



LINCOLN PUBLIC SCHOOLS
Lincoln, Massachusetts

BACKGROUND CHECKS

It shall be the policy of the Lincoln Public Schools to obtain all available Federal and State background information through both SAFIS (Statewide Applicant Fingerprint Identification Services) and CORI (Criminal Offender Record Information), as allowed by law, of all employees and prospective employees of the school department including any individual who regularly provides school related transportation (including taxicab drivers) to children. Any fees associated with such background checks shall be the responsibility of the Employee.

In accordance with 603 CMR 51.00 regulations, an employee shall be defined as "an individual working, applying to work, in a Massachusetts public or private school. Employees shall include any substitute employee, apprentice, intern, or student teacher, or individuals in similar positions." A subcontractor is defined as "an individual not employed by the school employer but commissioned by the school committee or school, or employed by the city or town, or employed by a non-school employer under contract or lease with the school, school district, city, or town to perform work on school grounds with students. Such individuals may be the employees of a contractor or vendor hired by a school or may be independent contractors or service providers hired by a school or may be performing services on school grounds under a contract or lease with the school, school district, city or town." A volunteer is defined as "an individual who performs a service for a school employer on an unpaid basis who is not an apprentice, intern, or student teacher."

The School Committee or its certified designee(s) may require that chaperones, volunteers, subcontractors, fellow school committee members, student teachers, and practicum students be required to submit to a federal background check through SAFIS in addition to the already required CORI if they have direct and unmonitored contact with children. Any fees associated with such background checks shall be the responsibility of the Employee.

The Superintendent or their certified designee shall periodically, but not less often than every three years, obtain all available Criminal Offender Record Information from the criminal history systems board on all employees, individuals who regularly provide school-related transportation to children including taxicab company employees and volunteers who may have direct and unmonitored contact with children, during their term of employment or volunteer service.

The Superintendent or their designee and the Executive Assistant to the Superintendent are the only ones who will request, review and maintain CORI records.

The Superintendent shall have the ultimate discretion as to the determination of an individual's eligibility for employment or service based on the CORI record. They will consider both the nature of any offenses and when they took place. Legal counsel will be consulted with any questions as to an employee or prospective employee's eligibility.

The Superintendent or their certified designee(s) may also have access to Criminal Offender Record Information and/or Statewide Applicant Fingerprint Identification Services for any subcontractor or laborer who performs work on school grounds, and who may have

direct and unmonitored contact with children and shall notify them of this requirement and comply with the appropriate provisions of this policy.

Pursuant to Massachusetts Regulation 603 CMR 51.00, "Direct and unmonitored contact with children" shall mean contact with students when no other employee for whom the employer has made a suitability determination pursuant to 603 CMR 51.00 of the school or district is present. "Contact" refers to any contact with a student that provides the individual the opportunity for physical touch or personal communication. The school employer may determine when there is potential for direct and unmonitored contact with children 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. An individual shall not be considered to have potential for direct and unmonitored contact with children if that individual has only the potential for incidental unsupervised contact in commonly used areas of the school grounds.

If an individual is required to submit to a SAFIS or CORI criminal history record check, they shall be informed of this requirement and instructed on how to comply with the law. Such instruction will include information on the procedure for submitting fingerprints for SAFIS or personal information for CORI. In addition, the applicant or employee will be provided with all information needed to successfully register for a fingerprinting appointment.

In accordance with state law, all current and prospective employees, volunteers, and persons regularly providing school-related transportation to children of the school district shall sign an acknowledgement form authorizing receipt by the district of all available federal and state background check data from the criminal history systems board. In the event that an individual has questions concerning the signing of the acknowledgement form, they may meet with the Superintendent; however, employees or volunteers who refuse to sign the CORI Acknowledgement Form will not be allowed to work or volunteer in positions that put them in direct and unmonitored contact with children in the Lincoln Public Schools. Completed CORI Acknowledgement Forms must be kept in secure files.

The School Committee, Superintendent, or their designee(s) certified to obtain information under this policy shall prohibit the dissemination of school information for any purpose other than to further the protection of school children. All federal and state background records will be kept in a locked cabinet, separate from personnel files in the Business Office. SAFIS and CORI results are not subject to the public records law.

When no longer needed, criminal record information and any suitability determinations will be destroyed by shredding paper copies and/or by deleting all electronic copies from the electronic storage location, including any backup copies or files. CORI data may be retained for not more than three years. SAFIS data may be retained for not more than the life of employment or volunteer duties.

All background check information is subject to strict state and federal laws, rules, and regulations. Criminal history information cannot be shared with any unauthorized entity for any purpose, including subsequent hiring determinations. All receiving entities are subject to audit by the Massachusetts Department of Criminal Justice Information Services, the FBI, and the Executive Office of Public Safety & Security. Failure to comply with such rules and regulations could lead to sanctions. Federal law prohibits the exchange of records outside of the receiving entity or related entities. Furthermore, an entity can be charged criminally for the unauthorized disclosure of criminal history information.

Records sealed pursuant to law shall not operate to disqualify a person in any examination, appointment or application for public service on behalf of the Commonwealth or any political subdivision thereof.

The Superintendent shall revise contracts with special education schools and other providers to require a signed statement that the provider has met all the legal requirements of the state where it is located relative to criminal background checks for employees and others having direct and unmonitored contact with children.

LEGAL REFS: M.G.L. 71:38R, 151B, 276 §.100A, St. 2002, C.385

P.L. 920544; Title 28 U.S.C. § 534, Title 28 C.F.R. 20.33(b)
42 U.S.C. § 16962
603 CMR 51.00
803 CMR 2.00
803 CMR 3.05 (Chapter 149 of the Acts of 2004)
FBI Criminal Justice Information Services Security Policy
Procedure for Correcting a Criminal Record
FAQ – Background Checks

SOURCE: MASC 2014

Revised at School Committee Meeting of September 15, 2005
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