



**Department of
Early Education and Care**
THE COMMONWEALTH OF MASSACHUSETTS

EEC Background Record Check Unit

**POLICY STATEMENT: EEC Background Record Check Process by
Program Type for all Program Types**

DATE: September 10, 2019

EEC BRC UNIT POLICY NUMBER: 19-004

EEC Background Record Check Process by Program Type

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 include:

- The EEC BRC requirements are for Criminal Offender Record Information (CORI), Department of Children and Families (DCF), Sex Offender Registry Information (SORI), and fingerprint-based checks, as well as National Sex Offender Registry (NSOR) and all out-of-state checks mandated by the Child Care and Development Block Grant (CCDBG) when implemented.¹
- FCC candidates are subject to mandatory disqualifications.

¹ Presently, this requirement is not implemented yet and there is a federal extension expected to September 30, 2020.

- FCC candidates cannot work in a provisional or conditional status; instead, they must complete the entire BRC process with 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 a FCC educator is issued a license.
- All third parties affiliated with unsupervised access to children must be run, 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 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 engage in 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 include:

- The EEC BRC requirements are for CORI, DCF, SORI, and fingerprint-based checks, as well as NSOR and all out-of-state checks mandated by CCDBG when implemented.
- GSA candidates are subject to mandatory disqualifications.
- EEC must review all BRC information and cannot delegate the review to the programs.
- Licensees must have an overall decision of "suitable" before a license can be issued or renewed.
- Employees, interns, BRC Program Administrators, and volunteers (when applicable) may be utilized in a supervised provisional status but it requires fingerprinting and constant supervision.
- Conditional employment does not apply.
- All third parties (non-staff) within group and school age child care programs with unsupervised access to children must be run, even if they are only present on a temporary basis.

Funded Programs

Programs that receive funding through a voucher or contract for subsidized child care funded by EEC but are not EEC licensed must complete an EEC BRC. All employees are subject to an EEC Background Record Check whether or not they may have unsupervised access to children.

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

- The EEC BRC requirements are for CORI, DCF, SORI, and fingerprint-based checks, as well as NSOR and all out-of-state checks mandated by CCDBG.

- These candidates are subject to mandatory disqualifications.
- EEC must review all BRC information 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 be utilized in a supervised provisional status but it requires fingerprinting and constant supervision.
- Conditional employment does not apply.
- All third parties (non-staff) within funded programs that have unsupervised access to children must be run, even if they are only present on a temporary basis.

In-Home Non-Relative Caregivers

An individual that receives funding from the Child Care Development Fund (CCDF) through EEC in order to provide subsidized child care to an unrelated child in the child's own home.

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

- The EEC BRC requirement is CORI, DCF, SORI, Fingerprint-based checks as well as NSOR) and all out-of-state checks mandated by CCDBG when implemented
- They must be completely suitable before EEC will issue a voucher agreement.
- These candidates are subject to mandatory disqualifications.
- In-home non-relative candidates cannot work in a provisional or conditional status because they must be completely suitable before receiving EEC funding.

Relative Caregiver

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

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

- The EEC BRC requirement is for completion of SORI check and an NSOR, when implemented.
- Any positive BRC finding for a SORI or NSOR hit constitutes a mandatory disqualifications.
- Relative candidates cannot work in a provisional or conditional status because they must be completely suitable before receiving EEC funding.

Residential Programs and Placement Agencies

Residential and placement (R&P) candidates for a BRC include those seeking to obtain, renew or retain an EEC license or approval for a residential program or placement agency. Additionally, it includes all employees and interns who engage in permanent or temporary employment

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:

- The EEC BRC requirements include CORI, DCF, SORI, and fingerprint-based checks.
- These candidates are not subject to mandatory disqualifications; however, charges found on the Table of Disqualifications Offenses – Mandatory Disqualifications will be treated as presumptive disqualifications.
- Licensees must have an overall decision of “suitable” before a license can be issued or renewed.
- Unable to provisionally hire candidates but will be able to in the near future.
- Presently, they are subject to unsupervised conditional hiring, meaning that they may presently hire in an unsupervised capacity after completion and approval of CORI, DCF, and SORI checks.

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 parent’s household members aged 15 years old and above that are not subject to the jurisdiction of DCF.

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

- The EEC BRC requirements are for CORI, SORI, and fingerprint-based check.
- DCF checks must be completed directly through DCF.
- They are not subject to mandatory disqualifications.
- Adoption and foster candidates cannot work in conditional or provisional status because they must be fully suitable to be approved as a foster or adoptive parent or household member.

Third Party Affiliates

EEC does not issue a license or funding to third party affiliates, which can 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. Example of third party affiliates include: transportation personnel, contractors, subcontractors, vendors, medical providers, FCC system

staff, coaches, 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:

- The EEC BRC requirements are for CORI, DCF, SORI, and fingerprint-based checks.
- NSOR and all out-of-state checks mandated by CCDBG are required for GSA and FCC third party affiliates.
- Subject to Mandatory Disqualifications, unless affiliated with Residential and Placement Programs, whose charges will be treated as a presumptive disqualification.
- Third party affiliates are not subject to provisional hiring.
- Third party affiliates of R&P programs may be hired in a conditional status.

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 |

Family Child Care, Group and School Age Child Care, In-Home Non-Relative Caregivers, Affiliated, and Funded Programs will be required to complete CORI, DCF, SORI, NSOR and Fingerprint-based checks and all out-of-state checks mandated by CCDBG. Relative Caregivers will only be required to complete a SORI and NSOR check. Adoptive and Foster Care Parents will be required to complete a CORI, SORI, and fingerprint-based check; however, DCF checks must be completed directly through DCF, out-of-state checks do not apply. Residential Programs and Placement Agencies will be required to complete CORI, DCF, SORI, and fingerprint-based checks, out-of-state checks do not apply.

