

CRIMINAL RECORD INFORMATION POLICY

The purpose of this Policy is to establish a policy for the Franklin Public Schools ("FPS") regarding the review of criminal records of candidates under consideration for employment or volunteer service and current employees and volunteers. Under M.G.L. c. 71, §38R, the FPS must request criminal offender record information (CORI) from the Massachusetts Criminal History Systems Board (CHSB) for both present and future employees or volunteers in any FPS program who have direct and unmonitored contact with children. FPS also must obtain CORI on all van, bus or taxi cab drivers or other individuals regularly providing school related transportation for children in the district. CHSB has authorized the FPS to receive CORI regarding such individuals. FPS may also request CORI for any subcontractor or laborer who may have direct and unsupervised contact with children while performing work on school grounds.

POLICY

In order to insure that employees or volunteers or individuals regularly providing school related transportation to students in the FPS are suitable for serving in their positions, a CORI check will be performed and reviewed regarding such individuals whose service entails the potential for direct and unmonitored contact with FPS students. CORI checks will be completed and reviewed prior to commencement of employment or volunteer service, and at least every three years thereafter, including but not limited to at least once prior to the granting of professional teacher status. It is the Policy of the FPS that convictions of certain crimes pose an unacceptable risk to the student population of the FPS. FPS will refuse to employ or continue to employ, or to accept or continue to accept the volunteer services of any individual whose CORI check, in the judgment of the Superintendent or his/her designee, reveals a criminal conviction which disqualifies the individual from having direct and unmonitored contact with children, as set forth below. FPS will refuse to allow or to continue to allow any individual to regularly provide school related transportation to children in the FPS whose CORI check, in the judgment of the Superintendent or his/her designee, disqualifies the individual from having direct and unmonitored contact with children.

A. **SCOPE OF POLICY**

This Policy applies to candidates for and current occupants of positions which have the potential for direct and unmonitored contact with FPS students, including but not limited to teachers, teacher aides, school nurses, counselors, coaches or other extracurricular staff or supervisors, food service employees, custodians, transportation providers and certain other professional, administrative, and support staff. This Policy also includes volunteers, interns, student teachers, or other persons regularly offering support to any school program or facility in either a paid or unpaid capacity. However, FPS may require and rely upon the certification of independent entities, such as out-of-district special education schools or programs, or other

entities or organizations which are primarily engaged in providing activities to or programs to children 18 years of age or less, that such entities have obtained CORI information regarding their employees and volunteers, and that such employees or volunteers are qualified to have direct and unsupervised contact with children.

B. 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. 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 his/her 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 his/her 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 Life Learning program and who may have direct and unmonitored contact with children. The Superintendent or his/her 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.

C. 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 his/her 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 his/her 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 his/her 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 his/her 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. If the CORI record provided does not exactly match the identification information provided by the applicant, 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 Criminal History Systems Board ("CHSB") and request a detailed search consistent with CHSB policy.

- (3) In reviewing the criminal record of an individual to determine whether to use discretion to disqualify the individual, the Superintendent or his/her designee may request that the individual submit additional information, including a letter from the individual's probation or parole office. The Superintendent or his/her 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 Criminal History System Board's *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.

D. PROCEDURE

1. All individuals subject to this Policy shall sign a Request Form authorizing FPS to receive all available CORI from the CHSB.
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 it has been 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 his/her 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 his/her 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 his/her 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.

E. THIRD PARTIES

The Superintendent or his/her 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 his/her 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 his/her 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

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Franklin Public Schools

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CORI REQUEST FORM

GFRAPS

Franklin Public Schools has been certified by the Criminal History Systems Board for access to conviction and pending criminal case data. As an applicant/employee/volunteer or the position of _____, I understand that a criminal record check will be conducted for conviction and pending criminal case data only and that it will not necessarily disqualify me. I further attest that the information below is correct to the best of my knowledge.

 Applicant/Employee/Volunteer Signature

APPLICANT/EMPLOYEE/VOLUNTEER INFORMATION (Please Print)

LAST NAME FIRST NAME MIDDLE NAME

MAIDEN NAME OR ALIAS (IF APPLICABLE) PLACE OF BIRTH

DATE OF BIRTH SOCIAL SECURITY NUMBER MOTHER'S MAIDEN NAME
(optional)

FORMER ADDRESSES: _____

SEX: _____ HEIGHT: _____ FT. _____ IN. WEIGHT: _____ EYE COLOR: _____

STATE DRIVER'S LICENSE NUMBER: _____

*****THE ABOVE INFORMATION WAS VERIFIED BY REVIEWING THE FOLLOWING FORM OF GOVERNMENT ISSUED PHOTOGRAPHIC IDENTIFICATION:**

 Type of Photographic Identification Name/Signature of Reviewer

REQUESTED BY: _____
 SIGNATURE OF CORI AUTHORIZED EMPLOYEE

**Franklin Public Schools
Applicant/Employee/Volunteer Disclosure Form**

So that we may evaluate your application properly, please answer all questions carefully and completely in your own handwriting.

Name (Please Print)

NAME OF SCHOOL

POSITION SOUGHT

The Franklin Public Schools have been authorized to perform Criminal Offense Record Information (CORI) checks on all applicants for employee/volunteer services. The information is requested only for the purpose of verifying the information you will be providing concerning any criminal record you may have. A conviction record will not necessarily be a bar to serving as an employee/volunteer; all circumstances will be considered in making a decision on your application.

Please read this carefully before answering the following question:

You may answer "no" if your criminal record consists only of one or more of the following: (a) a sealed record on file with the Commissioner of Probation, (b) a case of delinquency or a child in need of services which did not result in a complaint transferred to Superior Court for criminal prosecution, (c) your crimes were misdemeanors limited to a first offense for drunkenness, simple assault, speeding, minor traffic offenses, disturbance of the peace or affray.

Have you been convicted of a felony or misdemeanor? Yes No

If "yes", give details including date, location (city and state), nature of offense and disposition.

Please read the following statements carefully and completely before signing below:

- The statements and information furnished by me in this Applicant/Employee/Volunteer Disclosure Form are true and complete to the best of my knowledge. I understand that I will not be permitted to perform as an employee/volunteer services for the Franklin Public Schools if at any time any material falsification, omission, or misrepresentation of fact in this form are discovered.
- I understand that as part of my application to provide employee/volunteer services, the Franklin Public Schools will conduct a CORI check on me, and that by signing below, I consent to this review.
- My signature certifies that I have read and understand the statements contained in this Applicant/Employee/Volunteer Disclosure Form.

Signature

Date

I do not wish to be considered for employment/volunteer because I do not want a CORI to be conducted.