



Suitability Transfer of Background Record Checks

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Applicability: All EEC Background Record Check (BRC) candidates

BACKGROUND

The Department of Early Education and Care (EEC) runs a Background Record Check (BRC) for all individuals seeking an affiliation or employment with an EEC licensed, approved, or funded program. This process includes requesting, receiving, and evaluating information from agencies, including 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 National Sex Offender Registry (NSOR); state and national fingerprint databases; as well as all relevant state and national criminal history, child welfare and sex offender registries, databases and repositories.

After a candidate completes all mandatory components of EEC's BRC process, EEC concludes whether the candidate is "suitable" or "not suitable" for the role or affiliation they are applying for. This is called a candidate's "Final Suitability Determination."

This policy outlines the circumstances in which EEC can transfer a candidate's final suitability determination when they are moving from their current role/organization to a new role/organization.

AUTHORITY

- 606 CMR 14.04: Definitions
- 606 CMR 14.08: Processing Candidates' Background Record Check Requests
- 606 CMR 14.09: Submission and Frequency of Background Record Checks
- 606 CMR 14.13: Provisional and Conditional Hiring, Final Suitability Determinations and Transfer of Suitability

DEFINITIONS

For the purposes of this policy, the following definitions are used:

- **Affiliated Program or Person:** A program or person that 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 or to a child in attendance. Sometimes referred to as a “third-party” program or person.
 - An example of an affiliate program is a transportation agency that provides bus services to children in the program
 - An example of an affiliate person is a contracted therapist who provides services to children in the program
- **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 who are 15 years of age or older. Candidates include 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.
- **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.
- **Funded Program:** Any program or individual that is exempt or not subject to EEC licensure or approval and who receives funding for subsidized child care from EEC.

POLICY STATEMENT

Introduction

When a candidate moves from an existing role/organization to a new role/organization, EEC has the authority to transfer the candidate’s final suitability determination in certain circumstances.

A candidate initiates the process by signing a consent form. After receiving the candidate’s consent form, EEC determines whether there is a valid “Final Suitability Determination” on file, meaning that EEC previously concluded that the candidate was “suitable” or “not suitable” for employment. Not all candidates with a valid “Final Suitability Determination” are eligible for a Suitability Transfer.

If the candidate has been determined suitable by EEC, EEC will send them the Suitability Determination Survey to complete via e-mail. Depending on the candidate's answers, EEC will either transfer their Final Suitability Determination to the new role/program or require the candidate to complete a new BRC. The [Suitability Determination Survey](#) can be found on the EEC website here.

Eligible for a Suitability Transfer

A candidate may be eligible for a Suitability Transfer if their BRC is still current, suitable, and the information on file is unchanged since they last completed their BRC. Candidates moving into a new role or a new type of program are sometimes eligible for a Suitability Transfer. See the [Suitability Transfer tables](#) on the EEC website for a list of role changes, program changes, and their eligibility for a Suitability Transfer.

Ineligible for a Suitability Transfer

EEC is authorized to run a new BRC for a candidate before the renewal date of the original BRC if the candidate has a valid consent form on file, and if the circumstances fall within an exception to the EEC suitability transfer requirements. EEC will run either a full or partial BRC depending on whether EEC has access to the information needed to make a suitability determination.

A candidate is ineligible for a Suitability Transfer in the circumstances outlined below, per 606 CMR 14.09(3), even if the candidate has a Final Suitability Determination on file. These candidates must complete a new BRC.

1) Candidate Moved Out of State and Had a Break in Employment/Affiliation:

- Candidates who moved out of Massachusetts since the last EEC BRC was completed and have a break in employment or affiliation of 30 days or longer are not eligible for a Suitability Transfer.

2) New BRC Activity:

- Candidates who have new criminal charges, a new child welfare investigation, or are registered or classified as a sex offender in Massachusetts or any other state or territory are not eligible for a Suitability Transfer.
- This information is provided to EEC through the candidate's self-disclosure or another reliable source

3) Break in Employment:

- Candidates who have a break in employment of more than 180 consecutive days from being affiliated or employed with an EEC program are not eligible for a Suitability Transfer.
- Note that EEC does not consider a candidate taking leave to be a "break in

employment.” Candidates who take leave for less than 180 days are still employed by your program and are eligible for a Suitability Transfer. Examples include:

- A candidate who takes Paid Family Medical Leave (PFML)
- A candidate who takes leave to attend school and continues working for the program during school breaks.

4) False or Misleading Information:

- Candidates who provide information to EEC that is materially false, misleading, or incomplete are not eligible for a Suitability Transfer, per 606 CMR 14.08(2)(a).
- Providing incorrect information on the Suitability Determination Survey about prior activity may result in EEC concluding that a candidate provided false or misleading information.
- For additional information, see 606 CMR 14.04 and the EEC policy, [“Refusing to Consent; Failure to Respond to Requests related to Background Record Checks; Providing Materially False Information.”](#)

5) Investigation Activity: Candidates who may be involved in any investigation into unlawful conduct, including but not limited to an EEC, DCF, or law enforcement investigation, are not eligible for a Suitability Transfer.

6) Incomplete Information: Candidates with incomplete information – specifically a pending or open criminal charge, a sex offender status, or a child welfare investigation – may not be eligible for a Suitability Transfer. EEC may complete a full or partial EEC BRC to obtain missing information about a candidate.

7) Change in Role or Program Type:

- Candidates moving into a new role or a new type of program are sometimes eligible for a Suitability Transfer. EEC’s BRC Navigator system allows for the suitability transfer process to flow between program types and roles depending on several factors.
- Program types fall under two different fingerprint authorities. EEC requires a full BRC when changing program types listed under different fingerprint authorities. EEC may also require a full BRC if the candidate is changing program type within the same fingerprint authority.
- Please reference the [Suitability Transfer tables](#) on the EEC website for more information. These tables lay out the types of role changes and program type changes that are eligible for a suitability transfer. The tables are organized by program type: FCC program, GSA program, Funded program, Residential program, and Placement program.

OBSOLETE

This policy was updated in 2025 to reflect enhancements made to the BRC Navigator system. It replaces the policy, "Transfer of Suitability of Background Record Checks for all Program Types," which was released in September 2019.

Frequently Asked Questions (FAQs)

1. Are Early Intervention (EI) staff eligible for a Suitability Transfer?

Early Intervention (EI) is a statewide, integrated, developmental service available to families of children between birth and three years of age and overseen by the Department of Public Health (DPH). Early Intervention staff are not required to undergo an EEC Background Record Check and instead must undergo background record checks as specified in the Early Intervention Operational Standards (CORI and SORI) and as contractually required. **As a result, EI staff are not eligible for a Suitability Transfer.** For more information, see EEC policy, "[Background Record Checks of Early Intervention Employees and Specialty Service Providers in Early Education and Care Settings.](#)"

2. I am a music teacher who works for multiple Group and School Age (GSA) programs as a contractor. Do I need to apply for separate Background Record Checks for each program?

No, you do not. You are an "Affiliated Person," (see "Definitions" section for more information). This means that your Suitability Determination will transfer between the GSA programs you contract for. Each program still needs to submit a BRC Consent Form to begin the Suitability Transfer process.

3. I am a music teacher who works for different types of programs as a contractor. Do I need to apply for separate Background Record Checks for each program?

It depends. If you are an "Affiliated Person" who works for different types of programs, please check the [Suitability Transfer tables on the EEC website](#). Reference the "Change of Program Type" tables to see if a Suitability Transfer between the two program types is possible.

For example: if you are contracted by a GSA and an FCC, a Suitability transfer is possible. If you are contracted by a GSA and a Residential Program, a Suitability transfer is not possible.

4. I run an FCC Program; my daughter lives with me and is also planning to work as an assistant in my program. How should she handle the Background Record Check process?

Your daughter will need to apply for two Background Record Checks: one as an FCC Household Member and one as an FCC Assistant. EEC recommends that she apply as an FCC Assistant first, and then as an FCC Household Member. She should apply in this order because the Suitability Determination is more likely to transfer from FCC Assistant to FCC Household Member than vice-versa.

5. What is the timeframe of the questions in the Suitability Determination Survey?

Please answer these questions for the period of **the last time you submitted your EEC BRC until current day**. For example, when answering the question, “To your knowledge, has EEC or the BRC Program Administrator discovered that you provided false, misleading, or incomplete information?,” you would answer whether EEC or a BRC Program Administrator discovered that you provided false, misleading, or incomplete information from the last time you submitted a BRC until the day you are filling out the Suitability Determination Survey.

ADDITIONAL INFORMATION

- The [Suitability Determination Survey](#) can be found on the EEC website.
- Please reference the [Suitability Transfer tables](#) on the ECC website. These tables lay out the types of Role changes and Program Type changes that are eligible for a suitability transfer. The tables are organized by program type: FCC program, GSA program, Funded Program, Residential program, and Placement program.