Pre-Approved Alternative Search Procedures (ASPs) as of January 4, 2016

What Are Pre-Approved ASPs?

CNCS has approved a number of Alternative Search Procedures (ASPs) that grantees and subgrantees ("grantees") can use to comply with the National Service Criminal History Check (NSCHC) requirements without additional approval in writing from CNCS, termed "pre-approved ASPs". Prior to January 4, 2016, these were known as "blanket ASPs." Grantees are not required to request permission to use these pre-approved ASPs. They may use them at any time, provided they abide by the conditions described below. However, CNCS strongly encourages all grantees that intend to use a pre-approved ASP to first consult with their Program Officer to ensure that they understand its requirements and have considered any potential alternatives.

CNCS may add or remove pre-approved ASPs at any time, and maintaining awareness of current pre-approved ASPs is the responsibility of grantees. Once revoked, an organization may no longer use a pre-approved ASP for individuals that begin work or service after CNCS has revoked the pre-approved ASP. Organizations do not need to re-run checks on individuals that started work or service while a pre-approved ASP had been in effect. To sign up for email updates regarding pre-approved ASPs and other NSCHC matters, register for CNCS's "National Service Criminal History Checks" GovDelivery bulletin.

Grantees that rely on pre-approved ASPs should document that they are relying on a pre-approved ASP, referencing the specific ASP that they are using, and incorporate its requirements into their policies and procedures. Their policies and procedures should also include an annual process to ensure the ASP is still valid. Noncompliance with the NSCHC regulations or with the requirements of a pre-approved ASP will result in cost disallowance.

Pre-Approved ASPs:

The following pre-approved ASPs are available to grantees as of **January 4, 2016:**

1. Ceasing Accompaniment

This applies to all organizations with individuals in covered positions with recurring access to vulnerable populations. These covered positions require grantees to conduct state checks *and* FBI checks on the individual(s) in covered positions. A grantee may cease accompaniment of the individual when it has received results clearing the individual through either:

- BOTH of the state checks (state or residence AND state of service checks) OR
- The fingerprint-based FBI check.

An organization does not need to receive state *AND* FBI checks before ceasing accompaniment.

Please note: An individual may not start work or service in a covered position prior to completing a nationwide National Sex Offender Public Website (NSOPW) check. An individual is considered to have "started" work or service when he or she begins accumulating hours towards a salary, stipend, living allowance, or education award from a CNCS-funded grant, including trainings or pre-service orientations.

2. Maintaining Clearance Letters in Lieu of Actual NSCHC Results

If your organization partners with another organization that conducts some or all of the components (for example, a fingerprint-based FBI check through the state repository) of the NSCHC process on your employees and/or national service participants, but doesn't permit your organization to review the results, then your organization can satisfy the documentation requirements of the NSCHC by entering into a written agreement with the organization conducting the checks.

The agreement must specify that any individual who is registered, or required to be registered, on a sex offender registry or was convicted of murder will not be cleared to participate in the program, even if the organization's policy may, under

some circumstances (e.g. through an appeal process), allow it.

The organization that conducts the required criminal history screening components can then issue clearances based on your selection criteria. Copies of the clearance decisions are grant records and your organization must maintain them with the individual's other NSCHC documentation for compliance purposes. Your organization must ensure that your organization conducts any required check components that are not conducted by your partner, such as a search of the NSOPW.

3. Unreadable Fingerprints Rejected during Departmental Order FBI Checks
If your organization obtains an FBI fingerprint-based check by going directly to the FBI through the "Departmental Orders" (DO) method, you may cease attempting to conduct a fingerprint-based check after two separate unsuccessful attempts due to unreadable fingerprints. You must maintain documentation of your attempts to obtain the check and the rejection letters from the FBI with the individual's other NSCHC files as grant records. This blanket ASP applies only when an organization attempts to conduct fingerprint-based FBI checks through the DO method. When requesting fingerprint-based FBI checks through a state repository, follow the repository's protocols for handling rejected fingerprints.

An individual that does not receive a fingerprint-based FBI check due to use of this pre-approved ASP must still undergo a compliant, nationwide check of the NSOPW and, as applicable, state of residence and state of service checks.

4. Prohibited by State Law from Maintaining Results or Sharing Results
If state law prohibits your organization from maintaining results of the state or FBI checks, or your organization is prohibited from sharing the results with an oversight agency, including CNCS, you must do the following to comply with the NSCHC requirements:

1. You must document that you are prohibited by state law from maintaining results and/or prohibited from sharing those results.
2. You must maintain a memo in the individual's file, in lieu of the results, which must indicate, at a minimum:
    - The source (for example, website URL, name, address, etc.) used for the check;
    - The date you initiated each check component;
    - The date you received results of each component;
    - Whether the person has been cleared or not for service based on the component results; and
    - The name and **signature** of the person who reviewed the results of each check component and the **date** on which they conducted the review.

This approval does not cover the NSOPW check. You must maintain the dated results of the nationwide NSOPW for each individual in a covered position.

5. Departmental Order (DO) FBI checks – Expires March 31, 2016
If the state repository denied your organization's request to obtain or access FBI checks, your program may satisfy this requirement by obtaining FBI checks through the departmental orders (DO) process. See FAQ 6.2 in the FAQs on CNCS' Knowledge Network for guidance for the DO check. You must maintain a copy of the denial letter from the state repository as a grant record for compliance purposes.

Using the DO process to obtain FBI checks for any reason other than that you have been denied access by the state central record repository requires that you submit an ASP request to CNCS. Follow the ASP and Exemption Guidance available on CNCS' Knowledge Network to submit a request.

This blanket ASP will expire on March 31, 2016, due to the anticipated start of services of CNCS' FBI Channeler. For more information, see CNCS' Fact Sheet on the FBI Channeler for more information.

6. NSOPW Compliance using a Vendor Report
If you use a vendor to search the NSOPW website, you must:

1) Ensure that your contract with the vendor requires the vendor to perform a nationwide search of the NSOPW, and requires the vendor to have a procedure to obtain data from individual states if the state's sex offender registry data is temporarily unavailable through the NSOPW;
2) Maintain the report of the NSOPW check provided by the vendor to document the timely completion of the NSOPW component; and
3) If your vendor does not provide copies of the screenshots or printouts from NSOPW result, your contract with the vendor must specify that no person who is registered or required to be registered as a sex offender will be considered to have cleared the check.