CRIMINAL OFFENDER RECORD INFORMATION (CORI) POLICY

To protect school children, the Boston School Committee is committed to ensuring that all current and prospective Boston Public School employees, transportation providers, and volunteers who may have direct, unmonitored, and substantial contact with children are appropriate for serving in their positions. The following is the policy of the Boston Public Schools with regard to Criminal Offender Record Information (CORI).

1. Boston Public Schools will request and obtain on all prospective and current:
   a. employees and candidates for employment, subject to any collective bargaining obligations;
   b. individuals who regularly provide school transportation to eligible Boston Public Schools students; and
   c. school volunteers who have direct, unmonitored, and substantial contact with students

Criminal Offender Record Information from the Criminal History Systems Board and evaluate such information to determine if an individual poses an unacceptable risk to the children served by the Boston Public Schools. Boston Public Schools retains the right to require of its contractors that they obtain and evaluate Criminal Offender Record Information on all prospective and current subcontractors or laborers, who may have direct, unmonitored and substantial contact with students, when commissioned by the Boston Public Schools to perform work on school grounds.

2. All such individuals included in this policy must execute a CORI Request Form within ten days, following a request from Human Resources. An individual may appeal the determination of his or her position, as one requiring a CORI check, in writing to Human Resources.

3. CORI information will be maintained confidentially, on a need-to-know basis only, in Human Resources, which will designate one or two individuals who will routinely review CORI information. CORI information will remain segregated from all personnel files or other personnel information.

4. Based upon a review of the CORI record, the following processes and standards will apply to determining fitness for service with the Boston Public Schools:
   a. convictions for: rape; performing an unnatural act; indecent assault and battery; the crime of attempting any of the above offenses; the sale, use, manufacture, distribution, or possession with intent to distribute any substance that is unlawful under G.L. c. 94C, §31;⁠² or a felony constituting a crime of violence within five years of the CORI request shall render said individual ineligible for service with Boston Public Schools; and

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⁠² Simple possession of marijuana, if the conviction is five years prior to the CORI request, shall not constitute a violation of this section.
b. convictions for: any other felony than those previously enumerated; any misdemeanor with an incarceration date or conviction date within five years of the CORI request; any multiple (i.e., more than one) misdemeanor convictions within ten years for drunkenness, simple assault, affray or disturbing the peace may be reviewed by a panel consisting of two or more of the following individuals or their designees: Chief Operating Officer, Assistant Superintendent for Human Resources, Director of Transportation, Director of Labor Relations, and the Director of Equity who may or may not determine such individual ineligible for service with Boston Public Schools based upon a set of criteria. In making this determination, the panel will specifically and particularly consider and evaluate whether the nature of the conviction poses any threat or concern for the safety and well-being of Boston Public Schools students.

5. An individual may dispute information contained in their CORI report in writing to the Assistant Superintendent for Human Resources, and review will be stayed for a brief time while the applicant or employee/driver/volunteer contacts the Criminal History Systems Board to correct any alleged error.

6. CORI information may be used only to further the protection of children and for no other purpose. Improper use of CORI information is both a civil and a criminal offense, and would subject an employee to discipline.

For more information about this circular, contact:

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Superintendent Carol R. Johnson
Boston Public Schools

Procedure for Review of Criminal Offender Record Information (CORI) for prospective and current employees, volunteers, transportation providers, and others who have direct, unmonitored and substantial contact with children.

Purpose:

To establish a uniform policy in the Boston Public Schools to request, obtain, and evaluate Criminal Offender Record Information (herein after, “CORI”) from the Criminal History Systems Board obtained, pursuant to G.L. c71, §38R; G.L. c.6, §§167-168, for all prospective and current Boston Public Schools employees, school transportation providers, and volunteers who have direct, unmonitored, and substantial contact with children.

Policy:

Pursuant to the mandates of G.L. c.71, §38R, the Boston Public Schools is committed to ensuring that employees, transportation providers, and volunteers who have direct, unmonitored, and substantial contact with Boston Public Schools students are appropriate for serving in their positions while concomitantly recognizing the rehabilitative nature of past, unrepeated interactions with the criminal justice system. To this end, a CORI check shall be consented to as a condition of future or continued employment or volunteering with Boston Public Schools and, furthermore, it is the policy of the Boston Public Schools that convictions for certain crimes pose an unacceptable risk to the children served by the Boston Public Schools.

Scope:

This policy applies to:

- all current employees and prospective candidates for employment with the Boston Public Schools;
- all individuals who regularly provide school transportation to Boston Public Schools eligible students, whether employed by Boston Public Schools or not;
- all school volunteers who have direct, unmonitored, and substantial contact with students.

For the purpose of this section, many case-by-case determinations will need to be made: a chaperone at a high school dance would not fall within this category, but a chaperone of a multiple, overnight, foreign field trip would, since such a chaperone would be in an unsupervised setting.

Procedure for Obtaining CORI Information:

Human Resources will first notify all current and prospective employees, volunteers, and transportation providers, where appropriate, that the school system will be reviewing CORI information provided by the Criminal History Systems Board and that, once reviewed, appropriate action will be taken that may affect current or future employment or volunteerism with the Boston Public Schools. The notice will state that all putative employees must execute a Request Form to the Criminal History Systems Board and allow for the Boston Public Schools' Human Resources Office to review CORI information available from the Criminal History Systems Board. Likewise, all current Boston Public Schools employees must similarly execute a CORI Request Form to the Criminal History Systems Board for review of CORI information, by authorized Boston Public Schools personnel.
Such notice will also explain to the affected individuals the standard under which they were included in the CORI pool. For employees, the standard is having “direct and unmonitored contact with children.” For volunteers, the standard is “direct unmonitored and substantial contact with children.” In the event that the individuals against whom such notice has or will be sought disagrees that their position does entail either of the two above-referenced standards, said individuals may file a written appeal with Human Resources. The initial burden to show lack of contact with children is upon the employees or volunteers. Such persons shall submit a letter in support of their assertion that their position does not entail such contact with children. Any appropriate documentation should be presented upon submission of such letter.

The Hearing Officer, in passing upon whether the position in question requires a mandatory CORI check, should consider the following in determining whether a particular position entails “direct and unmonitored contact with children.”

- Direct and unmonitored contact with children means such contact on a regular, not irregular basis, with Boston Public Schools students when no other CORI-cleared Boston Public Schools employee or agent is present.

- Substantial contact is contact on a frequent, not infrequent, basis.

- In all other circumstances, where an employee or volunteer is never in the presence of a child without also being in the presence of a CORI-cleared classroom teacher, no CORI check is mandatory.

Human Resources will disseminate such Request Forms, which must be returned by the employee or volunteer within 10 days. Failure fully to execute a Request Form for a putative employee will be grounds to discontinue the hiring process immediately. Should a current employee refuse to sign a Request Form, such matters will be dealt with by the Boston Public Schools Office of Labor Relations, as a matter of discipline, up to and including termination of employment.

Each such request for CORI information shall be completed every three years, as a condition of continued employment. Specific questions about the necessity of running a CORI check on a school volunteer or group of volunteers should be addressed to the Office of Legal Advisor at 617-635-9320.

**Requesting, Reviewing and Maintaining CORI**

It is Human Resources’ desire that only one or two individual Human Resources employees have responsibility for obtaining and receiving CORI record information. The Human Resources designee(s) will receive and maintain all properly obtained CORI information. CORI information will remain segregated from all personnel files or other personnel information. Such designee(s) should make a recommendation to the Assistant Superintendent for Human Resources for appropriate action, including identifying candidates for such mandatory or discretionary disqualification as is discussed in section “Review of CORI Information” below. Additionally, members of the CORI Review Panel, identified in section “Review of CORI Information,” shall have access to selected CORI information. The Superintendent, Chief Operating Officer, Assistant Superintendent of Human Resources, Chief of Staff, and Legal Advisor shall also have access to CORI record information, as is necessary to perform their job functions.

**Review of CORI Information**

Mandatory Disqualification:

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1 This standard is largely drawn from the Boston Public Schools policy, Effect of Criminal Record on Employment. Boston School Committee adopted June 25, 1985.
An individual will not be eligible for employment as a Boston Public Schools employee or volunteer if he or she:

- has been convicted of committing the crime of rape, performing an unnatural act, indecent assault or battery, or the crime of attempting any of the above offenses;
- has been convicted of committing the crime of the use, sale, manufacture, distribution, or possession with intent to distribute any of the controlled substances that are unlawful under the provisions of G.L. c. 94C, §31 (except for simple possession of marijuana if the date of conviction is five or more years prior to the request for criminal record information); or
- has been convicted of committing a felony constituting a crime of violence, where the date of the conviction is within five years immediately preceding the request for criminal record information.

Discretionary Disqualification:

An individual may be deemed ineligible for employment as a Boston Public Schools employee, volunteer or subcontractor/laborer by a majority of a panel consisting of two or more of the following: the Chief Operating Officer, the Assistant Superintendent for Human Resources, the Director of School Transportation, Director of Labor Relations, the Director of Equity, or their designees, on a case-by-case basis, if he or she:

- has been convicted of committing a felony other than those described in section above;
- has been convicted of committing a misdemeanor (other than a first conviction for the offenses listed in the next section, within the 10 years immediately preceding the request for such information); or
- has been convicted more than once of committing any of the following misdemeanors, where the date of at least one of the convictions occurred within the 10 years immediately preceding the request for criminal record information: drunkenness, simple assault, affray, or disturbance of the peace.

In reviewing the applications of individuals who have criminal records, but who are not excluded under the mandatory disqualification portion of this policy, the panel will give due weight to the following: the age of the conviction, the age of the applicant when convicted, the nexus between the conviction and the individual's fitness to serve as a school employee or volunteer; the type of offense; the age of the offense; whether there was a conviction; the sentence; whether probation was successfully completed; the date of the offense; whether there were subsequent arrests. Upon reviewing this information, the Screening Panel shall vote to allow continued employment or dismissal. All such votes shall be recorded and shall be by a majority of members then present. In addition to the members of this reviewing body, the only other persons authorized to read CORI information are indicated in the previous section.

Correcting CORI Record Information Errors

If an applicant or current employee disputes the information contained in the CORI, he or she should so inform the Assistant Superintendent for Human Resources in writing. Such individual should then coordinate with the Criminal History Systems Board for review and updating. The Boston Public Schools' process in interpreting the information shall be stayed for a brief time. It is the candidate's responsibility to contact the Criminal History Systems Board to make and obtain any modification to the CORI information. The candidate may have no contact whatsoever with any Boston Public Schools student during the process of disputing and potentially correcting the information contained in the CORI.
Unlawful Release of CORI Information

CORI information obtained under this policy must be used to “further the protection of children,” and for no other purpose.

It is a crime punishable by a fine of $5,000 and imprisonment of up to a year willfully to request, obtain, or seek to obtain CORI under false pretenses, or willfully to communicate or seek to communicate CORI information to any agency or person not authorized to receive CORI information. Additional civil penalties may apply.

CORI record information is not subject to the public records laws and may not be disseminated to unauthorized persons.