

Pre-Consent Guidance for EEC Background Record Checks



Why did you receive this document?

The Department of Early Education and Care (EEC) requires candidates to undergo a background record check (BRC). This letter is to inform you of the BRC process before you sign the EEC BRC consent form, which starts the BRC process.



What checks are part of an EEC BRC?

EEC conducts four (4) different types of checks:

1. Fingerprint Check

A fingerprint-based criminal background check is required for the purpose of determining the suitability of a candidate. Fingerprint-based check is a scan of a candidate's fingerprints submitted to the State Police for a state criminal history check and forwarded to the Federal Bureau of Investigation ("FBI") for a national criminal history check.

2. Criminal Offender Record Information (CORI) Check

CORI is data provided by the Massachusetts Department of Criminal Justice Information Services (DCJIS). This information will include juvenile records, sealed records, non-delinquent findings, delinquent findings, convictions (guilty), and non-convictions (including dismissed, not guilty, nolle prossed, and a continuance without a finding (CWOFF)) whether the offenses are open, closed or pending. The Table of Disqualifying Offenses will determine whether a candidate is eligible for a review by EEC.*

3. Department of Children and Families (DCF) Check

Supported 51B findings of abuse or neglect of a child is data provided to EEC by the Massachusetts Department of Children and Families (DCF) from its registry regarding alleged perpetrators that have been identified or are currently involved in an investigation.

4. Sex Offender Registry Information (SORI) Check

Information provided by the Massachusetts Sex Offender Registry Board (SORB) regarding those who have been classified as a sex offender by SORB. EEC receives information on sex offenders categorized as levels 1-3 by SORB.



What happens next?

If you agree to sign the consent form, you will receive an e-mail with instructions on how to schedule your fingerprint check. After this check is complete, the CORI, SORI and DCF checks will automatically be processed.

All candidates must pay a \$35.00 fee to undergo a fingerprint-based check. Identogo, the fingerprint vendor, will confirm that the name on the legal identification document (i.e., passport, drivers' license)

matches the name you used to register for fingerprinting and to complete the EEC BRC. Your first and last name on your BRC application and fingerprint registration form must be spelled **exactly the same as how it appears** on your legal identification document. **If the names do not exactly match, then you cannot be fingerprinted and you may need to re-pay for your fingerprinting appointment.**

A fingerprint notification letter allows you to be fingerprinted for any child care program – even if it was issued by a program other than where you will be working. This is because EEC can transfer your fingerprints between each child care program where you work. Note that you may not transfer your fingerprints from a residential program or placement agency to another type of program (i.e., family child care or group and school aged child care).

If the BRC identifies disqualifying offenses, you will receive an e-mail with instructions on how to proceed. The program will not be notified of your disqualifying offenses. EEC will only share your final suitability determination with the Program.

A candidate under review by EEC will be responsible for providing documentation regarding any BRC information (CORI, SORI, DCF and Fingerprint) regardless of whether the offense was dismissed, sealed, or closed or how much time has lapsed. The EEC BRC Table of Disqualifying Offenses effective October 1, 2018 is located on EEC's website:

[https://www.mass.gov/lists/new-background-record-check-information-policies-and-regulations#new-background-record-check-\(brc\)-policies:-disqualifications-](https://www.mass.gov/lists/new-background-record-check-information-policies-and-regulations#new-background-record-check-(brc)-policies:-disqualifications-)

If no disqualifying offenses are found, you will be deemed “suitable” for employment and EEC will notify the program.



Is my personal information kept confidential?

EEC does not disclose any BRC results to programs. The new BRC process is in a secure environment, specifically used by government agencies. You will be notified by e-mail if EEC requires additional documentation related to a BRC. No personal information will be included in the e-mail. You will be provided instructions on how to access the information. Access to this information requires you to establish your own password and a verification process.

EEC understands you may need to ask the program to assist you. Please use discretion when requesting assistance from others, as your personal information may be visible to the person assisting you.



If I want to work at a different EEC licensed organization, can my EEC BRC results be transferred?

It depends when you were found suitable, if you are working for the same type of program, and if you have had recent changes to your background. To start the process, you must submit a consent form to the new program where you will work that will submit your new BRC application. You will receive a list of questions by e-mail to determine if you meet the criteria to transfer your BRC information (called

“suitability transfer”). One of the questions asks “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”.

Do I have to answer “yes” during the “suitability transfer” list of questions if I was charged with a minor crime?

If a charge on a CORI or fingerprint-based check falls under any of the offenses listed on Addendum A to the Table of Disqualifying Offenses listed below, then you do not need to disclose this as a crime on the suitability transfer questionnaire. **Therefore, you can answer “no” to the question asking about new criminal offenses in the list of questions sent on suitability transfer.**

Addendum A to the Table of Disqualifying Offenses consists of pre-discretionary offenses appearing on a Massachusetts CORI, fingerprint-based check, or out of state criminal or fingerprint check. Each offense listed below is applicable for all Massachusetts crimes as well as the out of state equivalent as determined by EEC.

ADDENDUM A

Offense	Offense Reference	Penalty Type	Offense Seriousness Level	Max H/C	Max Prison
ADULTERY	c. 272 s. 14	Felony	1	2 years	3 years
AFFRAY	c. 279 s. 5	Common Law			
BLASPHEMY	c. 272 s. 36	Misd.	2	1 year	
COMPULSORY INSURANCE VIOLATION	c. 90 s. 34J	Misd.	1		
DISORDERLY CONDUCT AT POLL	c. 56 s. 46	Misd.	1	1 month	
DISORDERLY HOUSE, KEEP (except FCC applicants)	c. 272 s. 53(a)	Misd.	1	6 months	
DISPOSAL OF RUBBISH	c. 270 s. 16	Misd.	1		
DRUG, POSSESS CLASS D	c. 94C s. 34	Misd,	2	1 year	
FIREWORKS, SELL OR POSSESS UNLAWFUL	c. 148 s. 39	Misd.	2	1 year	
FUNERAL PROCESSION, DISTURB	c. 272 s. 42	Misd.	1	2 months	
JUROR FAIL TO ATTEND	c. 234A s. 42	Misd.	1		
LARCENY BY CHECK UNDER \$250	c. 266 s. 37	Misd.	2	1 year	
LARCENY UNDER \$250	c. 266 s. 30(1)	Misd.	2	1 year	
LEASED PERSONALTY, CONCEAL/SELL/PLEDGE/FAIL RETURN	c. 266 s. 87	Misd.	2	1 year	
LIBRARY, DISTURB	c. 272 s. 41	Misd.	1	30 days	
LIQUOR, PERSON UNDER 21 POSSESS/MINOR TRANSPORTING ALCOHOL	/c. 138 s. 34C	Misd.	1		
MUNICIPAL ORDINANCE VIOLATION	c. 272 s. 59	Misd.	1		
NUMBER PLATE, FALSE APPLIC FOR DEALER	c. 90 s. 5(g)	Misd	2	2 years	
RAILROAD FARE, EVADE	c. 160 s.220	Misd.	1	6 months	
REGISTRATION SUSPENDED, OP MV WITH	c. 90 s. 23	Misd	1	10 days	

SHOPLIFTING	c. 266 s. 30A	Misd.	2	2 years	
TAGGING PROPERTY	c. 266 s. 126B	Misd.	2	2 years	
TRESPASS	c. 266 s. 120	Misd.	1	30 days	
UNAUTHORIZED USE OF CREDIT CARDS	c. 140D s. 27	Felony	4		
UNINSURED MOTOR VEHICLE	c. 90 s. 34J	Misd.	2	1 year	
UNLICENSED OPERATION OF A MV	c. 90 s. 10	Misd.	1		
UNLICENSED/SUSPENDED OPERATION OF MV, PERMIT	c. 90 s. 12(b)	Misd.	(2)	1 year	
USE LIQUOR ID CARD OF ANOTHER	c. 138 s. 34B	Misd.	1	3 months	
USE MV WITHOUT AUTHORITY	c. 90 s. 24(2)(a)	Misd.	2	2 years	
WALKING ON RAILROAD TRACKS	c. 160 s. 218	Misd.	1		

Sincerely,

EEC Background Record Check Unit

Employer/Program Section

Provide LEAD Program Number	P- _____
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Check Candidate Role: Employee Volunteer Intern BRC Program Administrator Affiliated Person

EEC BACKGROUND RECORD CHECK: CANDIDATE CONSENT FORM

As a current or prospective candidate for a Department of Early Education and Care (EEC) licensed, approved or funded program, or an independent agency or individual employed, contracted or affiliated with EEC licensed and/or funded programs (including Family Child Care Systems), you must complete and sign this request. EEC will notify you directly if your BRC requires further review. EEC will notify the program/agency listed on this application of when you are eligible to be "provisionally approved" and of our final suitability determination.

ALL FIELDS ARE REQUIRED. IF A FIELD IS NOT APPLICABLE, THEN WRITE "N/A". PLEASE PRINT.

FIRST NAME	MIDDLE NAME	LAST NAME	SUFFIX

Check here if you do NOT have a maiden name. List maiden name.

LAST NAME (MAIDEN)	
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Check here if you do NOT have any former names, including alias names.

List all hyphenated names, aliases, or variations of a name you have ever used.

FIRST NAME	LAST NAME

Check here if you have never been Issued a Social Security Number?

_____ Last Six of SSN (XX-XXXX)

_____ Date of Birth (MM/DD/YYYY)

_____ Birth City

_____ Birth State

_____ Birth Country

_____ Gender (Female, Male or Other)

E-mail Address: _____

Phone Number: _____

Current Residential Address Line 1:	
Current Residential Address Line 2:	

_____ Current Residential City

_____ Current Residential State

_____ Current Residential Zip Code

Check here if you're mailing address is the same as your residential address.

Mailing Address Line 1:	
Mailing Address Line 2:	

_____ City

_____ State

_____ Zip Code

Check here if you have lived out of state in the last 5 years.

Dates and Places of out of state Residence for the Past Five (5) Years (You MUST list ALL states outside of MA where you have resided within the prior five years)

Date From	Date To	Address Line 1	Address Line 2	City	State	Zip

EEC Background Record Check

I consent and understand that my information will be submitted to complete an EEC Background Record Check (BRC). An EEC BRC includes a Massachusetts Criminal Offender Record Information (CORI) check through the Department of Criminal Justice Information Services (DCJIS); a Department of Children and Families (DCF) check for supported findings of abuse or neglect; a Sex Offender Registry Information (SORI) check through the Massachusetts Sex Offender Registry Board (SORB); a fingerprint-based check of state and national criminal history databases; and, when applicable, a search of the National Sex Offender Registry (NSOR) database or out of state records for any known criminal history, child welfare, and sex offender information where I have lived in the past five years.

I authorize EEC's BRC Unit to receive information on an ongoing basis for any new or pending allegations or supports by child welfare agencies, sex offender registries or repositories, and information on any new or pending criminal charges at any time within the year, while I am affiliated with an EEC licensed, approved, or funded program.

I consent and understand EEC may use this information for investigative purposes if I, or my employer, licensee and/or contractor is involved in an EEC investigation. I am responsible to disclose to EEC if new criminal charges, sex offender registry or repository classifications, or child welfare allegations that have been filed against me.

I understand that knowingly providing false or misleading information, such as not including a known alias or maiden name, failing to list all states where I have resided within the prior five years, or not providing accurate identifying information is independent grounds for finding me not suitable. I understand that if I do not consent to completing an EEC BRC then I also may be found not suitable.

CORI Acknowledgment:
EEC is registered under the provisions of M.G.L. c.6, § 172 to receive CORI for the purpose of screening current and otherwise qualified prospective employees, subcontractors, volunteers, license applicants, current licensees and designated administrators. I understand that a CORI check will be submitted for my personal information to the DCJIS. I hereby acknowledge and provide permission to EEC to submit a CORI check for my information to the DCJIS. This authorization is valid for one year from the date of my signature. I understand that within this one year period of time EEC may conduct subsequent CORI checks for my personal information. I may withdraw this authorization at any time by providing EEC with written notice of my intent to withdraw consent to a CORI check. By signing this application, I provide my consent to a CORI check and affirm that the information provided to process the CORI check is true and accurate.

Federal Bureau of Investigation (FBI) fingerprint based and out of state criminal background checks notification:

I understand that EEC is authorized under federal and state laws to conduct FBI fingerprint based criminal background checks. Prior to a FBI fingerprint based criminal background check I will execute a separate consent form and will be required to submit fingerprints. EEC may also use the information I provide in this form to submit criminal background check requests to states outside of Massachusetts in accordance with federal law.

I certify under the penalties of perjury, that the information above is correct and to the best of my knowledge and understand that failure to disclose the required information and the providing of false or misleading information is independent grounds for finding me not suitable.

Candidate's Signature (parent/guardian if under 18 years of age)	Parent /Guardian Name	Date

NON-DISCLOSURE AND STATEMENT OF COMPLIANCE FORM FOR BRC PROGRAM ADMINSTRATOR

Agreement of Non-Disclosure and Statement of Compliance

I understand that any person who willfully requests, obtains or seeks to obtain criminal offender record information (CORI) under false pretenses, or who willfully communicates or seeks to communicate CORI to any agency or person except in accordance with the provisions of M.G.L. c.6 §§168 through 178B, inclusive, shall for each offense be fined not to exceed five thousand dollars (\$5000.00), or be imprisoned in a jail or house of correction for up to one year, or both and/or may be ordered by the Department of Criminal Justice Information Services (DCJIS) to pay civil fines for each willful violation.

I understand that I am only authorized to request CORI to the extent allowed by the DCJIS under its statute and regulations.

I have reviewed, understand and agree to comply with the DCJIS guidelines that are available at:

<https://www.mass.gov/eopss/agencies/dcjis>. I agree to store and disseminate CORI consistent with these requirements.

I understand that my agency is required to maintain an agency CORI policy and will review the Model CORI policy that is available at <https://www.mass.gov/eopss/agencies/dcjis>.

I also understand that a criminal record check will be conducted on me by the Department of Early Education and Care as a prerequisite to my having authorization to request CORI. I will only be notified if I am determined inappropriate to access CORI.

Signature (or parent/guardian if under 18 years of age)

Date

Agreement of Non-Disclosure of Department of Children and Families (DCF) Background Record Check Information

DCF Background Record Check records may be disseminated only to individuals authorized to receive such information.

An individual authorized to request such information shall have been hired in accordance with 606 CMR 14.00 et seq. and authorized by the licensee and EEC to request such DCF Background Record Check information. Willful dissemination of such DCF Background Record Check information to unauthorized individuals is punishable by a jail sentence of up to two and one half years and/or a fine of \$1000 in addition to civil penalties, pursuant to G.L. c. 119, §51F.

I agree to request DCF Background information only on those candidates for hire who are otherwise qualified in all respects, as a final step in the screening and hiring process.

I agree to disclose DCF Background Record Check information only to those individuals necessary to the hiring process who have been approved by EEC.

I understand that if I disclose DCF Background Record Check information to unauthorized individuals I may be subject to a jail sentence of up to two and one half years and/or a fine of \$1000 in addition to civil penalties.

Signature (or parent/guardian if under 18 years of age)

Date