

## **CRIMINAL OFFENDER RECORD INFORMATION AND SEXUAL OFFENDER REGISTRY INFORMATION POLICY**

The Cambridge Public Schools seeks to provide a safe learning environment for its students and a safe working environment for its employees. Accordingly, it is the policy of the Cambridge Public Schools, in accordance with the provisions of M.G.L.c. 71, §38R, as amended by Chapter 385 of the Acts of 2002, M.G.L.c. 6, §§168-178L, as amended, to conduct criminal background checks (“CORI checks”) pursuant to M.G.L.c. 6, §§178C-178P, as amended, to conduct Sexual Offender Registry Information (“SORI checks”), at least every three (3) years on current and prospective employee(s), contracted service providers, volunteer(s), school transportation provider(s) and other individual(s) who may have direct and unmonitored contact with children. CORI/SORI checks will be conducted on current and prospective employee(s) and service providers prior to employment and/or contracting and on any volunteer prior to accepting the person as a volunteer. Additionally, in accordance with state law, CORI/SORI checks also will be obtained from individuals who regularly provide transportation to children, including, taxicab company employees, and the school district may also have access to CORI/SORI check information from any subcontractor, laborer or vendor who performs work on school grounds, and who may have direct and unmonitored conduct with children, and shall notify them of this requirement.

CORI checks will only be conducted as authorized by the Department of Criminal Justice Information Services (DCJIS). SORI checks will only be conducted as authorized by the Commonwealth's Sex Offender Registry Board (SORB). All applicants will be notified that a CORI/SORI check will be conducted. If requested, the applicant will be provided with a copy of this policy.

An informed review of a criminal record requires adequate training. Accordingly, all personnel authorized to review CORI/SORI information in the decision-making process will be thoroughly familiar with the educational materials made available by the DCJIS and SORB.

Prior to initiating a CORI/SORI check, the Cambridge Public Schools will review the qualifications of a prospective employee to determine if they are otherwise qualified for the relevant position. The Cambridge Public Schools will not conduct a CORI/SORI check on an applicant for a position within the Cambridge Public Schools who is not otherwise qualified for the relevant position.

Unless otherwise provided by law, a criminal record will not automatically disqualify an applicant. Rather, determination of suitability based on CORI/SORI checks will be made consistent with this policy and applicable laws and regulations.

If a criminal record is received from DCJIS or SORB, the authorized individual will closely compare the record provided by DCJIS or SORB with the information on the CORI/SORI request form and any other identifying information provided by the applicant, to ensure the record relates to the applicant. If, in receiving a CORI/SORI report, the Cambridge Public Schools receives information that it is not authorized to receive, the Cambridge Public Schools will inform the applicant, provide the applicant with a copy of the report and with information concerning the process for correcting a criminal record so that the applicant may pursue correction with the DCJIS or will provide the applicant with a

copy of the report so that they may pursue correction in accordance with the procedures established by the SORB.

Prior to any questioning of the applicant about their criminal history, the Cambridge Public Schools will provide the applicant with a copy of the criminal record and this policy. If the Cambridge Public Schools is planning to make an adverse decision based on the results of a CORI/SORI check, the applicant will be notified immediately, provided with a copy of the criminal history information, advised of the part(s) of the report that make the individual unsuitable for the position or to volunteer and the source of the criminal history information, given an opportunity to dispute the accuracy and relevance of the CORI/SORI report and provided with a copy of DCJIS information concerning the process for correcting the criminal history information so that the applicant may pursue correction with the DCJIS or will provide the applicant with a copy of the report so that they may pursue correction in accordance with the procedures established by the SORB, and the Cambridge Public Schools will document in writing that all of these steps have been taken.

If the CORI/SORI record provided does not exactly match the identification information provided by the applicant, the Cambridge Public Schools will make a determination based on a comparison of the CORI/SORI record and documents provided by the applicant. The Cambridge Public Schools may contact DCJIS and request a detailed search consistent with DCJIS policy and procedures.

If the Cambridge Public Schools reasonably believes the record 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 conviction; (d) age of the candidate at the time of the offense; (e) seriousness and specific circumstances of the offense; (f) 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 the Cambridge Public Schools.

The Cambridge Public Schools will notify the applicant of the decision and the basis of the decision in a timely manner. CORI/SORI information shall not be disseminated or shared with any unauthorized employees or others, but shall be maintained in confidence consistent with the obligations of law. The Cambridge School Committee authorizes the Superintendent of Schools to develop procedures and guidelines covering (i) the categories of persons for whom CORI/SORI checks may and will be obtained; (ii) standards for determining whether a staff or volunteer position entails direct and unmonitored contact with children; (iii) process for informing current and prospective employees, volunteers and others about CORI/SORI checks and for obtaining written confirmation from these individuals to conduct CORI/SORI checks by completion of a CORI Request Form and a SORI Request Form; (iv) procedures to be followed when a person refuses to sign a CORI Request Form and/or a SORI Request Form; (v) process for requesting, reviewing and maintaining CORI/SORI information; (vi) personnel who are authorized to request, access and review CORI /SORI information; (vii) process and standard of review for determining an individual's eligibility for employment or service based upon CORI/SORI information, including whether any criminal offenses may disqualify an individual; (viii) procedures to be followed when the subject of a CORI/SORI check challenges the accuracy of the CORI/SORI report; and (ix) requirements of confidentiality and prohibitions against the unauthorized dissemination of CORI/SORI check information.

Additionally, the Superintendent of Schools shall ensure all contracts with out of state special education schools and other out of state providers that have direct and unmonitored contact with students include a statement that the provider is required to sign certifying that the provider has met all legal requirements of the state where it is located relative to criminal background checks for employees and others having unmonitored contact with children.

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