

National Service Criminal History Check (NSCHC) Guidance Applying for an Alternate Search Procedure (ASP)

CNCS regulations allow programs to request an alternate search protocol (ASP) if they want to use an alternate method of securing the required checks. It is the program's responsibility to evaluate the need for an ASP and apply for approval from CNCS accordingly. If you wish to vary from any of the specific procedures required by the regulations and are making a case for substantially equivalent procedures you must obtain a written ASP approval from CNCS. When the Corporation approves an ASP, the approval will be explicit with respect to the procedures that are accepted or rejected. Some common ASP requests received and approved by CNCS include:

- Requests to use the departmental orders method to obtain FBI checks;
- Requests to use clearance letters from partner organization and/or schools in lieu of actual results;
- Requests to use pre-existing employment checks; and
- Requests to use an alternative method of recording results.

Programs can also apply for ASPs under the following conditions:

- **Substantially Equivalent.** They believe their procedures differ from, but are substantially equivalent to or better than, the Corporation's required procedures.
- **State Law Prohibition.** The program is prohibited by State law from complying with the CNCS NSCHC regulations.

Please note that the Corporation does not approve ASPs to use anything other than the National Sex Offender Public Website (NSOPW) operated by the Department of Justice. There is no substantially equivalent source for this check and there is no exemption from conducting the NSOPW check. All grantees must conduct a nationwide check of the NSOPW.

The following conditions apply to approved ASPs:

- The approved ASP is applicable to the specific program using the specific alternative procedures described in its ASP request. Once approved, unless the approval letter includes an expiration date, the ASP is valid even if the program operates under subsequent grants funding the same program.
- ASPs are program specific and not transferrable to different programs. ASPs approved for a national program are not portable to a similar program funded at the State level. If a circumstance develops where an ASP can apply to more than one program, the CNCS approval will identify the specific programs to which the ASP applies.

Pre-April 2011 ASP Approvals

If you already have an ASP, the approval you received was based on a test of “substantially equivalent” information using regulations in effect prior to April 21, 2011. Once the FBI check became a requirement in April 2011, the measure of substantially equivalent for programs with recurring access to vulnerable populations changed. If the program has such access and the approved ASP does not include obtaining FBI information, then you must request a revised ASP.

Submission Instructions

Instructions for requesting an ASP are on the Knowledge Network website under *National Service Criminal History Check Resources*. Please complete and submit the form included in the guidance as part of your submission.

Send your ASP request to ASPRequests@cns.gov and copy your Program and Grants Officers. Subgrantees must submit requests to the sponsoring prime grantee.