



**Department of
Early Education and Care**

Updates to EEC Background Record Checks

November 29, 2018

Agenda

1. Changes Effective October 1, 2018
 - a) New Tables of Disqualifying Offenses
 - b) Overview of the Licensing Fingerprint Confirmation Process
 - c) Current Process for Cover Sheets & Reviews
2. Changes Effective November 20, 2018
 - a) Fingerprint Notification Letter Released Sooner
 - b) Separate Conditional Letters
3. Changes Effective December 11, 2018
 - a) Supervised “Provisional” & Unsupervised “Conditional” Status Further Upcoming Regulatory Changes

EEC's Current Status

- EEC is working on a new BRC system that will be implemented in 2019
- EEC's existing BRC system and processes exist until its new system is available
- New regulations and tables of crimes (disqualifying offenses) went into effect as of 10/1/18, but some provisions are **not** yet in effect:
 - All Staff
 - Funded Programs
 - Provisional Hiring
- In order to stay compliant with federal law, which started on 10/1/2018, EEC has to update its existing systems to accommodate the following:
 - Mandatory Disqualifications
 - Fingerprint Confirmation
 - Unsupervised "Conditional" employment for eligible candidates
- Additional changes due to the federal law are to go into effect on 12/11/18:
 - Supervised Provisional Hiring



Changes Effective October 1, 2018

- New Tables of Disqualifying Offenses
- Overview of the Licensing Fingerprint Confirmation Process
- Current Process for Cover Sheets & Reviews

New Tables of Disqualifying Offenses

- Sometimes referred to as the “table of crimes”, these tables provide reviewers guidelines for completing their reviews of candidates with hits on their CORI, or Fingerprint results
- On October 1, 2018, EEC introduced a new category of offenses, Mandatory Disqualifications, in order to comply with federal law
- Mandatory Disqualifications on a candidate’s record, regardless of when they occurred, must go through EEC’s mandatory disqualification process
- The Mandatory Disqualifications changed the Presumptive and Discretionary Tables by moving some of the crimes to the new Mandatory Disqualifications list and changing the category of others
 - All tables can be found on the EEC website:

<https://www.mass.gov/lists/new-background-record-check-information-policies-and-regulations>

Closer Look at Mandatory Disqualifications

(does not apply to R&P programs)

- Mandatory disqualifications may be found on a CORI or a fingerprint record
- EEC's BRC Unit looks at all records to determine if a crime is a mandatory disqualification under federal law
- Under federal law, certain crimes are called “mandatory disqualifications” for child care staff, meaning that EEC must disqualify the candidate if they are applying for a child care program
- EEC notifies the candidate if there is a “mandatory disqualification” immediately but does not notify the program immediately unless the offense is sufficiently serious
 - The candidate has the right to contest the accuracy or completeness of their record
- For non-child care program (residential and placement), EEC treats “mandatory disqualifications” as presumptive disqualifications
 - Presumptive Disqualifications require either an evaluation by a qualified mental health professional or criminal justice official along with a formal review
- Some Mandatory Disqualifications can be on pending (open) cases, these crimes are categorized as “Mandatory Pending Disqualifications”
 - If a candidate has a Mandatory Pending Disqualification, the candidate must keep EEC informed about any changes in their case's status
 - The candidate has the right to contest the accuracy or completeness of their record

Licensing Fingerprint Confirmation Process

- As of October 1, 2018, EEC's licensing staff is confirming that all staff in programs seeking to obtain a new license, or renew their license, has completed a fingerprint scan through IdentoGO
- Before a license is issued to a group and school age or residential and placement program, the program must provide EEC with an updated staff list to check who is actually working in the program
- EEC will work off the program's staff list and the LEAD system to confirm whether all staff completed a fingerprint scan
 - Staff don't need a fingerprint disposition, as long as there is record of the scan taking place
- EEC has access to the date fingerprinting was completed for each program
- For licensees, EEC is requiring that a finding of "suitable" is issued, which means all checks must be completed and approved
- For family child care, EEC requires a finding of "suitable" for the provider and all household members and persons regularly on the premises before renewing or issuing a license

Current Process for Reviews

- Only EEC approved licensee/reviewers may complete discretionary reviews of CORI and DCF information
- Cover sheets accompany any records sent to a program for review
- After a review has been completed, a program must send the cover sheet back to EEC
- All fields of the Cover Sheet need to be filled out, including the signature line at the bottom
- All Discretionary and Presumptive Review documentation (*including record*) must be kept on file by program in the candidate's BRC file
- If a program is disposing of any records or BRC documentation, it must be disposed of in a secure manner (i.e. shredded)



Department of Early Education and Care
EEC Background Record Check Unit
51 Sleeper Street, 4th Floor
Boston, MA 02210 (617) 988-7801

Program Administrator

RE: CORI CHECK RESULTS

Date: 01/16/2007
Program Number:
CORI ID:
Subject: XXXXXXXX
Other Names:

Pursuant to your request, EEC conducted a Criminal Offender Record Information (CORI) check through the Massachusetts Office of the Commissioner of Probation. Attached is the result of that CORI check. **The result must be shared with the Subject** (applicant/employee/volunteer/intern/contractor). Please check the identifying information on the enclosed record to ensure that it matches the Subject's information provided on the application. If the Subject believes that the CORI is inaccurate or incomplete, the Subject may make a request to the Department of Criminal Justice Information Services, 200 Arlington Street, Chelsea, MA 02150, to review and verify his/her record.

CORI Data: Confidentiality Notice

CORI data is considered confidential information and shall be utilized only for screening and review of the individual to whom it pertains. This confidential information shall not be disseminated (repeated) in any communicable form to any person, other than the individual on whom this CORI was completed. Wrongful dissemination of CORI data may result in punishments up to one year in jail and/or a \$5,000 fine. See G.L. c. 6, § 178. Guidelines for proper storage and dissemination of CORI data are as follows:

1. CORI data must be shared with the Subject to whom it pertains.
2. CORI data must not be disseminated to any other person or agency.
3. CORI data must be kept separate from any other personnel files. CORI must be secured in a locked file cabinet when not being inspected.
4. CORI data may be kept for up to three years for the purpose of defending against any employment discrimination action.
5. Only one copy of the CORI is to be kept in the file at any time.

Please complete, sign and return this notification to EEC at the above address.

Please indicate:

Current: Employee___ Volunteer___ Intern___ Contractor___
Prospective: Employee___ Volunteer___ Intern___ Contractor___

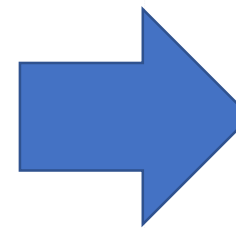
Subject will move forward in the hiring process: Yes___ No___

Subject will not move forward in the hiring process for reason(s) unrelated to his/her CORI results: Yes___ No___

BRC Authorized Reviewer's Signature: _____

BRC Authorized Reviewer's Printed Name: _____

YOU MUST OBTAIN, REVIEW AND APPROVE THE RESULTS OF BOTH THE CORI AND DCF BACKGROUND RECORD CHECKS FOR EACH SUBJECT AND NOTIFY EEC OF SUCH PRIOR TO RECEIVING THE SUBJECT'S FINGERPRINT NOTIFICATION.





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No _____

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YOU MUST OBTAIN, REVIEW AND APPROVE THE RESULTS OF BOTH THE CORI AND DCF BACKGROUND RECORD CHECKS FOR EACH SUBJECT AND NOTIFY EEC OF SUCH PRIOR TO RECEIVING THE SUBJECT'S FINGERPRINT NOTIFICATION.

Changes Effective November 20, 2018

- Fingerprint Notification Letters
- Separate Conditional Approval Letters

Fingerprint Notification Letter Update

- On November 20, 2018, EEC's existing IT system was updated to change the order of operations for a Background Record Check
- Before November 20, 2018, EEC did not provide the fingerprint notification letter until CORI, DCF, and SORI were all completed and approved
- The following checks will start at the same time after a candidate is entered into EEC's IT system for a BRC:
 - Fingerprint Notification
 - CORI
 - SORI
 - DCF
- This change is being implemented to *give candidates additional time* to complete their fingerprint scan while their other checks are being run
- If a suitability transfer is requested while a BRC is underway, EEC is only able to transfer a fingerprint disposition, since full suitability has not been determined
- Fingerprint Notification Letters from January 3, 2017 onward have been reactivated so candidates can be fingerprinted using the older (expired) letter

Separate Letter for unsupervised Conditional status

- The Fingerprint Notification Letter no longer means that someone can be hired in an unsupervised Conditional (*current; prior 12/11*) status
 - Because the letter comes earlier in the process, other checks have not been run when it is sent to the candidate
 - As of November 20, 2018, unsupervised “Conditional” employment still requires completion and approval of CORI, DCF, and SORI checks
- Under this new process, a ***separate letter*** will be provided to programs, once a candidate has cleared the required CORI, SORI, and DCF checks, to inform them that they are approved to be hired as an unsupervised Conditional employee
- If a candidate is working as an unsupervised Conditional employee, then EEC may revoke that candidate’s approval if a disqualifying background is uncovered during the course of their BRC being completed

Changes Effective December 11, 2018

- Introduction of Supervised “Provisional” Approval

Supervised “Provisional” Status Explained

- Starting December 11, 2018, Group and School Age program candidates will **no longer be eligible** for unsupervised “Conditional” status
 - Candidates in Group and School Age programs **will be eligible** for *supervised “Provisional” status*
- Supervised “Provisional” status has two requirements of a program and their candidate:
 - 1. Required Checks** - A candidate must have completed and passed a Massachusetts SORI check and completed a fingerprint scan, meaning that they completed their appointment with IdentoGO™ and had a FP scan
 - 2. Required Supervision** - Once approved for supervised “Provisional” status, the candidate must be under *direct visual supervision* of another program staff member who has been deemed suitable by EEC
- If a candidate is working in a supervised “Provisional” status, EEC may revoke that candidate’s approval if a disqualifying background is uncovered during the course of their BRC being completed

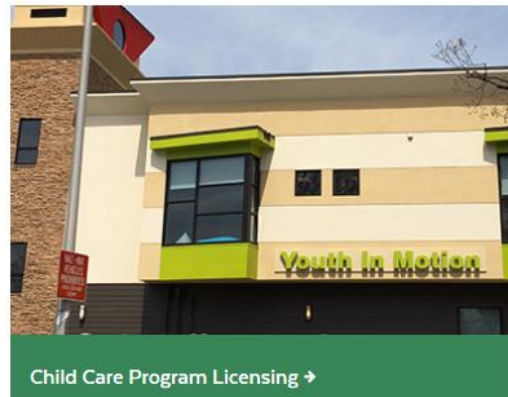
Additional Things of Note

- Residential Programs & Placement Agencies (R&P)
 - After December 11, 2018, R&P will **continue to be eligible** for unsupervised “Conditional” status
- For a license to be issued or renewed for a Family Child Care program, all candidates will require a full suitability
 - This includes FCC Assistants, FCC providers, persons regularly on the premises, and Household Members
- 3rd Parties & Support Services will require a full suitability from EEC prior to working in any child care program



The Department of Early Education and Care's mission is to support the healthy growth and development of all children by providing high quality programs and resources for families and communities.

Key Information



EEC Background Record Checks

Learn about the Department of Early Education and Care's (EEC) Background Record Check (BRC) requirements, including regulation changes and new policies being implemented between October 2018 and September 2020.

In accordance with state and federal law, the Department of Early Education and Care (EEC) requires rigorous and thorough Background Record Checks to ensure the safety of children in child care programs.

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Department of Early Education and Care →

First time? Start here.

GUIDE: EEC's
Background Record
Check Process: New
Requirements
Starting in 2018 →

What would you like to do?

Top tasks

Learn about the key changes
to EEC's BRC process →



Questions?

Resources

Policy or Regulatory Questions: EECBRCUpdates@mass.gov

Additional Resources: mass.gov/EECBRC

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