

Revised to include SORI check

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Revised Policy  
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**CRIMINAL OFFENDER RECORD INFORMATION POLICY**

It shall be the policy of the Hanover Schools to obtain all available Criminal Offender Record Information (CORI) and Sex Offender Registry Information (SORI) regarding prospective employee(s) or volunteer(s) of the school department, including any individual who regularly provides school related transportation to children or who may have direct and unmonitored contact with children, prior to hiring the employee(s) or to accepting any person as a volunteer. State law requires that school districts obtain CORI data for employees of companies that have contracted with the schools to provide transportation to pupils. In addition, Hanover Schools will also require SORI data.

The Superintendent, Principal, or their certified designees shall periodically, but not less than every three years, obtain available Criminal Offender Record Information regarding all current employees, individuals who regularly provide school related transportation to children, and volunteers who may have direct and unmonitored contact with children.

The Superintendent, Principal or their certified designees may also have access to Criminal Offender Record Information and Sex Offender Registry Information (SORI) 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 a Department of Education CORI Law Advisory dated February 17, 2003, “‘Direct and unmonitored contact with children’ means contact with a child when no other CORI or SORI-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 utilized and separated by sight or sound from other staff) that are accessible to students.”

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 a CORI and SORI Acknowledgement Form authorizing receipt by the district of all available CORI/SORI data. The Hanover Schools will verify the subject’s identity by reviewing a form of government-issued identification, such as a state-issued driver’s license, state-issued identification card, a passport, or military identification card. In the event that a current employee has questions concerning the signing of the Acknowledgement Form, he/she may meet with the Principal or Superintendent. However, failure to sign the CORI or SORI Acknowledgement Form may result in rejection of a prospective employee or volunteer or

discharge of a current employee or volunteer. Completed Acknowledgement Forms will be kept in secure files.

The School Committee, Superintendent, Principals or their designees 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. CORI /SORI is not subject to the public records law and must be kept in a secure location, separate from personnel files and may be retained for not more than three years. CORI/SORI may be shared with the individual to whom it pertains, upon his or her request.

Access to CORI/SORI material must be restricted to those individuals certified to receive such information. In the case of prospective employees or volunteers, CORI/SORI material should be obtained only where the Superintendent has determined that the applicant is qualified and may forthwith be recommended for employment or volunteer duties. Any dissemination of the CORI/SORI-information will be documented in a log that includes the name of the CORI/SORI subject, his/her date of birth, the date of dissemination, the name of the person who received the CORI/SORI, and the purpose for its dissemination.

The hiring authority, subject to applicable law, reserves the exclusive right concerning any employment decision made pursuant to Chapter 385 of the Acts of 2002. The employer may consider the following factors when reviewing an individual's CORI: the type and nature of the offense, the nature of the work to be performed, the time since the conviction, the age of the individual at the time of the offense, the number of offenses, relevant evidence of rehabilitation or lack thereof, and any other factors the employer deems relevant.








The Superintendent shall ensure that on the application for employment and/or volunteer form there shall be a statement that as a condition of employment or volunteer service the school district is required by law to obtain Criminal Offender Record Information for any employee, individual who regularly provides school related transportation, or volunteer who may have direct and unmonitored contact with children. Current employees, persons regularly providing school related transportation, and volunteers shall also be informed in writing by the Superintendent prior to the periodic obtaining of their Criminal Offender Record Information and they must complete the CORI Acknowledgement Form for such periodic reviews. CORI Acknowledgement Forms will be maintained for one year. SORI background checks are completed only upon the hiring of an employee, volunteer or individual who regularly provides school related transportation and do not need to be obtained periodically.

The Hanover Schools may ask applicants for employment who have completed a job interview whether they have been convicted of a felony or convicted of a misdemeanor in the last five years (excluding a first conviction for drunkenness, simple assault, speeding, minor traffic violations, or disturbance of the peace). Any document that seeks information concerning prior convictions of the applicant shall include the following statement: "An applicant for employment with a sealed record on file with the commissioner of probation may answer 'no record' with respect to an inquiry herein relative to prior arrests, criminal court appearances or convictions. An applicant for employment with a sealed record on file with the commissioner of probation may answer 'no record' to an inquiry herein relative to prior arrests or criminal court

appearances. In addition, any applicant for employment may answer ‘no record’ with respect to any inquiry relative to prior arrests, court appearances and adjudications in all cases of delinquency or as a child in need of service which did not result in a complaint transferred to the superior court for criminal prosecution.”

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.

Prior to questioning an individual about his/her CORI/SORI information, the employer will provide the individual with a copy of his/her CORI/SORI report. If the employer determines that adverse action (e.g., rejection of an applicant) may be warranted based on the CORI/SORI information, the employer will, before taking the adverse action:

-  (i) notify the individual of the potential adverse decision;
-  (ii) provide a copy of the individual’s criminal record;
-  (iii) identify the information in the record that is the basis for the decision;
-  (iv) provide a copy of the Hanover Schools’ CORI/SORI  policy;
-  (v) provide a copy of the document titled “Information Concerning the Process in Correcting a Criminal Record;” and
-  (vi) provide the individual with an opportunity to dispute the accuracy of the information contained in the CORI/SORI report.

The employer will document the steps taken to comply with these requirements.

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 REF: M.G.L.71:38R, 151B, 276, §.100A, St.2002, c.385  
MCAD Regulations and D.O.E. Advisory on CORI Law (Feb 17, 2003)  
Chapter 256 of the Acts of 2010

CROSS REF.: IJOC/KI, Visitors and Volunteers

