

HOPKINTON SCHOOL COMMITTEE POLICY

CRIMINAL RECORD INVESTIGATIONS

The purpose of this policy is to ensure that the Hopkinton Public Schools complies with law and regulations 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 Hopkinton Public Schools 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 Hopkinton Public Schools program who have direct and unmonitored contact with children. The Hopkinton Public Schools also must obtain CORI on all bus or taxi cab drivers or other individuals regularly providing school related transportation for children in the district. CHSB has authorized the HP Hopkinton Public Schools to receive CORI regarding such individuals. The Hopkinton Public Schools 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, volunteers, and individuals regularly providing school related transportation to students in the Hopkinton Public Schools 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 Hopkinton Public Schools 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. Arrests and convictions of certain crimes pose an unacceptable risk to the student population of the Hopkinton Public Schools. The Hopkinton Public Schools will refuse to employ or continue to employ, and 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 arrests or criminal convictions which disqualify the individual from having direct and unmonitored contact with children, as set forth below. The Hopkinton Public Schools will refuse to allow or to continue to allow any individual to regularly provide school related transportation to children in the Hopkinton Public Schools 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 Hopkinton Public Schools 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, and other persons regularly offering support to any school program or facility in either a paid or unpaid capacity. However, the Hopkinton Public Schools 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 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 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 Hopkinton Public Schools in any position, which may involve direct and unmonitored contact with children. The Superintendent 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 Hopkinton Public Schools or a related entity such as the Hopkinton Parent Teacher Association and who may have direct and unmonitored contact with children. The Superintendent shall determine whether a particular category of volunteer activity entails direct and unmonitored contact with children.

5. Taxicab Drivers

Bus, taxi, and van drivers are individuals employed by vendors who provide school related transportation to Hopkinton Public Schools students. All transportation companies contracting with the Hopkinton Public Schools are required to provide the Hopkinton Public Schools with the names and birth dates of all drivers who may have direct and unmonitored contact with Hopkinton Public Schools students in order for the Hopkinton Public Schools to request CORI.

6. Subcontractors and laborers

Subcontractors and laborers are individuals performing work on school premises who are not employees of the Hopkinton Public Schools 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 Hopkinton Public Schools. As determined by the Superintendent or 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 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.

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 number of offenses;
- the nature of the work to be performed
- the date of the offenses and dispositions thereof;
- any relevant evidence of rehabilitation or lack thereof; and
- whether the applicant has pending charges

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, Hopkinton Public Schools 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. Hopkinton Public Schools may also contact the Criminal History Systems Board (“CHSB”) and request a detailed search consistent with CHSB policy.

In reviewing the criminal record of an individual to determine whether to use discretion to disqualify the individual, the Superintendent may request that the individual submit additional information, including a letter from the individual’s probation or parole office. The Superintendent may also contact police, courts, or prosecuting attorneys for additional information relevant to assessing the review standards described above.

If the Hopkinton Public Schools 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, Hopkinton Public Schools’ 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.

C. PROCEDURE

1. All individuals subject to this Policy shall sign a Request Form authorizing the Hopkinton Public Schools 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 Hopkinton Public schools.
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 Hopkinton Public Schools.
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 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 shall assure that all applicants and current employees and prospective and current volunteers are notified of the requirement that the Hopkinton Public Schools 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 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 CORI information received by the Hopkinton Public Schools.

E. THIRD PARTIES

The Superintendent shall assure that all contracts with the 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 and volunteers who may have direct and unmonitored contact with children. The Superintendent 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 may determine that a CORI review is required in other circumstances, such as work study programs or internships where other individuals, not directly covered by this policy may have direct and unmonitored contact with students in programs which are associated with the Hopkinton Public Schools.

Legal References: M.G.L. c. 71, §38R, c. 6, §172G, §172H, §172I (St. 2002, c.385), c. 151B, c.276; MCAD Regulations; Massachusetts Department of Education Advisory, February. 17,2003, 803 2.00-9.00 et seq

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Hopkinton School Committee
Hopkinton, Massachusetts