



**Department of  
Early Education and Care**  
THE COMMONWEALTH OF MASSACHUSETTS

**EEC Background Record Check Unit**

**POLICY STATEMENT: Transfer of Suitability and Frequency of  
Background Record Checks for all Program Types**

**DATE: September 10, 2019**

**EEC BRC UNIT POLICY NUMBER: 19-006**

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**Transfer of Suitability and Frequency of Background Record Checks**

Upon receipt of a Background Record Check (BRC) consent form, EEC will determine whether there is a valid “final suitability determination” on file for candidates whose information is available. A “Final Suitability Determination” is a conclusion that a candidate is “suitable” or “not suitable” after completing all components of EEC’s BRC process.

For candidates submitted in BRC Navigator, this process is automatically done in the system. For candidates originating in EEC’s legacy system, the BRC Reviewer will complete a manual check for suitability before requiring additional documentation.

If there is a final suitability on file, then EEC will require the candidate to answer several questions before transferring suitability. A link to these questions will be sent via e-mail if the candidate was entered in the BRC Navigator or they will be asked verbally if EEC is conducting a manual check.

<b>Qualifier Questions:</b>	<b>Response</b>
Have you moved outside of Massachusetts since your last EEC BRC was completed <u>AND</u> had a break in employment or affiliation of thirty days or longer?	<b>Yes/No</b>
To your knowledge, have you had new criminal charges, child welfare investigations, or are you required to register or be classified as a sex offender in Massachusetts or any other state or territory?	<b>Yes/No</b>
Have you had a break in employment with an EEC Program for more than 180 days?	<b>Yes/No</b>

To your knowledge, has EEC or the BRC Program Administrator discovered that you provided false, misleading or incomplete information on file?	<b>Yes/No</b>
To your knowledge, are you being investigated by EEC, DCF, or Law Enforcement?	<b>Yes/No</b>
To your knowledge, do you have a pending criminal charge, sex offender status or a child welfare investigation?	<b>Yes/No</b>

**If the candidate answers yes to any of the above questions, then suitability will not be transferred. This means that the candidate must complete an entirely new BRC, including fingerprinting.**

The candidate must provide all required information before EEC may share the final suitability determination with a new Program. If EEC authorizes sharing the candidate's prior suitability determination, then EEC will issue a final suitability determination to the new Program.

#### When Suitability Transfer is Not Available

There are several scenarios under EEC BRC Regulations at 606 CMR 14.09(3) that authorize a BRC to be re-run.

**Full or Partial BRC:** EEC regulations authorize EEC to re-run a candidate before the candidate's renewal date within its discretion if the circumstances falls within an exception to the EEC suitability transfer requirements and there is a valid consent form on file. The BRC may be a full or partial BRC, depending on whether EEC has access to the information needed to make a suitability determination. EEC regulations define a partial BRC as, "certain checks, but does not include all generally required checks". A partial BRC may be needed to resolve incorrect or incomplete information, resolve an alias or maiden name, to correct inconsistency of information between checks, or to validate changes to the disposition of offenses.

EEC regulations further permit a new EEC BRC to be run under the following circumstances at 606 CMR 14.09(3):

1. **Candidate Moved out of State:** 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. This means that candidates whose primary residence has changed from Massachusetts to another location after the initial BRC has run and they have a leave of absence of employment for 30 days or more, must be re-run to ensure that the candidate does not have BRC activity out of state.
2. **New BRC Activity:** 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. This determination may only be made by the BRC Unit and should be noted in the case notes what information has been received to validate the resubmission of the candidate's BRC.

3. **Break in Employment:** Candidates who have a break of more than 180 days from being affiliated with an EEC Program. Candidates who go on leave and remain on the payroll and are still considered employed by the program do not need to be re-run. Students who leave for school are still considered employed if they are still on the payroll and present for successive school breaks.
4. **False or Misleading Information:** EEC or the BRC Program Administrator has discovered that the candidate has false, misleading or incomplete information on file. This means that the candidate has provided information that is materially false, which is defined in the EEC BRC regulations as, "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." 606 CMR 14.04. Providing incorrect information during a suitability determination questionnaire about prior activity may result in EEC concluding that a candidate provided false or misleading information. See 606 CMR 14.08(1). For additional information, see EEC BRC Policy: False or Misleading 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. This must be revealed to EEC directly by the investigating entity to trigger the re-submission of a new EEC BRC.
6. **Incomplete Information:** For purposes of resolving a candidate's pending criminal charge, sex offender status or child welfare information. Candidates who have pending or open charges, investigations, or classification hearings, EEC may complete a full or partial EEC BRC to resolve the candidate's suitability.
7. **Change in Role or Program Type:** Candidates who are changing their role or program type determined on a case-by-case basis. EEC's BRC Navigator system is being transitioned to allow for the suitability transfer process to flow between program types and roles; however, presently only those program types in the BRC Navigator can be transferred.

- a. Change in Role: Some illustrative examples of a change to a Candidate role include, but are not limited to:
- i. Candidate has been found suitable after an EEC BRC as a family child care assistant. Now the same Candidate is applying for a family child care educator position. A resubmission of a BRC may be required. Below is a table of the rules as of the date of this policy:

<b>Role A</b>	<b>Role B</b>	<b>Suitability Transfer</b>
Family Child Care (FCC) Assistant	FCC Educator	No
FCC Assistant	FCC Household Member/Regularly on the Premises	No
FCC Assistant	Affiliated Program	No
FCC Educator	FCC Assistant	No
FCC Educator	FCC Household Member/Regularly on the Premises	No
FCC Educator	Affiliated Program	No
FCC Household Member/Regularly on the Premises	FCC Assistant	No
FCC Household Member/Regularly on the Premises	FCC Educator	No
Licensee in Residential and Placement (R&P)	BRC Program Administrator in R&P	Yes
Licensee in R&P	Employee/Volunteer/Intern (EVI) in R&P	No
Licensee in R&P	Affiliated Agency in R&P	Yes
BRC Program Administrator in R&P	Licensee in R&P	Yes
BRC Program Administrator in R&P	EVI in R&P	No
BRC Program Administrator in R&P	Affiliated Agency in R&P	No
EVI in R&P	BRC Program Administrator in R&P	No
EVI in R&P	Licensee in R&P	No
EVI in R&P	Affiliated Agency in R&P	No
Affiliated Agency in R&P	BRC Program Administrator in R&P	No
Affiliated Agency in R&P	Licensee in R&P	No
Affiliated Agency in R&P	EVI in R&P	No
EVI in Group and School Age (GSA)	Licensee in GSA	Yes
EVI in GSA	Affiliated Individual in GSA in Navigator	Yes
EVI in GSA	BRC Program Administrator in GSA	Yes

Licensee in GSA	EVI in GSA	Yes
Licensee in GSA	BRC Program Administrator in GSA	Yes
Licensee in GSA	Affiliated Individual in GSA in Navigator	Yes
BRC Program Administrator in GSA	Licensee in GSA	Yes
BRC Program Administrator in GSA	EVI in GSA	Yes
BRC Program Administrator in GSA	Affiliated Individual in GSA in Navigator	Yes
Affiliated Individual in GSA in Navigator	EVI in GSA	Yes
Affiliated Individual in GSA in Navigator	Licensee in GSA	Yes
Affiliated Individual in GSA in Navigator	BRC Program Administrator in GSA	Yes
Designated Administrator in Funded Program	EVI in Funded Program	Yes
Designated Administrator in Funded Program	BRC Program Administrator in Funded Program	Yes
Designated Administrator in Funded Program	Affiliated Individual in Funded Program	Yes
BRC Program Administrator in Funded Program	Designated Administrator in Funded Program	Yes
BRC Program Administrator in Funded Program	EVI in Funded Program	Yes
BRC Program Administrator in Funded Program	Affiliated Individual in Funded Program	Yes
EVI in Funded Program	Designated Administrator in Funded Program	Yes
EVI in Funded Program	BRC Program Administrator in Funded Program	Yes
EVI in Funded Program	Affiliated Individual in Funded Program	Yes
Affiliated Individual in Funded Program	Designated Administrator in Funded Program	Yes
Affiliated Individual in Funded Program	BRC Program Administrator in Funded Program	Yes
Affiliated Individual in Funded Program	EVI in Funded Program	Yes

b. Change in Program Type:

EEC may require a resubmission of a BRC if the candidate is changing program types. 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.

Suitability may not be available when there is a change in program types, including the scenarios below:

<b>Program Type for Request A</b>	<b>Program Type for Request B</b>
Group and School Age (GSA)	Family Child Care (FCC)
FCC	GSA
Residential and Placement (R&P)	GSA
FCC	R&P
GSA	R&P
Funded Center-Based Programs (Funded)	FCC
Funded	GSA
GSA	Funded
FCC	Funded
Funded	FCC
R&P	Funded
Funded	R&P

Transfer is allowed between the following program types because they are both available in BRC Navigator:

<b>Program Type for Request A</b>	<b>Program Type for Request B</b>
Funded	GSA
GSA	Funded

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.

8. **Subsequent Activity:** Although it is not presently available, if EEC designs a subsequent activity module, to allow for regular automated checks of BRC information, then this is allowed under EEC regulations.

