Code of Massachusetts Regulations
Title 606: Department of Early Education and Care
Chapter 14.00: Criminal Offender and Other Background Record Checks

CMR T. 606, Ch. 14.00, Refs & Annos
Currentness

The Massachusetts Administrative Code titles are current through Register No. 1467, dated April 15, 2022. Some sections may be more current; see credits for details.

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Code of Massachusetts Regulations
Title 606: Department of Early Education and Care
Chapter 14.00: Criminal Offender and Other Background Record Checks (Refs & Annos)

606 CMR 14.01

14.01: Purpose

Currentness

The purpose of 606 CMR 14.00 is to establish standardized procedures for Department of Early Education and Care (EEC) to process Background Record Checks (BRCs) of candidates for licensure, employment, affiliation or presence in programs licensed, approved or funded by EEC in accordance with state and federal law. Additionally, EEC's BRC regulations apply to those seeking approval as foster and adoptive parents with the exception of those subject to M.G.L. c. 119, § 26A consistent with state and federal law.

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Mass. Regs. Code tit. 606, § 14.01, 606 MA ADC 14.01

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606 CMR 14.02

14.02: Policy

Currentness

EEC's BRC regulations are designed to ensure the completion of BRCs on individuals subject to EEC's oversight, including those in receipt of federal Child Care Development Fund (CCDF) funding pursuant to the Child Care Development Block Grant (CCDBG) Act of 2014 at 42 USC § 9858 and funding through the Families First Prevention Services Act of 2017 at 42 USC, § 471(a)(20)(D). Further, BRCs shall be performed in accordance with the statutory framework of M.G.L. c. 15D, §§ 7 and 8, 606 CMR 14.00 and consistent with the timelines established by EEC regulations or policy. EEC is responsible for reviewing all disqualifying information for candidates, with the exception of candidates for adoptive and foster parents to the extent authorized by the Federal Bureau of Investigations (FBI) and state statute. EEC may delegate to another Commonwealth entity its authority to complete BRCs through a Memorandum of Understanding or other applicable agreement to the extent permitted by state and federal law. While effective immediately, EEC will implement the provisions of 606 CMR 14.00 in phases and provide updated timetables for implementation within its written policies. Nothing in 606 CMR 14.00 shall be construed to create a private right of action if an EEC licensed, approved or funded program has acted in accordance with 606 CMR 14.00 and any policies adopted thereunder.

Credits
History: 1433 Mass. Reg. 81, amended eff. Dec. 25, 2020.

The Massachusetts Administrative Code titles are current through Register No. 1467, dated April 15, 2022. Some sections may be more current; see credits for details.

Mass. Regs. Code tit. 606, § 14.02, 606 MA ADC 14.02

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Title 606: Department of Early Education and Care
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606 CMR 14.03

14.03: Scope

Currentness

606 CMR 14.00 applies to candidates and those affiliated with EEC licensed, approved or funded programs in accordance with M.G.L. c. 15D, §§ 7 and 8 as well as CCDBG. BRCs must be completed on those who are affiliated with EEC licensed, approved or CCDF funded programs, as well as those with unsupervised access to children in child care licensed, approved or CCDF funded programs.

The Massachusetts Administrative Code titles are current through Register No. 1467, dated April 15, 2022. Some sections may be more current; see credits for details.

Mass. Regs. Code tit. 606, § 14.03, 606 MA ADC 14.03

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606 CMR 14.04

14.04: Definitions

Currentness

Affiliated: 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 or a child in attendance.

Background Record Check (BRC): The process of requesting, receiving and evaluating information to determine whether a candidate is eligible for affiliation with an EEC licensed, approved or funded program. Such checks include data provided by the Massachusetts Department of Criminal Justice Information Services (DCJIS); the Massachusetts Department of Children and Families (DCF); the Massachusetts Sex Offender Registry Board (SORB); the state and national fingerprint databases; as well as all relevant state and national criminal history, child welfare and sex offender registries, databases and repositories.

Candidate: Any person seeking to obtain, renew or retain an EEC license or approval; engage in permanent or temporary employment or internships, regardless of whether such individuals have unsupervised access to the children served; or volunteer in an unsupervised capacity within EEC licensed, approved or funded programs. Family child care candidates include family child care licensees and assistants, as well as household members, and those regularly on the premises of a family child care home, 15 years of age or older. Candidate includes individuals providing services to children within EEC licensed, approved or funded programs in an unsupervised capacity, regardless of whether the individuals have a direct relationship to the Program. All transportation personnel are presumed to have unsupervised access to children. Candidates may also include applicants for approval as foster or adoptive parents, as well as their household members 15 years of age or older.

Child Care Candidate: Used to identify those Programs subject to the CCDBG requirements, which includes all EEC licensed, approved and funded programs eligible to receive a subsidy, regardless of whether such entities actually receive a subsidy. This includes a family child care licensee as well as their household members and persons regularly on the premises 15 years of age or older; all family child care assistants; small and large group, center-based and after school child care licensees, employees, volunteers and interns; and anyone who provides services on behalf of such programs, who affiliate with or are present in such programs in an unsupervised capacity. Child Care Candidate also includes all candidates who operate or are employees, volunteers or interns in a program that receives CCDF funding for subsidized child care, even though it is not subject to licensure or approval by EEC.

Child Care Development Fund (CCDF): A grant issued by the federal government at 42 USC § 9858 to lead agencies from each state responsible for implementing subsidized child care program rules and requirements with the goal of providing a work support to families seeking to find a child care program fitting each family's needs. EEC is the lead agency in Massachusetts responsible for administering CCDF funding to its recipients pursuant to M.G.L. c. 15D, § 2.

Child Care Development Block Grant (CCDBG): The 2014 Act that reauthorized the law governing CCDF for the first time since 1996. The law makes sweeping changes to the requirements in various areas, such as implementing mandatory background record checks on child care staff at all licensed, approved and funded programs. CCDBG added mandatory disqualifications; requires EEC to review all adverse record information; mandates a 45-day turnaround time; and adds criminal, child welfare and sex offender checks for each state where a candidate has resided within the prior five years.

Conditional Hire: An individual who has the potential for unsupervised contact with children and who is part of a department licensed, funded or approved program or a provider of transportation services on behalf of any department licensed, funded or approved program and was hired prior to the obtaining of the results of a state and national fingerprint-based criminal history check because the employer determined that hiring the individual was necessary.

Criminal Justice Official: The candidate's probation officer, parole officer or correctional facility superintendent (or designee), depending on who has had the most recent responsibility for supervising the candidate. In cases where the candidate was last supervised in a correctional facility, the candidate may advise EEC of any employee of the correctional facility who may have specific information about the candidate that would assist the superintendent or designee with their assessment.

Criminal Offender Record Information (CORI): As used in 606 CMR 14.00, the term Criminal Offender Record Information (CORI) shall reflect the same meaning as the definition of the same term in M.G.L. c. 6, § 167 (2018 official edition) and 803 CMR 2.00: *Criminal Offender Record Information (CORI)*. EEC is legally authorized to receive information pursuant to M.G.L. c. 6, §§ 172 and 172F, including information in addition to CORI. CORI checks completed for candidates include all information referenced in M.G.L. c. 6, §§ 172 and 172F that EEC is legally authorized to receive.

Department of Children and Families (DCF): A Massachusetts Executive Office of Health and Human Services agency, it maintains and provides child welfare information, including a central registry of substantiated findings of abuse or neglect of children in the Commonwealth.

Department of Children and Families (DCF) Check: A check of Massachusetts DCF databases including its Central Registry and Registry of Alleged Perpetrators to determine if a candidate has been identified as the person responsible for abuse or neglect of a child in a supported M.G.L. c. 119, § 51B Report or is the alleged perpetrator of a pending investigation for abuse or neglect under M.G.L. c. 119, § 51A.

Department of Criminal Justice Information Services (DCJIS): A Massachusetts Executive Office of Public Safety and Security agency, the DCJIS provides access to critical criminal justice information, including criminal record data, to authorized Commonwealth and national criminal justice and non-criminal justice agencies.

Direct Visual Supervision: Continuous observation within an individual's immediate eyesight in an unobstructed manner. Supervision in this manner cannot occur through use of a camera. Supervision may occur through the presence of the child or resident's parent or guardian; through presence of state agency staff; or presence of program staff with a suitability decision on file.

Discretionary Disqualification: A candidate with an adult or juvenile offense, regardless of its disposition, including pending and resolved charges for any crime, or a pending or supported finding for any child welfare offense as described in 606 CMR 14.10(3), unless the candidate is granted approval after complying with the EEC review process described in 606 CMR 14.12(2).

EEC Funded Program/Caregiver: Any program or individual that is exempt or not subject to EEC licensure or approval, who receives funding for subsidized child care from EEC. EEC Funded Program/Caregiver includes, but is not limited to, individuals who provide care in a child's home whether related or unrelated to the child; public schools; summer camps; and out of school time programs regardless of whether such entity is licensed or approved by EEC.

Family Child Care Candidate: The family child care licensee; family child care assistants; and all household members and persons regularly on the premises of the family child care home 15 years of age or older, regardless of whether the individuals are present during child care hours.

Family Child Care Licensee: The family child care provider or educator who is legally responsible for the operations of a family child care program.

Final Suitability Determination: A conclusion that a candidate is "suitable" or "not suitable" after completing all mandatory components of EEC's BRC process.

Fingerprint-based Check: A scan of a candidate's fingerprints submitted to state law enforcement and Federal Bureau of Investigation (FBI) to search against the state and national criminal history databases.

51A Report: A report filed with the Massachusetts DCF, pursuant to M.G.L. c. 119, § 51A, alleging that there is reasonable cause to believe that a child younger than 18 years old has been subject to abuse or neglect.

51B Report: A report prepared pursuant to M.G.L. c. 119, § 51B detailing the MA DCF investigation into allegations of abuse or neglect upon a child and a determination by DCF whether there is reasonable cause to believe a child identified in the report has been, or is at risk of being, abused or neglected. A 51B Report will either support or unsupport the allegations of abuse or neglect.

Funding from EEC: Reimbursement for the provision of subsidized child care including monies from CCDF.

In-home Non-relative Caregiver: An individual receiving CCDF funding through EEC for subsidized child care to provide care to an unrelated child in the child's own home.

Intern: Any person who provides their services to an EEC licensed, approved or funded program in order to gain work experience in and knowledge of a field. Internships may be paid or unpaid, part of a formal educational program or informally designed. Internships are usually for limited periods of time.

Licensee: Any person holding a license or approval issued by the Department and responsible for the Program's operations and acting as the designated authority on behalf of a Program.

Mandatory Disqualification: A candidate is ineligible for approval if the candidate has any offense within a BRC described in 606 CMR 14.10(1), unless the candidate is granted approval. Mandatory disqualifications do not require review under 606 CMR 14.12(2) unless explicitly permitted by 606 CMR 14.00.

Materially False Statement: Information provided by a candidate to EEC that is false or misleading and should have been identified by the candidate as inaccurate. Such information could have caused EEC to perform an invalid BRC, or lead to the omission of relevant BRC information. As an example, intentionally providing inaccurate identifying information.

National Sex Offender Registry (NSOR) Check: The NSOR Check is a review of the sex offender information maintained by the National Crime Information Center (NCIC). Such information includes whether a candidate is registered as a sex offender in any other state or territory.

Out of State Check: A search of available out of state records, registries, repositories and databases for any known criminal history, sex offender information, and child welfare information where a candidate has resided within the prior five years.

Pending: A criminal offense shall be considered pending if the criminal record indicates that the offense remains open and without final resolution, including that the case has been continued without a finding and remains open or if the disposition information is unavailable on criminal record information. A child welfare check, including a DCF check, shall be considered pending if the abuse or neglect allegation of a child has been filed with a child welfare agency, but the investigation findings have not been issued by the agency.

Placement Agency: A department, agency, or institution of the Commonwealth, or any political subdivision thereof, or any organization incorporated under the laws of the Commonwealth, one of whose principal purposes is providing custodial care and services to children, which receives 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, any child younger than 18 years old, for placement in family foster care or in a residential facility, except that for the purposes of adoption placement, a "placement agency" shall be a department, agency, or institution of the Commonwealth, or any political subdivision thereof, or any organization incorporated under M.G.L. c. 180, one of whose principal purposes is providing custodial care and social services to children, which receives by agreement with a parent or guardian, by contract with a state agency or as a result of referral by a court of competent jurisdiction, any child younger than 18 years old, for placement in adoption.

Presumptive Disqualification: A candidate is ineligible for BRC approval if their EEC BRC reflects any offense as described in 606 CMR 14.10(5), unless the candidate is granted approval after completing the review process described in 606 CMR 14.12(2). Such disqualifications create a presumption of a disqualification for licensure, employment or other services that result in unsupervised access to children, due to the presumed unacceptable risk to children posed by the nature of the crime to persons receiving services. Certain disqualifications will be deemed presumptive and subject to further scrutiny and may require the candidate to submit additional information.

Program: An EEC licensed, approved or CCDF funded entity, including but not limited to, family child care, group, school aged, center-based and residential programs as well as placement agencies. Program includes entities that are in receipt of CCDF funding for subsidized child care but also not licensed by EEC or exempt from EEC's licensing oversight.

Program Administrator (BRC): A person designated by a Program or an entity designated by EEC to submit candidate information during the BRC process, including BRC requests, consent forms for candidates, employment and affiliation decisions and any other information requested by EEC's BRC Unit. Candidates must at least be in provisional status with the Program when designated as BRC Program Administrator unless an exception defined by EEC policy applies.

Provisional Hire/Status: A candidate who has completed the required sex offender and a fingerprint-based check who a Program seeks to utilize in a supervised capacity after EEC has completed the preliminary screening process. Provisional hires must at all times be under the direct visual supervision of a Program staff person that has a current final suitability determination of "suitable" from EEC. The candidate will remain in this category until EEC issues a final suitability determination. This category does not apply to family child care candidates, in home non relative caregiver, relative caregiver, transportation personnel, temporary agency staff, and contracted/service providers.

Qualified Mental Health Professional: A psychiatrist, licensed to practice medicine under M.G.L. c. 112, § 2, a psychologist, licensed under M.G.L. c. 112, §§ 118 through 121, a psychiatric nurse licensed to practice nursing under M.G.L. c. 112, §§ 74 and 80E, or a licensed independent clinical social worker (LICSW) licensed under M.G.L. c. 112, §§ 130 through 132; provided that the psychiatrist, psychologist, psychiatric nurse, or licensed independent clinical social worker has at least 1,000 hours of experience over a minimum of two years involving assessment, treatment, and consultation concerning individuals with behavior that presents a risk of harm to others in the community, in the workplace, in treatment settings, or in correctional facilities; and provided further that the psychiatrist, psychologist, psychiatric nurse or licensed independent clinical social worker. Such individual may not have personally provided treatment to the candidate.

Regularly on the Premises: Individuals who are present at a family child care home on a recurring basis, but do not reside at the home and are not employed by the program.

Relative Caregiver: A person who is a parent, grandparent, great grandparent, aunt, uncle, great aunt, great uncle or sibling by blood, marriage or adoption of a child, receiving payment from EEC to provide care to a child in his or her home or the child's home.

Sex Offender: A person designated, registered or required to be registered as a sex offender in any sex offender registry, repository or database by any state or federal agency.

Sex Offender Registry Board (SORB): A Massachusetts Executive Office of Public Safety and Security agency, SORB classifies, maintains and provides information regarding persons who have been convicted or adjudicated of a sexual offense.

Sex Offender Registry Information (SORI): Information and classifications maintained by the Massachusetts SORB regarding those who have been convicted or adjudicated of a sexual offense. SORI includes the type of sex offense(s) committed, the date(s) of conviction, the sex offender's home and work/school addresses, and identifying information about the sex offender, such as age, height, and weight.

Transportation Personnel: Any individual or a corporation who provides transportation services on behalf of any Program licensed, approved or CCDF-funded, whether directly employed or subcontracted with the Program. All transportation drivers and monitors are presumed to provide services in an unsupervised capacity.

Unsupervised Capacity/Access: When a person has a reasonable likelihood of contact with children without being in the direct visual supervision of an EEC approved employee found “suitable” by EEC.

Volunteer: Any person who assists in an unpaid and unsupervised capacity for an EEC licensed, approved or CCDF-funded program.

Youthful Offender: As used in 606 CMR 14.00, the term Youthful Offender shall reflect the same meaning as the definition of the same term in M.G.L. c. 119, § 52 (2018 official edition).

Credits
History: 1433 Mass. Reg. 81, amended eff. Dec. 25, 2020.

The Massachusetts Administrative Code titles are current through Register No. 1467, dated April 15, 2022. Some sections may be more current; see credits for details.

Mass. Regs. Code tit. 606, § 14.04, 606 MA ADC 14.04

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Title 606: Department of Early Education and Care
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606 CMR 14.05

14.05: Candidate Categories and Applicable Background Record Checks

Currentness

(1) The following candidates must complete an EEC BRC regardless of type:

(a) All candidates who are directly employed or intern within Programs must complete a full BRC through the Program, regardless of whether such individuals work in an unsupervised capacity.

(b) Volunteers must complete a BRC through EEC if they are assisting a Program in an unsupervised capacity.

(c) Contractors and subcontractors and any other individual who is present in but not directly employed by a Program shall complete a BRC if they have unsupervised access to children within a Program or if otherwise required by state or federal law.

(d) BRCs for candidates who are not employed by the Program and do not contract or subcontract with the Program, but who provide services to a child or have unsupervised access to children within the Program must have a BRC request processed through the Program(s) where the candidate is providing services. This includes family child care system visitors and monitors, therapists who have unsupervised access to children, and any other individuals who provide services to children in an unsupervised capacity.

(e) Transportation Personnel: An EEC BRC is required for all Program transportation services personnel who are employed directly, contract or subcontract with an EEC Program and must be processed either through the affiliated Program or directly within another process established and approved by EEC in accordance with EEC policy. It is presumed that all transportation drivers and monitors have contact with children in an unsupervised capacity. Such checks may be completed through another state agency consistent with state and federal law.

(2) Family Child Care Background Record Check (BRC) candidates include the following:

(a) Current family child care licensees and applicants for licensure;

(b) Household members, as defined by EEC licensing regulations at 606 CMR 7.02: *Definitions*, 15 years of age or older, regardless of whether such individuals are present while child care children are present; and persons regularly on the premises (including volunteers and other regular visitors) 15 years of age or older in family child care programs; and

(c) All current and prospective family child care assistants and volunteers, regardless of whether such individuals are present in an unsupervised capacity with children in the Program.

The above candidates will be required to complete a CORI, DCF, SORI, NSOR, fingerprint-based check and all out of state checks mandated by CCDBG according to the timelines defined by EEC policy.

(3) Group, Center-based and School Age Child Care BRC candidates include the following:

(a) Current and prospective licensees and applicants for licensure;

(b) Current and prospective employees or interns in such Programs, regardless of whether such individuals have unsupervised access to children (*e.g.* directors, teachers, caregivers, bus drivers, janitors, kitchen staff and administrative staff);

(c) Current and prospective volunteers with unsupervised access to children; and

(d) Non-employees who are present with children in an unsupervised capacity, unless excluded by EEC policy.

The above Group and School Age Child Care candidates will be required to complete a CORI, DCF, SORI, NSOR, fingerprint-based check and all out of state checks mandated by CCDBG according to the timelines defined by EEC policy.

(4) Residential Program and Placement Agency BRC candidates include the following:

(a) Current and prospective residential program and placement agency licensees and applicants for licensure;

(b) Current and prospective employees or interns in such Programs, regardless of whether such individuals have unsupervised access to children (*e.g.* directors, teachers, caregivers, bus drivers, janitors, kitchen staff and administrative staff);

(c) Current and prospective volunteers with unsupervised access to children; and

(d) Non-employees who are present in an unsupervised capacity, unless excluded by EEC policy.

The above Residential Program and Placement Agency candidates will be required to complete a CORI, DCF, SORI, and fingerprint-based checks. Out of state checks and mandatory disqualifications do not apply, unless required by state or federal law.

(5) Adoptive and Foster Care Parent BRC candidates include the following:

(a) Current and prospective applicants to be adoptive or foster parents; and

(b) Adoptive or foster parent's household members 15 years of age or older.

The above Adoptive and Foster Care Parent candidates will be required to complete a CORI, SORI, and fingerprint-based checks, which may be completed through the placement agencies when a process is available and it is authorized by statute. DCF checks must either be completed directly through DCF or EEC if not available through DCF. Out of state checks and mandatory disqualifications do not apply, unless required by state or federal law.

(6) CCDF-funded Child Care Program BRC candidates include the following:

(a) In-home Non-relative Caregivers: In-home, non-relative caregivers will be required to complete a CORI, DCF, SORI, NSOR, fingerprint based check and all out of state checks mandated by CCDBG according to the timelines defined by EEC policy.

(b) Relative Caregivers: Relative caregivers will only be required to complete a SORI and NSOR check.

(c) Programs and Agencies Exempt from or Not Subject to EEC Licensure, but Receiving CCDF Funding: Such programs and agencies include those that do not fall within the licensing purview of EEC, but affiliate with a Program receiving CCDF funding from or licensed by EEC. Candidates in this category must complete a CORI, DCF, SORI, NSOR, fingerprint-based check and all out of state checks mandated by CCDBG according to the timelines defined by EEC policy.

(d) Candidates Affiliated with EEC Licensed, Approved or Funded Programs: Candidates include current and prospective individuals who have unsupervised access to children in or on behalf of a licensed, approved or funded Program, but are not directly employed by the Program (*e.g.* transportation providers, temporary workers, clinicians, therapists, home visitors for family child care systems, and specialty service providers); and BRC Program Administrators for such entities. Such candidates will be required to complete a CORI, DCF, SORI, NSOR, fingerprint-based check and all out of state checks mandated by CCDBG according to the timelines defined by EEC policy.

Credits
History: 1433 Mass. Reg. 81, amended eff. Dec. 25, 2020.

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Mass. Regs. Code tit. 606, § 14.05, 606 MA ADC 14.05

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606 CMR 14.06

14.06: Adoptive and Foster Care Parent Candidates

Currentness

(1) Those seeking approval as adoptive and foster care parents and all household members 15 years of age or older are considered adoptive and foster care parent candidates.

(2) Adoptive and foster care parent candidates may complete the BRC through the adoption or foster care placement agency when authorized by EEC. Sex offender checks will be completed by EEC, unless another process is authorized.

(3) Adoption and foster care placement agencies must review the BRC results of adoptive and foster care candidates and determine whether each candidate is "suitable" according to the process determined by EEC policy and in accordance with FBI authorization.

(4) EEC-licensed adoption and foster placement agencies should use the provisions of 606 CMR 14.00 as guidance. Placement agencies retain discretion over approval of adoptive and foster care candidates, regardless of the BRC findings.

(5) If an adoption or foster care agency does not follow 606 CMR 14.00 in making a decision in an adoptive or foster parent application, then the agency must document its reasoning for not doing so.

(6) The regulatory provisions within 606 CMR 14.00 only apply to adoptive and foster care applicants if specified.

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Mass. Regs. Code tit. 606, § 14.06, 606 MA ADC 14.06

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606 CMR 14.07

14.07: Submitting Background Record Checks

Currentness

(1) After receiving consent forms from applicable candidates, family child care licensees, family child care assistants, and BRC Program Administrators will submit EEC BRC requests directly through EEC utilizing an EEC-approved means of submission as defined by EEC policy.

(2) Family child care licensees must submit EEC BRC consent forms for all family child care candidates (including household members and persons regularly on the premises 15 years of age or older) with a signature validated by means permitted by EEC policy.

(3) For group, school aged, residential and placement Program employees, interns, unsupervised volunteers with unsupervised access to children, or non-staff working in an unsupervised capacity at such Programs, the identity verification process must be completed in accordance with EEC policy. Programs must ensure that a candidate's identity has been validated by means approved by EEC policy.

(4) For CCDF-funded caregivers and programs, the identity verification process must be completed in accordance with EEC policy.

(5) BRCs for candidates who are not employed by, contract or subcontract with the Program, but who provide services to a child and have unsupervised access to children within a Program must have a BRC request processed through the Program(s) where the candidate is providing services.

(6) After a Program makes a preliminary decision to hire or accept the services of a candidate or a family child care educator elects to seek or maintain a license, then all applicable candidates must complete a BRC consent form or the electronic equivalent.

(7) All candidates shall complete a BRC consent form during the initial BRC process and validate their identity. Each candidate then must recertify their consent for EEC on a yearly basis in a manner described by and in accordance with timelines established by EEC policy. Failure to complete the consent form as required is independent grounds for finding a candidate “not suitable”.

(8) Family child care licensees must ensure that all family child care candidates (including household members and persons regularly on premises 15 years of age or older and family child care assistants) sign EEC's BRC consent form each year that they are present in the family child care program.

(9) BRC Program Administrators shall ensure that all candidates re-certify consent each year if the candidate is still working for or providing services on behalf of the Program. If any of the identifying information provided does not match the prior BRC form that was submitted, then the candidate's identity must be re-verified in accordance with EEC policy. If there is evidence the candidate provided false information, then the BRC Program Administrator must notify EEC.

Credits

History: 1433 Mass. Reg. 81, amended eff. Dec. 25, 2020.

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606 CMR 14.08

14.08: Processing Candidates' Background Record Check Requests

Currentness

(1) A signed consent form initiates the BRC process. Upon receipt of a BRC consent form, EEC will determine whether there is a final suitability determination on file for the candidate within the prior three years.

(2) Final Suitability Determination on File:

(a) If EEC concludes that it issued the candidate a prior final suitability determination and it is still valid, then EEC will request additional information from the candidate. The candidate must provide all required information before EEC may share the final suitability determination with a new Program. Knowingly providing false information in connection with this response constitutes a materially false statement, which may result in EEC issuing the candidate a final suitability determination of "not suitable".

(b) If EEC authorizes sharing the candidate's prior suitability determination, then EEC will issue a final suitability determination to the new Program. If not, a new BRC must be completed on the candidate.

(3) All applicable BRCs should be requested from the relevant federal or state agency/ repository within a maximum of 45 days from the date the candidate is fingerprinted by EEC approved means, excluding any time required for the review process.

(4) All EEC BRC results showing findings and requiring further EEC review shall be transmitted to the candidate and reviewed by EEC.

(5) EEC will notify the relevant parties of a candidate's provisional status, if applicable, and final suitability determination.

(6) A family child care licensee's BRC process is complete after the receipt of a final suitability determination for the family child care licensee and any household members and persons regularly on the premises 15 years of age or older.

(7) A Program candidate (other than family child care licensees, household members, and persons regularly on the premises) has completed the BRC Process when EEC issues a final suitability determination.

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Mass. Regs. Code tit. 606, § 14.08, 606 MA ADC 14.08

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606 CMR 14.09

14.09: Submission and Frequency of Background Record Checks

Currentness

(1) Submission by Programs Other than Family Child Care: For prospective and current employees, interns and unsupervised volunteers in Programs, BRC requests shall be submitted by the BRC Program Administrator. Such BRC requests may be submitted when there is a preliminary offer to the candidate and submission of the BRC is the final step in the hiring process.

(2) Submission of Family Child Care Candidates:

(a) For family child care licensees, a BRC must be complete with a final suitability determination issued on all household members and persons regularly on the premises 15 years of age or older in accordance with the timeframes outlined by 606 CMR 7.00: *Standards for the Licensure or Approval of Family Child Care; Small Group and School Age and Large Group and School Age Child Care Programs,* and EEC policy before EEC will issue a license.

(b) Family child care licensees must disclose to EEC any changes to the composition to the family child care home, including the addition or removal of household members, or those regularly on the premises consistent with 606 CMR 7.00: *Standards for the Licensure or Approval of Family Child Care; Small Group and School Age and Large Group and School Age Child Care Programs,* to ensure that a background record check is timely completed.

(c) For family child care assistants, a BRC must be complete with a final suitability determination issued in accordance with the timeframes outlined by 606 CMR 7.00: *Standards for the Licensure or Approval of Family Child Care; Small Group and School Age and Large Group and School Age Child Care Programs,* and EEC policy before EEC will issue a certificate or approval.

(3) Frequency of Background Record Checks: EEC and BRC Program Administrators will not process BRCs more frequently than required by state statute, unless an exception applies. At its sole discretion, EEC may run a partial or full BRC, in a manner consistent with EEC regulation and policy, prior to a Candidate's BRC renewal date where the Candidate who falls within the following exceptions. A partial BRC consists of certain checks, but does not include all generally required checks:

(a) Candidates who have moved outside of Massachusetts since the last EEC BRC was completed and who have had a break in employment or affiliation of 30 days or longer;

(b) When it has been revealed by: the candidate, through notification of subsequent activity, or through another reliable source, that new criminal charges have been brought, there has been a child welfare investigation, or the candidate has been required to be registered or classified as a sex offender in Massachusetts or any other state or territory;

(c) Candidates who have a break of more than 180 days from being affiliated with an EEC Program;

(d) EEC or the BRC Program Administrator has discovered that the candidate has false, misleading or incomplete information on file;

(e) Candidates who may be involved in any investigation;

(f) For purposes of resolving a candidate's pending criminal charge, sex offender status or child welfare information; or

(g) Candidates who are changing their role or program type.

1. Some illustrative examples of a change to a Candidate role include, but are not limited to, a Candidate who received a BRC for a family child care assistant position and now is a Candidate for a family child care educator position, or vice versa.

2. Some illustrative examples of a change to program type include, but are not limited to, a Candidate who received a BRC for a role in a family child care setting and now applies for a role in a Group, School Age, or Residential or Placement program, or *vice versa.*

3. EEC will provide further policy guidance regarding the frequency of BRCs. EEC may mandate that certain checks be completed on a regular and automated basis in accordance with timelines established by EEC policy.

The Massachusetts Administrative Code titles are current through Register No. 1467, dated April 15, 2022. Some sections may be more current; see credits for details.

Mass. Regs. Code tit. 606, § 14.09, 606 MA ADC 14.09

Code of Massachusetts Regulations
Title 606: Department of Early Education and Care
Chapter 14.00: Criminal Offender and Other Background Record Checks (Refs & Annos)

606 CMR 14.10

14.10: Disqualifications

Currentness

(1) Mandatory Disqualification: A Child Care Candidate shall have a mandatory disqualifying background if they:

(a) Are registered, or required to be registered, in any state or national sex offender registry, repository or database;

(b) Have a felony conviction after a state or national criminal check for crimes within the following categories:

1. First and second degree murder or its equivalent;

2. Crimes involving child abuse or neglect;

3. Crimes against children, including child pornography;

4. Spousal abuse;

5. Crimes involving rape or sexual assault;

6. Kidnapping;

7. Arson; and

8. Physical assault or battery;

(c) Have a conviction as an adult after a state or national criminal check for a violent misdemeanor committed against a child including, but not limited to, the following crimes: child abuse, child endangerment, sexual assault, or a misdemeanor involving child pornography;

(d) Refuse to consent to an EEC BRC as required by law, unless subsequently resolved in accordance with EEC policy; or

(e) Knowingly make a materially false statement in connection with a BRC, unless subsequently resolved in accordance with EEC policy.

(2) Mandatory disqualifications falling within 606 CMR 14.10(1)(a) through (c) are for life as long as the disqualification appears on a record, and those appearing in 606 CMR 14.10(1)(d) and (e) last for up to three years subject to EEC's discretion.

(3) EEC shall maintain a Table of Disqualifying Offenses listing specific crimes within the Commonwealth of Massachusetts, and out-of-state equivalents that fall within the disqualification categories.

(4) Any offense that is deemed a mandatory disqualification for a Child Care Candidate, will be considered a presumptive disqualification for Residential and Placement Candidates, unless otherwise required by state or federal law.

(5) Presumptive Disqualification: A candidate shall have a presumptive disqualifying background if their BRC discloses:

(a) Any pending charges, adjudications as a juvenile delinquent, Youthful Offender, non-conviction or not delinquent findings for an adult or juvenile, including sealed offenses and the equivalent, mandatory disqualification as defined in 606 CMR 14.10(1);

(b) A supported DCF finding or out of state equivalent determination for sexual abuse;

(c) A conviction for a felony drug offense within the three years prior to the date of the EEC BRC; or

(d) Any presumptive disqualifications for crimes defined by EEC in its Table of Disqualifying Offenses, including those within DCJIS's definition of convictions, delinquent, sealed or the equivalent, or pending adult or juvenile charges and any state or national equivalent offense.

(e) For residential and placement candidates, any offense that is deemed a mandatory disqualification for Child Care Candidates will constitute a presumptive disqualification, unless otherwise required by state or federal law, in addition to all offenses falling within 606 CMR 14.10(5)(a) through (d).

(6) Discretionary Disqualification: A candidate shall have a discretionary disqualifying background if their BRC discloses:

(a) Any non-convictions or not delinquent findings for an adult or juvenile presumptive disqualification, including sealed offenses and the equivalent, appearing on EEC's Table of Disqualifying Offenses - Presumptive Disqualifications;

(b) Any other criminal charges appearing on EEC's Table of Disqualifying Offenses -- Discretionary Disqualifications, including convictions, non-convictions, delinquent, not delinquent, sealed or the equivalent, or pending adult or juvenile charges and any state or national equivalent offense; or

(c) They have been found to be the person responsible for the abuse or neglect of a child or out-of-state equivalent determination as appearing on any check of any state or national child welfare or child abuse and neglect registry or database.

(7) Any criminal or child welfare offenses that are not specifically listed will be categorized and may warrant review as determined by EEC's General Counsel.

Credits
History: 1433 Mass. Reg. 81, amended eff. Dec. 25, 2020.

The Massachusetts Administrative Code titles are current through Register No. 1467, dated April 15, 2022. Some sections may be more current; see credits for details.

Mass. Regs. Code tit. 606, § 14.10, 606 MA ADC 14.10

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Code of Massachusetts Regulations
Title 606: Department of Early Education and Care
Chapter 14.00: Criminal Offender and Other Background Record Checks (Refs & Annos)

606 CMR 14.11

14.11: Results from Background Record Checks

Currentness

(1) If the BRC results reveal that there are no disqualifications during the sex offender and fingerprint-based checks, the BRC Program Administrators may be notified of the possibility of hiring the candidate provisionally, unless the candidate is a group, school age, residential, or placement licensee, family child care candidate, in-home non-relative caregiver, relative caregiver or affiliated candidate.

(2) If the candidate has no disqualifications after the completion of the entire EEC BRC process, EEC will notify the Program and issue the candidate a final suitability determination of "suitable".

(3) If a candidate with any disqualification fails to complete EEC's BRC Process within 45 days, EEC may issue a final suitability determination of "not suitable".

(4) If the EEC BRC reveals any disqualification, EEC will inform the candidate either before an adverse employment decision is made or as part of the licensing appeals process:

(a) That the candidate has a disqualifying background;

(b) Of the candidate's BRC results and will provide the candidate with a copy of their criminal record;

(c) Of the candidate's right to dispute the accuracy of the BRC findings; and

(d) Of the process to dispute the accuracy of the BRC finding.

EEC will also provide a copy of the CORI Policy.

(5) A pending mandatory disqualification will be subject to the following additional steps:

(a) EEC will not issue a final suitability determination of suitable until the pending charges are resolved and EEC completes its review process;

(b) EEC will require the candidate to provide updates as requested;

(c) The candidate must notify EEC when the charges are resolved; and

(d) EEC may elect to allow a candidate to remain in a provisional status with a pending mandatory disqualification after completion of EEC's review process.

(6) A verified mandatory disqualification will result in the issuance of a final suitability determination of “not suitable”.

(7) If the BRC investigation reveals a discretionary or presumptive disqualification on the candidate's record, then the candidate shall be informed by EEC about the following process in addition to what is described in 606 CMR 14.10(1) through (3) :

(a) Of the information required to obtain a review; and

(b) Of the opportunity to submit additional information relevant to the review.

(8) If the BRC investigation reveals that the candidate has an outstanding warrant for any criminal offense or a pending DCF 51B investigation or out of state equivalent, the candidate shall be informed that he or she is ineligible for any position in an EEC Program unless:

(a) the candidate contacts the court or agency that entered the warrant and it is removed or the 51B investigation or out of state equivalent is completed and results in a not supported or equivalent finding;

(b) EEC approves the existing candidate to continue to care in writing pending the outcome of the review; or

(c) EEC approves the candidate with a resulting support or criminal charge after completion of the review process.

(9) If EEC learns that a DCF 51B report or an out of state equivalent has been supported against:

(a) A family child care licensee, a regular or certified assistant, a relative caregiver, or an in-home non-relative caregiver, that individual shall immediately stop providing care pending the outcome of EEC's review process.

If the support or equivalent determination is against a household member or a person regularly on the premises of a family child care home, then the family child care licensee must stop caring for children, unless there is a written agreement with EEC for the program to continue operating pending the outcome of EEC's BRC review process in a manner that protects the health, safety, and welfare of children.

(b) All other Program candidates shall not be permitted to continue caring or providing services in any EEC Program until the candidate has completed EEC's review process or EEC has authorized in writing that the staff may continue caring in provisional status.

(10) If EEC determines through an address match with SORB that an individual who is registered or required to be registered as a sex offender lives or works on or nearby the premises of a Program, EEC will immediately investigate and take appropriate action related to the Program in accordance with EEC policy and procedures.

(11) If EEC disapproves a candidate because the candidate provided materially false information, failed to complete the BRC process, or after review of the candidate's BRC findings, EEC will inform the candidate and the affiliated Program that the candidate is “not suitable”. If the candidate is presently employed, the BRC Program Administrator shall terminate the employment of the candidate in accordance with timelines established by EEC policy. If the candidate is a licensee, EEC will not issue or renew and may revoke the candidate's license.

(12) If any family child care candidate, an in-home non-relative caregiver, or a relative caregiver is deemed “not suitable”, the candidate will be required to stop caring or be removed from the premises in a time frame and manner set forth by EEC policy.

(13) If at any time, through the BRC process or an EEC investigation, EEC determines the candidate's background record check results may pose a risk of harm to children in the program, EEC may require immediate removal of the candidate or require that the candidate cease caring pending a final suitability determination or sooner within the discretion of EEC.

The Massachusetts Administrative Code titles are current through Register No. 1467, dated April 15, 2022. Some sections may be more current; see credits for details.

Mass. Regs. Code tit. 606, § 14.11, 606 MA ADC 14.11

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Code of Massachusetts Regulations
Title 606: Department of Early Education and Care
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606 CMR 14.12

14.12: Review Process for Candidates with Criminal or Child Welfare Findings

Currentness

(1) Mandatory Disqualification: A candidate with a mandatory disqualification may not have their disqualification reviewed, unless they successfully dispute the accuracy or completeness of the record by demonstrating that it falls within another disqualification category.

(2) BRC Review Process for Presumptive and Discretionary Disqualifications: The nature of the information sought by EEC shall depend on the level of seriousness of the conduct being reviewed. Failure of the candidate to submit requested information in the time frames set forth by EEC may result in the candidate being found “not suitable”.

The following steps constitute the review process applicable to presumptive and discretionary disqulifications:

(a) EEC shall inform the candidate of their BRC findings and offer the candidate the opportunity to submit other relevant information.

(b) Review of Presumptive Disqualifications: If EEC notifies a candidate that the BRC reflects a presumptive disqualification, then the candidate may be required to submit the following documentation within a time frame set forth by EEC Policy:

1. A written assessment by a qualified mental health professional who is not the candidate's treating mental health professional or direct employer. The mental health professional's assessment must:

a. Describe the nature of the assessment performed;

b. Originate from the mental health professional's opinion after completing an evaluation; and

c. Conclude in writing whether the candidate poses an unacceptable risk of harm to the persons served by the program where the candidate is applying.

2. Alternatively, the candidate may submit a letter from the candidate's criminal justice official, including a probation or parole officer that the candidate does not pose a risk of harm to the persons served by the program where the candidate is applying.

3. Failure to supply the requested written assessment or letter in the time frame set forth by EEC may result in the candidate being issued a “not suitable” final suitability determination.

(c) If a candidate is notified by EEC that the BRC reflects a discretionary or presumptive disqualification, then the candidate may be required to submit the following documentation within a time frame set forth by EEC Policy:

1. Police Reports;

2. Docket Sheets;

3. Candidate Statement;

4. Child Welfare Documentation;

5. Reference Letters;

6. Probation or Parole Documentation;

7. Imprisonment Papers;

8. Evidence of Rehabilitation; and

9. Recommendation from Current or Prospective Employer within the candidate's discretion (optional).

(d) EEC may obtain additional information from the police, courts, prosecuting attorney, or any other knowledgeable source for purposes of completing the review process.

(e) Standard of Review: EEC shall require from the candidate clear and convincing evidence demonstrating the candidate's suitability for licensure, employment or affiliation in light of the concern for children's safety.

(f) Review Factors: In assessing the candidate's suitability given the concern for children's safety, due weight shall be given to the following factors when evaluating the candidate's criminal offense(s) or abuse/neglect finding(s):

1. Time since the incident(s);

2. Age of the candidate at the time of the incident(s);

3. Seriousness and specific circumstances surrounding the incident(s);

4. Relationship of the incident(s) to the ability of the candidate to care for children;

5. Number of criminal offenses or findings of abuse/neglect;

6. Dispositions of criminal offenses and findings of abuse/neglect;

7. Relevant evidence of rehabilitation or lack thereof; and

8. Other relevant information, including information submitted by the candidate.

(g) EEC shall document the reasons for its final suitability determination.

The Massachusetts Administrative Code titles are current through Register No. 1467, dated April 15, 2022. Some sections may be more current; see credits for details.

Mass. Regs. Code tit. 606, § 14.12, 606 MA ADC 14.12

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Code of Massachusetts Regulations
Title 606: Department of Early Education and Care
Chapter 14.00: Criminal Offender and Other Background Record Checks (Refs & Annos)

606 CMR 14.13

14.13: Provisional and Conditional Hiring, Final Suitability Determinations and Transfer of Suitability

Currentness

(1) An EEC BRC is not complete and a candidate does not become a permanent employee, volunteer, intern, licensee, or person approved to provide services on behalf of a Program until EEC issues the candidate a final suitability determination.

(2) Provisional Status and Conditional Hiring:

(a) Provisional Status: After a candidate completes the required sex offender checks, a fingerprint-based check and EEC completes its preliminary screening process, EEC may authorize the Program to hire the candidate in provisional status in accordance with EEC policy. EEC may determine that the candidate's BRC history precludes them from being hired in provisional status.

(b) Conditional Hiring: Candidates may be authorized to work as a conditional hire when permitted by EEC in accordance with EEC policy and state and federal law.

(c) Upon receipt of notification that a candidate is eligible for provisional status, a Program may, within its discretion, utilize a candidate in a position under the direct visual supervision of a Program employee who has a current “suitable” finding with EEC until the candidate's remaining checks are complete and the Program receives a “suitable” final suitability determination from EEC.

(d) EEC may require a candidate to be placed in provisional status pending the outcome of any EEC BRC.

(e) Licensees, family child care candidates, relative caregivers, in-home non-relative caregivers, transportation personnel, temporary agency staff, and contracted/service providers may not be placed in provisional status.

(3) After Submitting a BRC, EEC may take the following actions with the candidate's BRC:

(a) Find the candidate “eligible for provisional status” pending a final suitability determination, for purposes of becoming a provisional hire or maintaining provisional status;

(b) Place the candidate in “pending” status awaiting the outcome of outstanding BRC components;

(c) Issue a “suitable” final suitability determination; or

(d) Issue a “not suitable” final suitability due to a mandatory disqualification, for failing to respond, providing false information, refusing to consent to the BRC process or after the candidate completes EEC's review process.

(4) Family Child Care Candidates:

(a) Family child care licensees may not obtain or renew a license until the licensee and any household members and those regularly on the premises have a final suitability determination of “suitable”.

(b) Family child care licensees and family child care assistants who have been found “not suitable” are not eligible to obtain, renew or retain a license.

(c) Household members and persons regularly on the premises who have been found “not suitable” may prevent the family child care licensee from obtaining, renewing or retaining their license.

(5) Group, Center-based, School Age, Residential or Placement Candidates:

(a) Group, school age, residential and placement licensees may not obtain, renew or retain a license until the licensee or the BRC Program Administrators have been found “suitable”.

(b) If a group, center-based, school age, residential or placement licensee, employee, volunteer, or intern is found “suitable”, the candidate is no longer in provisional status and may work in the EEC Program on a regular basis.

(c) If a group, center-based, school age, residential or placement candidate is found “not suitable”, the candidate may not work in the Program and should be removed immediately or within a timeframe determined by EEC.

(6) Candidates Providing Services on Behalf of EEC Licensed, Approved or Funded Programs:

(a) Candidates providing services in an unsupervised capacity for or on behalf of a Program or for any child attending the Program must obtain a final suitability determination from EEC.

(b) If the candidate in 606 CMR 14.13(6)(a) is found “suitable”, then the candidate is no longer in provisional status and may continue providing services in the EEC licensed, approved or funded program in a permanent status.

(c) If the candidate in 606 CMR 14.13(6)(a) is found “not suitable”, then the candidate may not provide services in or on behalf of the EEC licensed, approved or funded program and should be removed immediately or within a timeframe determined by EEC.

(7) If at any time following a finding of suitability, EEC concludes that the candidate is “not suitable” or there is recently discovered disqualifying information, EEC will notify the candidate and may notify the licensee or Program of the candidate's change in BRC status.

(8) Transfer of Suitability: EEC may share or transfer final suitability determinations for child care candidates between child care programs and residential and placement programs in accordance with 606 CMR 14.08. EEC will not transfer a final suitability determination for residential and placement candidates seeking to work in child care programs, but EEC may transfer the candidate's final suitability determination between different residential and placement programs.

The Massachusetts Administrative Code titles are current through Register No. 1467, dated April 15, 2022. Some sections may be more current; see credits for details.

Mass. Regs. Code tit. 606, § 14.13, 606 MA ADC 14.13

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Code of Massachusetts Regulations
Title 606: Department of Early Education and Care
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606 CMR 14.14

14.14: Appeals

Currentness

(1) Candidates with a verified mandatory disqualification do not have the right to undergo an appeals process with EEC. EEC's "not suitable" determination is final and results in a lifetime ban under CCDBG, unless the candidate's disqualification is expunged, pardoned or otherwise permanently removed from their record.

(2) Licensees who have been found "not suitable" after completing EEC's review process may file for an adjudicatory hearing at the Division of Administrative Law Appeals (DALA) within 21 days of receipt of the "not suitable" final suitability determination. The hearing will be held pursuant to M.G.L. c. 30A, and 801 CMR 1.01: *Formal Rules*.

(3) A "not suitable" determination for a family child care licensee due to the BRC of a household member or person regularly on the premises will entitle the family child care licensee to file an appeal in accordance with 606 CMR 14.14(2). The right to appeal is held by the licensee, not the family child care household member or person regularly on the premises.

(4) Certified and regular family child care assistants who have been found "not suitable" may file for an adjudicatory hearing at EEC within 21 days of receipt of the "not suitable" final suitability determination. The hearing will be held pursuant to M.G.L. c. 30A, and 801 CMR 1.02: *Informal Rules*.

(5) Group, school age, residential, and funded program candidates who are not licensees and placement agency candidates may file for an adjudicatory hearing at EEC within 21 days of receipt of the "not suitable" final suitability determination. The hearing will be held pursuant to M.G.L. c. 30A, and 801 CMR 1.02: *Informal Rules*.

(6) In-home non-relative caregivers and relative caregivers may file for an adjudicatory hearing at EEC within 21 days of receipt of the "not suitable" final suitability determination. The hearing will be held pursuant to M.G.L. c. 30A, and 801 CMR 1.02: *Informal Rules*.

(7) Candidates who have been found "not suitable" for failing to respond or providing false information or related to a pending offense may reapply at any time, but must repay all associated fees. If the candidate fails to respond on more than one occasion or provides false information on more than one occasion, then the candidate will be prohibited from reapplying for a period of three years, unless the prohibition is waived by EEC.

(8) Candidates whose "not suitable" results from a comprehensive BRC review of all adverse findings may not reapply for a period of five years. EEC may in its discretion determine whether to apply a "not suitable" final suitability determination to a candidate's future application in a different role.

Credits
History: 1433 Mass. Reg. 81, amended eff. Dec. 25, 2020.

The Massachusetts Administrative Code titles are current through Register No. 1467, dated April 15, 2022. Some sections may be more current; see credits for details.

Mass. Regs. Code tit. 606, § 14.14, 606 MA ADC 14.14

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Title 606: Department of Early Education and Care
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606 CMR 14.15

14.15: Programs Responsibility

Currentness

(1) Submission of Consent: The BRC Program Administrator or Licensee is responsible for ensuring all candidates submit consent and renew their consents annually.

(2) Storage of BRC Information (Excluding Family Child Care Licensees): BRC Program Administrators or licensees must keep copies of the consent form, identification provided, EEC's provisional or conditional authorization if applicable, and the candidate's final suitability determination in each candidate's personnel folder.

(3) Hiring by Group, School Age. Residential. Placement and Funded Programs:

(a) Provisional hires may only work in a supervised capacity.

(b) The Program shall require as a condition of the candidate's permanent employment, receipt of a letter from EEC indicating the person has been found “suitable” after completion of an EEC BRC.

(c) Hiring/Affiliation Decisions: The BRC Program Administrator must timely and regularly update each candidate's employment status with EEC in accordance with EEC policy to ascertain whether such candidates are present in the Program.

The Massachusetts Administrative Code titles are current through Register No. 1467, dated April 15, 2022. Some sections may be more current; see credits for details.

Mass. Regs. Code tit. 606, § 14.15, 606 MA ADC 14.15

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606 CMR 14.16

14.16: Agency Audits

Currentness

EEC shall periodically review BRC documentation maintained by Programs to ensure compliance with state and federal statutes, regulations, policies, and procedures. All Programs shall develop procedures that ensure that EEC can audit compliance with 606 CMR 14.00.

Programs are also subject to Department of Criminal Justice Information Services (DCJIS) and Federal Bureau of Investigation (FBI) audits to ensure compliance with 803 CMR 2.00: *Criminal Offender Record Information (CORI)* and the FBI CJIS Security Policy.

The Massachusetts Administrative Code titles are current through Register No. 1467, dated April 15, 2022. Some sections may be more current; see credits for details.

Mass. Regs. Code tit. 606, § 14.16, 606 MA ADC 14.16

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Code of Massachusetts Regulations
Title 606: Department of Early Education and Care
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606 CMR 14.17

14.17: Severability

Currentness

If any provisions of 606 CMR 14.01 through 606 CMR 14.16 or the applications of such provisions to any person or circumstance are held invalid or unconstitutional, then the other provisions of said 606 CMR 14.01 through 606 CMR 14.16 or the application of such provisions to any person or circumstance other than the one held invalid shall not be affected.

The Massachusetts Administrative Code titles are current through Register No. 1467, dated April 15, 2022. Some sections may be more current; see credits for details.

Mass. Regs. Code tit. 606, § 14.17, 606 MA ADC 14.17

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Code of Massachusetts Regulations
Title 606: Department of Early Education and Care
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606 CMR 14.18

14.18: Table of Disqualifying Offenses

Currentness

For a list of offenses falling into each disqualification category, please refer to EEC's Table of Disqualifying Offenses, which shall be available as an EEC policy on the EEC website found on www.mass.gov. These offenses shall be construed as including all violations of Massachusetts law or like violation of the law of another state, the United States, or a military, territorial or Indian tribal authority. Nothing in 606 CMR 14.18 shall preclude EEC from considering any criminal charges or convictions not included in any of the tables in making its suitability determinations.

The Massachusetts Administrative Code titles are current through Register No. 1467, dated April 15, 2022. Some sections may be more current; see credits for details.

Mass. Regs. Code tit. 606, § 14.18, 606 MA ADC 14.18

End of Document