



Background Record Check Unit

Policy Statement: Refusing to Consent; Failure to Respond to Requests related to Background Record Checks; Providing Materially False Information – All Program Types

Date: September 10, 2019

EEC BRC UNIT POLICY NUMBER: 19-012

Refusing to Consent; Failure to Respond to Requests related to Background Record Checks; Providing Materially False Information

Refusing to Consent

All candidates as defined by the background record check (BRC) regulations of the Department of Early Education and Care (EEC), must consent to an EEC BRC within a reasonable time. For candidates who are new, they are prohibited from beginning to work unless and until the BRC process begins. For candidates who are already working in EEC programs, they must consent to a new EEC BRC within a reasonable time from when their BRC is due to expire, but no longer than 90 days after the expiration date.

In the event a candidate refuses to consent to an EEC BRC within the required timeframes, EEC may find the candidate “not suitable” for failing to consent to an EEC BRC. EEC will issue the “not suitable” letter. The candidate may re-apply as long as they re-pay all fines and fees, including licensing and fingerprinting fees.

Failure to Respond to Requests related to EEC BRCs

Each discretionary and presumptive review sent out to a candidate when a finding has been discovered during a BRC, serves as EEC’s final agency decision unless the candidate responds

to the application received. Each candidate will be assigned to a Background Record Check (BRC) Reviewer. The BRC Reviewer can send out a “not suitable for failure to respond” letter to the candidate and the program forty-five (45) calendar days from the date the presumptive/discretionary application was e-mailed or mailed.

Candidates are expected to be fingerprinted within fourteen (14) days of receipt of a fingerprint notification letter. After fourteen days expire, the fingerprint notification letter may remain active for thirty (30) more days. If a candidate fails to get fingerprinted after a total of forty-five (45) days from the date of the letter, then EEC may issue a no response letter to the candidate. See 606 CMR 14.11(3). The Program will be copied on the letter.

Upon receipt of information that the candidate has failed to respond, the Program will be instructed that they have 14 days to remove the candidate consistent with EEC Policy. See EEC BRC Policy: Removal of Candidates. If the candidate responds to EEC’s BRC Unit, then an additional 21 days will be granted, for the candidate to provide the requested documentation and the program should be instructed not to discharge the candidate due to EEC BRC purposes.

If the candidate fails to respond a second time, they will be found “not suitable – failure to respond” and will be barred from applying for an EEC BRC for three years. Candidates who have been found “not suitable” for failing to respond may re-apply at any time but must re-pay all associated fees, including licensing and fingerprinting fees. If a candidate fails to respond on more than one occasion the candidate will be prohibited from re-applying for a period of three years, unless waived by EEC. *See* 606 CMR 14.14(7).

Materially False Information

Materially false information is any information provided to EEC by a candidate that is false or misleading and should have been identified by the candidate as inaccurate. An example is an individual who intentionally provides an incorrect date of birth for purposes of evading background record check (BRC) results. Additional examples of providing materially false information may include omitting multiple aliases, omitting states of residence or falsifying responses to questions posed during the suitability transfer process. Providing such information could compromise the validity of a BRC, or result in missing relevant BRC information. If a Licensee or BRC Program Administrator has evidence that a candidate knowingly provided false or misleading information for their EEC BRC, then they must notify EEC’s BRC Unit as soon as possible. If EEC or the BRC Program Administrator discovers that the candidate has false, misleading or incomplete information on file, the candidate may be required to complete a partial or full EEC BRC prior to their BRC renewal date at the discretion of EEC.

Knowingly providing false information constitutes a materially false statement, which may result

in EEC issuing the candidate a final suitability determination of “not suitable”. Any candidate who submits a materially false statement may be automatically disqualified from working for an EEC licensed program. If EEC finds a candidate “not suitable” because the candidate provided materially false information, EEC will inform the candidate and the Program of the “not suitable” status. If the candidate is presently employed, the Licensee or BRC Program Administrator shall terminate the employment of the candidate within fourteen days in accordance with EEC Policy. See EEC BRC Policy - Removal of Candidates. If the candidate is a licensee, EEC will not issue, renew, or may revoke the candidate’s license.

Candidates who have been found “not suitable” for providing false information may re-apply at any time but must re-pay all associated fees. If the candidate provides false information on more than one occasion, then the candidate will be prohibited from re- applying for a period of three (3) years, unless the prohibition is waived by EEC. *See* 606 CMR 14.14.(7).

If a candidate is not certain whether or not to provide certain historical information, please have them contact the Contact Center for further information.