



POLICY ADVISORY

Field Operations 2024 – 17

Policy: Closing BRC Discretionary Review Applications Due to Non-Response

Effective Date: October 1, 2024

Policy Link: <https://www.mass.gov/doc/eec-closing-brc-discretionary-review-applications-due-to-non-response-policy-documentenglish/download>

Overview

To enforce current regulations, EEC has established the following policy to ensure candidates do not remain in or affiliate with a program for more than 45 days without a final Background Record Check (BRC) suitability determination from EEC. BRC candidates in pending, renewal, and/or provisional status who do not respond to EEC's request for additional information within 45 days will be given a suitability determination of "Not Suitable" due to their failure to respond. BRC candidates who have already been in contact with their licensor or the BRC unit in an effort to complete their BRC application will be granted a 30-day extension.

Applicability

This policy applies to all roles in all EEC licensed and/or funded programs.

Key Updates

- Beginning October 1, 2024, all BRC candidates who remain in pending, renewal, and/or provisional status for more than 45 days and have not responded to EEC's request for additional information will be given a suitability determination of "Not Suitable" due to their failure to respond.
- Candidates who have already been in contact with either their licensor or the BRC unit in an effort to complete their BRC application will be granted an additional 30 calendar days beyond the 45-day deadline to complete the BRC discretionary review process. If, after the 30-day extension, the candidate still has not submitted all requested information, they will be given a suitability determination of "Not Suitable."
- All candidates given a suitability determination of "Not Suitable" due to their failure to respond will no longer be authorized to work in or affiliate with an EEC-licensed and/or funded program and must be removed from the program within 14 days.
- All candidates will receive a Not Suitable letter email outlining any applicable appellate rights. Programs will receive a Not Suitable letter for the candidate via the BRC Program Portal or, in the case of family child care providers, by email.

Resources

Frequently Asked Questions (FAQs) and answers about this policy are available here:

<https://www.mass.gov/doc/faq-closing-brc-discretionary-review-applications-due-to-non-response/download>

If you or your staff have questions about this policy or need additional support, please contact the EEC Contact Center at 617-988-7841.

Obsolete

This policy replaces EEC's policy to ensure candidates did not remain in or affiliate with a program for more than 120 days without a final BRC suitability determination or approval by EEC that was issued effective February 1, 2024.