



New Massachusetts Law Requires Teachers to Be Fingerprinted

Governor Deval Patrick has enacted a law that requires new fingerprint-based background checks for public and private school teachers, bus drivers, and child-care workers in Massachusetts. This new law, which was signed on January 10, 2013, increases child protection by closing a legal loophole where schools were previously only allowed to conduct background checks for crimes committed inside Massachusetts.

State and National Fingerprint-Based Criminal Background Checks

Under the new law, public and private schools in Massachusetts will need to obtain state and national fingerprint-based criminal background checks to determine the suitability of current and prospective employees of the school who may have direct and unmonitored contact with children. Schools will need to obtain similar state and national fingerprint-based criminal background checks for any individual who regularly provides school-related transportation to children, as well as any subcontractor or laborer commissioned by the school to perform work on school grounds who may have direct and unmonitored contact with children. All fingerprints will be submitted to the state police for a state criminal history check and forwarded to the Federal Bureau of Investigation (FBI) for a national background check. Under the previous law, fingerprints were not required and only a state check was conducted.

There is a fee of up to \$35 for employees who are not certified educators and \$55 for employees who are certified educators. At this time, schools are permitted to reimburse applicants for all or part of the fee on grounds of financial hardship.

Compliance Timetable

Schools must comply with the new requirements for newly hired teachers, bus drivers, and other school staff before the start of the 2013-2014 school year. All current employees must submit fingerprints for federal background checks before the start of the 2016-2017 school year. In addition to schools, any programs licensed or funded by the Massachusetts Department of Early Education and Care must comply with these new requirements.

New Criminal Offender Record Information ("CORI") Procedures

The new law also changes procedures for obtaining Criminal Offender Record Information ("CORI") from the Department of Criminal Justice Information Services ("DCJIS"). In the past, schools were permitted to obtain CORI for certain subcontractors and laborers; however, the new law requires schools to obtain CORI from DCJIS at least every 3 years for any subcontractor or laborer commissioned by the school to perform work on school grounds who may have direct and unmonitored contact with children, including any individual who regularly provides school-related transportation to children.

Next Steps for Employers

HR Knowledge recommends that all independent schools in Massachusetts take the following actions:

- Update your policies to incorporate these new background check requirements
- Update your Criminal Record and Sex Offender Compliance materials to include the new requirements (including contractor and sub-contractor checks)



- Evaluate which of your subcontractors and school-commissioned laborers that perform work on school grounds may have direct and unmonitored contact with children

HR Knowledge will continue to monitor developments in the new background check law, and we will alert you to further changes when regulations are issued. In the meantime, please do not hesitate to contact us if you have any questions about these background check laws.

Please Note: HR Knowledge Human Resource Staff are available to generate or modify existing documents to comply with the recommendations reflected above. This work would be considered project work that we would happy to discuss with you. Please contact your Client Account Manager at HR Knowledge if interested in this service offering.

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