The Commonwealth of Massachusetts
Department of Early Education and Care

Policy	
EEC Background Record Check Process by Program Type for all Program Types	**Field Operations – All Licensed and Funded Programs**
Effective Date: August 22, 2023	

The Department of Early Education and Care (EEC) issues licenses and approvals to candidates within a variety of program types. Each program type has different rules related to background record checks (BRCs). A summary of the EEC BRC requirements are as follows:

Family Child Care

This includes family child care (FCC) educators as well as their household members aged 15 years old or above; persons regularly on the premises aged 15 years old or above; all FCC assistants; and anyone who provides services on behalf of, or who affiliates with, or are present in such programs. An example of affiliated individuals includes FCC System Staff and transportation personnel. *See* Third Party Affiliates Table (below). Volunteers in FCC homes must be run under the role of a person regularly on the premises, meaning that such individuals must always have an EEC BRC.

Some key components of the EEC BRC regulations applicable to FCC candidates include:

- EEC BRC requirements are for fingerprint-based checks, Criminal Offender Record Information (CORI), Department of Children and Families (DCF), Sex Offender Registry Information (SORI), National Sex Offender Registry (NSOR) and, when applicable, all out-of-state checks mandated by the Child Care and Development Block Grant (CCDBG).
- FCC Licensee and Assistant candidates are subject to certain mandatory disqualifications required by federal law.
- FCC candidates cannot work in a provisional status; instead, they must complete the entire BRC process and obtain a suitable finding before they can receive a license or approval.
- All household members and persons regularly on the premises must be deemed suitable before an FCC educator can be issued a license.
- All third parties affiliated with FCC programs who may have unsupervised access to children must complete a BRC, even if they are only present on a temporary basis.

Group and School Age Child Care

Group and School Age Child Care (GSA) programs provide early education and care for young children in community-based settings outside of the child's or the educator's home. A licensee in a group and school age child care program includes any person seeking to obtain, renew, or retain an EEC license or approval. All employees and interns who are employed or volunteer in either a permanent or temporary capacity in group and school age child care programs must complete an EEC BRC, regardless of whether such individuals have unsupervised access to the children served. Additionally, EEC requires a BRC for those who volunteer in an unsupervised capacity within EEC licensed, approved, or funded programs.

Some key components of the EEC BRC regulations applicable to GSA programs and candidates include:

- EEC BRC requirements are for fingerprint-based checks, CORI, DCF, SORI, and NSOR and, when applicable, all out-of-state checks mandated by CCDBG.
- GSA candidates are subject to certain mandatory disqualifications required by federal law.
- EEC must review all BRC information to determine whether a candidate's background is suitable under state and federal law and cannot delegate the review to the programs.
- Licensees must have an overall decision of "suitable" before a license can be issued or renewed.
- BRC Program Administrators, Employees, interns, and volunteers (when applicable) may work or be present in a supervised provisional status upon approval from EEC. Supervision must be direct and constant and can be performed by any employee of the program who has a current EEC suitability determination.
- Conditional employment is not applicable for GSA candidates.
- All third parties (non-staff) within GSA child care programs who may have unsupervised access to children must complete a BRC, even if they are only present on a temporary basis.

Funded Programs

Programs that receive funding through a voucher or contract for child care financial assistance that is funded by EEC, but are not required to be licensed by EEC, must complete an EEC BRC. All employees are subject to an EEC BRC regardless of whether they may have unsupervised access to children.

Some key components of the EEC BRC regulations applicable to Funded Programs include:

- EEC BRC requirements are for fingerprint-based checks, CORI, DCF, SORI, and NSOR and, when applicable, all out-of-state checks mandated by CCDBG.
- These candidates are subject to certain mandatory disqualifications required by federal law.
- EEC must review all BRC information to determine whether a candidate's background is suitable under state and federal law and cannot delegate the review to the programs.
- Designated Program Administrators within Funded Programs must have an overall decision of "suitable" before funding will be issued or renewed.
- Employees, interns, and volunteers (when applicable) may work or be present in a supervised provisional status upon approval from EEC. Supervision must be direct and

constant and can be performed by any employee of the program who has a current EEC suitability determination.
- Conditional employment is not applicable for funded programs.
- All third parties (non-staff) within funded programs who may have unsupervised access to children must complete a BRC, even if they are only present on a temporary basis.

In-Home Non-Relative Caregivers

An individual who receives funding from the Child Care Development Fund (CCDF) through EEC in order to provide child care supported by financial assistance to an unrelated child in the child's own home must complete an EEC BRC.

Some key components of the EEC BRC regulations applicable to In-Home Non-Relative Caregiver Programs include:

- EEC BRC requirements are for fingerprint-based checks, CORI, DCF, SORI, and NSOR and, when applicable, all out-of-state checks mandated by CCDBG.
- These candidates are subject to certain mandatory disqualifications required by federal law.
- In-home non-relative candidates cannot work in a provisional or conditional status and must have an overall decision of "suitable" before receiving EEC funding or before EEC will issue a voucher agreement.

Relative Caregiver

A person who is a grandparent, aunt, uncle, or sibling by blood, marriage, or adoption of a child, who receives funding through EEC to provide care to a child in their home or the child's home.

Some key components of the EEC BRC regulations applicable to a Relative Caregiver include:

- EEC BRC requirement is for completion of a SORI check and an NSOR check, when implemented.
- Findings from a SORI or NSOR check will constitute a mandatory disqualification.
- Relative candidates cannot work in a provisional or conditional status and must have an overall decision of "suitable" because before receiving EEC funding.

Residential Programs and Placement Agencies

Residential and Placement (R&P) programs provide custodial care and services to children, either by agreement with a parent or guardian, by contract with a state agency, or as a result of a referral by a court of competent jurisdiction. A Licensee in a Residential or Placement program includes those seeking to obtain, renew, or retain an EEC license or approval for a residential program or placement agency. All employees and interns who work or associate in a permanent or temporary capacity in residential and placement programs must complete an EEC BRC, regardless of whether such individuals have unsupervised access to the children served. Those who volunteer in an unsupervised capacity within an R&P program are also subject to an EEC BRC.

Some key components of the EEC BRC regulations applicable to R&P Programs include:

- EEC BRC requirements include fingerprint-based checks, CORI, DCF, and SORI. Additionally, when applicable, residential program candidates will be subject to an out-of-state child welfare check.
- Federal law does not subject these candidates to mandatory disqualifications; however, charges found on the Table of Disqualifications Offenses – Mandatory Disqualifications will be treated as presumptive disqualifications and require a BRC review.
- Licensees must have an overall decision of "suitable" before a license can be issued
- or renewed.
- Conditional employment is not applicable for these candidates.
- Provisional status is not applicable for these candidates.
- Residential and Placement candidates must complete the entire BRC process and obtain a suitable finding before they can begin employment in a program.

Foster and Adoptive Parents

Programs related to adoption and foster care must complete an EEC BRC. The requirements implicate current and prospective candidates for adoptive or foster parents and adoptive or foster parents' household members who are aged 15 years old and above who are not subject to the jurisdiction of DCF.

Some key components of the EEC BRC regulations applicable to Foster and Adoptive Parents include:

- EEC BRC requirements are for fingerprint-based checks, CORI, and SORI.
- DCF checks are completed directly through DCF.
- These candidates are not subject to mandatory disqualifications.
- While EEC completes these checks, EEC does not issue any findings concerning suitability.

Third Party Affiliates

EEC does not issue a license or funding to third party affiliates who may affiliate with any type of EEC licensed, approved, or funded program. An affiliated company or individual has regular association with an EEC licensed, approved, or funded program through employment, contract or an informal agreement with the program or parents for the purpose of providing services on behalf of the program to a child in attendance.

Examples of third party affiliates include: transportation personnel, contractors, subcontractors, vendors, medical providers, FCC system staff, coaches, and therapists who assist in a manner that results in them having unsupervised access to children.

Some key components of the EEC BRC regulations applicable to Third Party Affiliates include:

- EEC BRC requirements are for fingerprint-based checks, CORI, DCF, and SORI.
- NSOR and all out-of-state checks mandated by CCDBG are required for GSA and FCC third party affiliates.
- Out-of-state child welfare checks are required for any applicable Residential candidate

- Affiliate candidates are subject to mandatory disqualifications, unless the candidate is affiliated with a residential and placement program, whose charges will be treated as a presumptive disqualification requiring a BRC review.
- Third party affiliates are not subject to provisional hiring.

When is a Third Party Affiliate Subject to an EEC BRC?

ROLE	SUPERVISED ACCESS?	BRC
Coach	Supervised	No
Coach	Unsupervised	Yes
FCC System Staff	Always assumed to be regularly on the premises and unsupervised	Yes
Transportation Personnel	Always assumed to be Unsupervised	Yes
Extra-Curricular Instructor	Supervised	No
Extra-Curricular Instructor	Unsupervised	Yes
Therapist	Supervised	No
Therapist	Unsupervised	Yes
Early Intervention Staff	Supervised (must always be in this status)	No
Vendor	Supervised	No
Vendor	Unsupervised	Yes
Contractor / Subcontractor	Supervised	No
Contractor / Subcontractor	Unsupervised	Yes
Medical Provider	Supervised	No
Medical Provider	Unsupervised	Yes