

BUS DRIVER EXAMINATION AND TRAINING
(MEMORANDUM SENT BY MASC, May 23, 1978)

The following memorandum was prepared by Peter Larkowich, Counsel Criminal History Systems Board of the Commonwealth of Massachusetts, for dissemination to school committees.

MGL c. 6, sec. 172 (c)
SCHOOL BUS DRIVER CERTIFICATION

A general grant of access is given under G.L. c. 6, sec. 172 (c) to local police departments, school departments, and the governing body of parochial and private schools through their local police department for a period of two years to receive Criminal Offender Record Information (CORI) pertaining to convictions of motor vehicle offenses, and crimes against the person for the purpose of screening otherwise qualified applicants for employment as school bus drivers or as any other driver employed to transport minors. The local police department may advise the party requesting the record check on a need to know basis in accordance with the requesters discretion. CORI obtained for the purposes of this certification shall be solely utilized for school vehicle operator employment purposes and all copies shall be disseminated only in accordance with existing law and regulations and all copies shall be returned to the local police department. This certification is for a two year period.

Passed: November 30, 1977

MEMORANDUM

The Criminal History Systems Board has certified local school departments and the governing bodies of parochial and private schools to view and inspect Criminal Offender Record Information (CORI) when considering employment of otherwise qualified school bus drivers. The following is recommended for compliance with this certification.

1. Receive from the school bus driver contractor or school bus driver hiring body the names and other identifying information of otherwise qualified school bus driver applicants. NOTE: This record check should be the final pre-employment check which is performed. All other pre-employment criteria having been previously met.
2. On department stationary and signed by the hiring body or individual list the names and other identifiers of the applicants along with the following statements:
 - A. The CORI will be utilized only for employment purposes and not disseminated to any other party.
 - B. No copies of CORI will be retained and that the original and all copies will be returned to the local police department.

3. Transmit the signed letter to your local police department. The police department will receive your request and a record check will be performed through Department of Probation.

4. A complete record will be transmitted from Probation to the police department who will notify the school department of the receipt of the records.

5. The school department receives the requested records to be utilized for hiring purposes. Copies of the record received may be made for discussion purposes but all copies and the original must be returned to the police department for destruction. No copies of CORI may be retained in school department records in any form.

It is strongly recommended that any school committee sessions which consider a person's criminal record be held in Executive Session as they would qualify as an exception to the Open Meeting Law under the character or reputation section of that statute.

This certification is granted for a two-year period and runs to the school department only. Any dissemination outside the school committee (including the school bus company) would be a violation of MGL c. 6, secs. 177-178 and subject the violator to civil and criminal liability. The criminal sanction for each violation is a maximum of \$5,000.00 or one year in jail or both.

The Criminal History Systems Board would appreciate it if you could afford this certification the widest possible audience so it may be implemented for upcoming bus contracts. If you or your members have any questions or problems, please contact Peter Larkowich at (617) 727-7976.