

National Service Criminal History Check (NSCHC) Guidance Applying for Exemptions to the Requirements

CNCS has some authority under its regulations to grant exemptions to the NSCHC requirements. It is the program's responsibility to evaluate the need for an exemption and apply for approval from CNCS. Programs can apply for an exemption from conducting a FBI check if the CNCS designated State repository provides a written denial to the programs request to obtain the FBI check.

CNCS may also approve exemptions from the 3-part check if the program can demonstrate to CNCS's satisfaction that:

- The cost to the grantee of complying with 45 CFR 2540.203(b)(2)(iii) is prohibitive; (
- The entity is not authorized, or is otherwise unable, under State or Federal law, to access the national criminal history background check system of the FBI; or
- There is sufficient justification for CNCS to exempt the grantee from the requirement for good cause.

The following conditions apply to approved exemptions:

- The exemption is applicable to the specific program using the specific alternative procedures described in its exemption request. Exemptions are valid for one year from the date of the decision letter. You may reapply as needed.
- Exemptions are program specific and not portable between different programs. Exemptions approved for a national program are not portable to a similar program funded at the State level. If a circumstance develops where an exemption can apply to more than one program, the CNCS approval will be explicit in identifying where the Exemption can be used.

Submission Instructions

Instructions for requesting exemptions 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 Exemption request to ASPRequests@cns.gov and copy your Program and Grants Officers. Subgrantees submit your request to your sponsoring prime grantee.