employment or service or seven (7) years, whichever is longer.
2. QPS 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 QPS conducted a suitability determination.

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

1. QPS 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. QPS 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. QPS may choose to perform a new National Background Check on an individual rather than rely on a previous school employer's favorable suitability determination.

H. Report to Commissioner.

If QPS 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 Background Check, QPS shall report such decision or action to the Commissioner of DESE in writing within thirty (30) days of QPS's action or educator's resignation. If QPS discovers information from a National Background Check about a licensed educator or an applicant for a Massachusetts educator license that implicates grounds for license action pursuant to 603 7.15(8)(a), QPS shall report to the Commissioner of DESE in writing within thirty (30) days of discovery, regardless of whether QPS retains or hires the educator as an employee.

APPROVAL DATE:

APPROVED BY: SCHOOL COMMITTEE

Last Approval Date: \_\_\_\_\_, 2014



**Quincy Public Schools does not discriminate on the basis of race, color, sex, sexual orientation, gender identity, religion, national origin, or handicap, in its educational activities or employment practices.**