

KROKIDAS & BLUESTEIN

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CLIENT ALERT

CORI REFORM: NEW BACKGROUND CHECK REQUIREMENTS FOR EDUCATORS, SCHOOL STAFF AND CONTRACTORS

On January 10, 2013, Governor Patrick signed into law Chapter 459 of the Acts of 2012. This new legislation, entitled “An Act Relative to Background Checks,” expands the scope of Criminal Offender Record Information (CORI) requirements for public, private and parochial schools, and extends the reforms to CORI enacted in August 2010. The most important feature of this legislation is that it mandates a fingerprint-based national criminal database background check, as well as imposing other new background check requirements, for school employees and contractors.

Chapter 459 includes the following requirements:

- All school employees and contractors who have the potential for unsupervised contact with children will be required to submit to a fingerprint-based background check of state and national criminal history databases in addition to the currently-required CORI check.
- Newly-hired employees, including educators, maintenance workers, cafeteria staff, transportation staff, and contractors, will be required to undergo the national criminal database background check before the beginning of the 2013-2014 school year.
- The Board of Elementary and Secondary Education will adopt regulations in order to phase in the fingerprint-based background checks for current school employees over a three-year period. Current employees will be required to complete fingerprint-based checks before the start of the 2016-2017 school year.
- All employees, contractors, and applicants for hire will be charged a fee to defray the cost of conducting the fingerprint-based criminal database checks. The fees, which may be reimbursed by the Department of Elementary and Secondary Education (DESE), may not exceed \$55 for licensed educators, and \$35 for other employees.
- The new fingerprint-based criminal background check information will be treated with the same confidentiality and retention requirements that currently apply to CORI data.

- School volunteers are exempted from the new requirements, and will only need to comply with the current system of CORI checks at least once every three years.

Next Steps:

School administrators and officials should:

- Review the new regulations and a pending DESE advisory on the new background check requirements; and
- Review their existing CORI policy and procedures, and ensure compliance with existing CORI laws, including record retention periods relating to CORI.

For prior K&B client alerts on CORI laws, please click on the following two links:

<http://www.kb-law.com/articles/documents/FINALclientalert-CORIREFORM1019.pdf>

<http://www.kb-law.com/articles/documents/2012-04-17-alert-CORI-REFORM-EMPLOYERS-DEADLINE.pdf>

For additional information or guidance on the new background check laws, assistance with reviewing your CORI policy, or for any other education-related questions, please contact Attorney Anjali Waikar (awaikar@kb-law.com) or Attorney Elka Sachs (esachs@kb-law.com), at Krokidas & Bluestein LLP.