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## SUPERINTENDENT'S ADVISORY REGARDING BACKGROUND CHECKS (SA-1)

October 22, 2015

### Introduction

This **Superintendent's Advisory Regarding Background Checks** outlines the policies and procedures pertaining to background checks and provides guidance to school leaders and other school and/or central office staff that hire staff or engage the services of interns, sub-contractors, volunteers, or others, and especially those who may have direct and unmonitored contact with Salem students. The guidance clarifies the state and/or local school committee requirements for two different forms of background checks: 1) Criminal Offender Record Information (CORI) checks; and 2) Fingerprinting background checks.

While this document should help to clarify the requirements for most situations, there may be times when a determination of whether or not the requirements apply is less clear. When this situation applies, please refer the case and any questions you may have to Jill Conrad, Chief of Systems Strategy via email at [jillconrad@salemk12.org](mailto:jillconrad@salemk12.org) or by phone at 978-740-1211. Dr. Conrad will work with the Superintendent and other members of the SPS Management Team to determine the requirement on a case-by-case basis. Please include the description, "Background Check Question" in the subject line of the email that you send so that we can easily keep track of your questions regarding this matter.

Ultimately, SPS' goal is to ensure full compliance with the law while also working to prevent disenfranchisement of our families and others who we seek to engage as volunteers in our schools.

### Definitions

**Direct and unmonitored contact** is defined in the [Salem School Committee Policy #4119](#) as "contact with a student when no other employee who has received a suitability determination by the school or district is present. "Contact" refers to any contact with a student that provides the individual with opportunity for physical touch or personal communication. Individuals will have such opportunity if:

- The individual will be working or engaging in volunteer service that places them in proximity with students without the presence of an SPS staff member who has received a suitability determination

- The individual will be spending significant time on school grounds and may through their work or volunteer service have opportunity for direct and unmonitored contact with students without the presence of an SPS staff member who has received a suitability determination
- The individual will be working independently and may through their work or volunteer service have direct and unmonitored contact with students without the presence of an SPS staff member who has received a suitability determination

An individual shall not be considered to have the potential for direct and unmonitored contact with children if he or she has only the potential for incidental unsupervised contact in commonly used areas of the school grounds such as hallways, an auditorium, or a cafeteria.

In all of the above cases, schools and SPS programs who engage volunteers and/or subcontractors may prevent the opportunity for direct and unmonitored contact with students by ensuring that an SPS staff member who has received a suitability determination remains present.”

**Subcontractor or laborer:** According to [state regulations](#), a subcontractor or laborer is 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 or 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.

**Transportation Provider** is any individual who regularly provides school-related transportation to children.

**Visitor** is defined as an individual who visits a school or district administrative office for a brief period of time to attend an appointment, meeting, event, or for personal or other reasons.

**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.

## Requirements for CORI Checks

### *Who is required to have a CORI check?*

According to the Salem Public Schools School Committee Policy #4119, Criminal Offender Record Information (CORI) is required for:

- All prospective and current school department employees
- Transportation providers
- All volunteers
- Any other person (such as an intern, contractor, or other person) who may have direct and unmonitored contact with children.

Visitors who visit a school or district administrative office for a brief period of time to attend an appointment, meeting, event, or other reasons are not required to have a CORI check. School and

district staff should establish protocols and procedures that prevent, to the extent possible, visitors on school grounds from having direct and unmonitored contact with students.

### ***When is the CORI check required?***

SPS (and state) policy requires that CORI checks **must be completed prior to hiring the employee or accepting any person as a volunteer.**

### ***How often must SPS employees, volunteers, and others have a CORI check completed?***

CORI checks must be renewed **every three years** in the Salem Public Schools and according to state law.

### ***What is the process for applying for and completing a CORI check?***

CORI forms are available in the main office of each school or through the HR office. One CORI form per individual should be completed, signed by the individual, and forwarded to HR for processing. CORI forms may be faxed, scanned and emailed, or dropped off in person to HR.

## **Requirements for Fingerprinting**

State law now requires that all newly hired and existing school/district employees have a fingerprint-based state and national background check. Completion of the fingerprinting requirement is now a routine part of the hiring and onboarding process in the Salem Public Schools. Active SPS employees who were hired prior to July 1, 2013 must also complete the fingerprinting requirement by 2016. Individuals must also pay the required fee(s) for this service which is \$35 for non-licensed and \$55 for licensed roles.

### ***Who is required to have a fingerprint-based state and national background check?***

According to the [Salem School Committee Policy #4119](#), the following individuals are required to be fingerprinted:

- All newly hired full or part-time employees
- All existing SPS employees (full or part-time)
- All substitute teachers
- All student teachers, apprentices, or interns who may have direct and unmonitored contact with students
- All transportation providers
- All subcontractors or laborers (and their employees) who may, through their work, have direct and unmonitored contact with children
- All volunteers who may have direct and unmonitored contact with students

Visitors who visit a school or district administrative office for a brief period of time to attend an appointment, meeting, event, or other reasons are not required to have a fingerprint background check. School and district staff should establish protocols and procedures that prevent, to the extent possible, visitors on school grounds from having direct and unmonitored contact with students.

### ***How do I determine whether or not the above requirements apply in cases where it is not clear?***

While the above requirements should be fairly clear for all employees and most others, there will likely be cases where the extent to which the requirement applies is less clear. In those cases, staff members are encouraged to use their best professional judgment to determine whether or not specific volunteers, contractors, or others who may in fact have direct and unmonitored contact with students should be subject to a fingerprinting background check. Please consider the following factors when making this determination:

- Likelihood of direct and unmonitored contact (as defined above) with students.
- Duration of potential contact with students (e.g., chaperones on overnight field trips)
- Ability to limit the potential for direct and unmonitored contact (e.g., by means of escorting, physical separation, restriction on hours of access to school facility, etc.)

Sample scenarios are presented in Appendix A to help school leaders and other staff to clarify when a fingerprint-based background check is required and when it is not. We recognize, however, that some situations may not be as clear. Please refer any such questions to Jill Conrad in the Superintendent's office ([jillconrad@salemk12.org](mailto:jillconrad@salemk12.org)).

### ***When is the fingerprint check required?***

All districts must be in full compliance with this new law by the beginning of the 2016-17 school year. Fingerprinting is required to be completed **prior to beginning any work** in the school or district for **all newly hired (newly hired after October 22, 2015)**:

- Employees
- Substitutes
- Transportation providers
- Subcontractors or laborers who may have direct and unmonitored contact with students and are newly hired on or after the date of this memo
- Volunteers who may have direct and unmonitored contact with students and are newly hired on or after the date of this memo

All **existing school/district employees and transportation staff** are required to complete a fingerprinting background check **by the beginning of the 2016-17 school year**. To assist districts in this effort, the MA Department of Elementary and Secondary Education has outlined a phase-in schedule to ensure all districts comply by the end of this year. In alignment with this timeline, Salem Public Schools requires that all existing employees complete a fingerprinting background check **by December 15, 2015**.

In addition, **all existing school/district subcontractors/laborers and/or volunteers** who may have direct and unmonitored contact with students and were **hired prior to the date of this memo** should obtain a fingerprint-based background check **no later than December 15, 2015**.

### ***How often must SPS employees, volunteers, and others have a fingerprint check completed?***

Salem [School Committee Policy #4119](#) requires that fingerprinting background checks be renewed every three years.

## Process for Coordinating Fingerprinting

*What is the process for applying or and completing a fingerprint background check?*

### **Procedure for Individuals NEWLY HIRED\* or ENGAGED as Subcontractors or Volunteers (after 10/22/15)**

For individuals who are newly hired or engaged as subcontractors or volunteers and have been determined to require a finger-print background check, please follow the below steps and procedures.

1. **At least three weeks prior to the individual's start date**, the hiring or volunteer engagement manager should complete the following online form:  
<https://www.surveymonkey.com/r/background-check>  
 This form enters the individual's name into a central database enabling HR to track fingerprinting results and maintain a record of their suitability determination.
2. **Please complete ONE form for each individual.**
3. Provide the individual with a copy of the Instructions for Obtaining a Fingerprint Background Check (see Appendix B). This document provides detailed information on the steps needed to obtain a fingerprint background check.
4. Urge the individual to complete the check as soon as possible (as no individual will be allowed to begin work or a volunteer engagement without receiving a suitability determination).
5. HR will email a weekly report to all hiring/engagement managers who have starting dates in the upcoming week. The report will identify whether or not the individuals on the list have completed the fingerprinting background check and have been found to be suitable. HR will contact hiring/engagement managers directly in cases where individuals have been found to be unsuitable as a result of the background check.
6. If individuals on your list have not yet completed a fingerprinting background check, it shall be the responsibility of each hiring/engagement manager to remind them of the deadline to do so.
7. Under no circumstances (aside from those determined to be existing contractors or volunteers as discussed below) will a contractor or volunteer who has been determined to require a fingerprint-based background check be allowed to begin an engagement without receiving a suitability determination.

Individuals who have previously been fingerprinted by another school or district may, as an alternative to completing an additional fingerprint-based background check, submit a suitability determination letter in lieu of getting another background check, if:

- The determination was made within the last seven years
- The individual has not resided outside of MA for more than three years
- The individual has been continuously employed for one or more school employers with a gap of no more than two years.

It is the responsibility of each individual to request a suitability determination letter from a previous school employer. All suitability determination letters should be submitted to: Martine Albama, Director of Human Resources, Salem Public Schools, 29 Highland Avenue, Salem, MA 01970. Salem Public Schools is also responsible for providing current or past employees with a suitability determination letter when one has been requested by the employee. Employees may request suitability determination letters by contacting HR.

*\*Fingerprinting requirements for individuals who are newly hired as employees will be managed by the Human Resources office.*

### **Procedure for Individuals who are EXISTING Subcontractors, and Volunteers (hired or engaged before 10/20/15)\***

For individuals who are existing employees, subcontractors, transportation providers, or volunteers who were hired or engaged prior to the date of this memo and have been determined to require a fingerprint-based background check, please follow the below steps and procedures.

1. **All individuals who fall into the above category should be given the attached memo and instructions. This memo alerts individuals that have an existing engagement with SPS that they have until December 15, 2015 to complete a fingerprint-based background check and provides instructions for them to complete the process.**
2. **By October 30<sup>th</sup>**, the hiring or volunteer engagement managers should complete the following online form: <https://www.surveymonkey.com/r/background-check>. This form enters the individual's name into a central database enabling HR to track fingerprinting results and maintain a record of their suitability determination.
3. **Please complete ONE form for each individual.**
4. Urge individuals requiring a background check to complete the check as soon as possible and no later than December 15, 2015.
5. HR will email a monthly report to all hiring/engagement managers with existing individuals who have been deemed to require a background check. The report will identify whether or not the individuals on the list have completed the fingerprinting background check and have been found to be suitable. HR will contact hiring/engagement managers directly in cases where individuals have been found to be unsuitable.
6. If by December 1, 2015, individuals on your list have not yet completed a fingerprinting background check, it shall be the responsibility of each hiring/engagement manager to remind them of the deadline to do so.
7. Under no circumstances (aside from those determined to be existing contractors or volunteers as discussed below) will a contractor or volunteer who has been determined to require a fingerprint-based background check be allowed to continue their engagement without receiving a suitability determination by December 30, 2015.

Individuals who have previously been fingerprinted by another school or district may, as an alternative to completing an additional fingerprint-based background check, submit a suitability determination letter in lieu of getting another background check, if:

- The determination was made within the last seven years
- The individual has not resided outside of MA for more than three years
- The individual has been continuously employed for one or more school employers with a gap of no more than two years.

It is the responsibility of each individual to request a suitability determination letter from a previous school employer. All suitability determination letters should be submitted to: Martine Albama, Director of Human Resources, Salem Public Schools, 29 Highland Avenue, Salem, MA 01970. Salem Public Schools is also responsible for providing current or past employees with a suitability determination letter when one has been requested by the employee. Employees may request suitability determination letters by contacting HR.

*\*Fingerprinting requirements for individuals who are EXISTING employees will be managed by the Human Resources office.*

## **Additional Resources**

- [State laws and regulations](#) pertaining to fingerprinting background checks
- [State regulations](#) regarding background checks
- Salem Public Schools [School Committee Policy #4119](#)
- [MA DESE FAQ](#) regarding background checks
- [Mass.gov FAQ](#) regarding background checks
- MA [DESE Advisory on CORI law](#)

## **APPENDIX A: SAMPLE SCENARIOS TO HELP CLARIFY WHEN FINGERPRINTING IS REQUIRED**

- 1. A student teacher that takes over instruction for his required hours as part of his student teaching experience.**

*ANSWER: Fingerprint. All student teachers are required to be fingerprinted.*

- 2. A volunteer who leads small group reading intervention in the hallway outside of the classroom every Monday for four weeks in a row.**

*ANSWER: Fingerprint. The volunteer will be alone with students and will have direct and unmonitored contact.*

- 3. A parent on a field trip to the Museum of Science.**

*ANSWER: Not required to fingerprint so long as the school/program ensures that this individual will not have direct and unmonitored contact with students. A school/program may take steps to prevent individuals from having direct and unmonitored contact by ensuring that a staff member or other individual who has received a suitability determination remains present.*

- 4. A parent volunteer who reads to the whole class every other week with the teacher in the room.**

*ANSWER: Not required to fingerprint (assuming that the teacher or other staff member remains present).*

- 5. A parent volunteer who teaches a Lego building class for 6 weeks after school.**

*ANSWER: Fingerprint. The volunteer will be alone with students and will have direct and unmonitored contact.*

- 6. A Salem State student who is earning 6 observation hours in a class taught by a classroom teacher.**

*ANSWER: Not required to fingerprint so long as the school/program ensures that this individual will not have direct and unmonitored contact with students. A school/program may take steps to prevent individuals from having direct and unmonitored contact by ensuring that a staff member or other individual who has received a suitability determination remains present.*

*Although a fingerprint background check is not required in this situation (so long as the teacher remains present in the room with the SSU student), SPS is working with SSU and other universities to coordinate background checks for their students who will be interfacing with schools.*

- 7. A parent who volunteers to help run "Math Night" games.**

*ANSWER: Not required to fingerprint so long as the school/program ensures that this individual will not have direct and unmonitored contact with students. A school/program may take steps to prevent individuals from having direct and unmonitored contact by ensuring that a staff member or other individual who has received a suitability determination remains present.*



## **APPENDIX B: INSTRUCTIONS FOR OBTAINING A FINGERPRINT-BASED BACKGROUND CHECK**

Individuals who work or volunteer in schools and may have direct and unmonitored contact with students are required to obtain a fingerprint-based background check according to MGL Chapter 459. This document provides instructions to individuals who are required to obtain a fingerprint background check.

### **Important Things to Know:**

- Getting fingerprinted is a two-step process. First, you sign up for an appointment online, and then you must go to the location where you signed up to be fingerprinted according to your scheduled appointment
- There is a fee of \$55 for DESE licensed individuals and \$35 for non-licensed individuals. You will need to pay with a credit card while online or you may pay with a personal check or money order at the fingerprinting center.

**Step 1:** Register online for an appointment to have your fingerprint taken. Go to: <http://www.identogo.com/FP/Massachusetts.aspx> to register for a date, time, and location to have your fingerprints taken.

**Step 2:** When asked to insert a “Provider ID” please use the following code: 02580000

**Step 3:** When asked about “Applicant Employer Information” please input the following:

Salem Public Schools  
29 Highland Avenue  
Salem, MA 01970

Employer Phone: 978-740-1115  
Employer Contact Name: Martine Albama  
Occupation: Director of Personnel and Human Resources

**Step 4:** Once you have entered all of the above information, please click the “Sent Information” button at the bottom of the screen.

**Step 5:** Please print the confirmation page and note the identification you will need to bring with you to the fingerprinting center.

For more information, please visit:

- [State laws and regulations](#) pertaining to fingerprinting background checks
- [State regulations](#) regarding background checks
- Salem Public Schools [School Committee Policy #4119](#)
- [MA DESE FAQ](#) regarding background checks
- [Mass.gov FAQ](#) regarding background checks