

**Louisiana Department of Education**  
Early Childhood – Child Care Criminal Background Check (CCCBC)

Policy Number:	CBC-180006
Policy Name:	Out of State (OOS) CCCBC Requests for Incoming Residents
Responsible Unit:	Criminal Background Checks
Contact:	Valerie Black
Initial Effective Date:	March 1, 2018
Revised:	January 28, 2020

**Purpose:** *This policy describes the steps that the CBC staff may take in requesting criminal history records information (CHRI) from the previous state(s) where an applicant has lived within the past five (5) years, in accordance with federal regulation 45 CFR §98.4.*

**I. OVERVIEW**

- A. For applicants who have legally resided in another state within the past five (5) years, LDOE must request from the other state(s), the following:
  - a. A name-based search of the State(s) CHRI;
  - b. A name-based search of the State(s) Sex Offender Registry (SOR); and
  - c. A name-based search of the State(s) Child Abuse and Neglect (CAN) Registry.
- B. Exception applies to the National Fingerprinting File (NFF) States, whereby LDOE must only request from the participating state(s), the following:
  - a. A name-based search of the State(s) SOR; and
  - b. A name-based search of the State(s) CAN Registry.
- C. Each state has its own unique process, set of instructions, forms, and methods of retrieving the information from a search of the state(s) CHRI or the state(s) CAN Registry (if available).
  - a. If the State or Province does not have instructions available, LDOE sends a standard form requesting the information.
- D. The CCCBC System contains configurable pdfs for making request to each state agency, where a pdf is known to LDOE or where LDOE was able to create a pdf for the state agency to make the request for information. The provider must download the forms and unique instructions. The provider must upload the completed forms in order to finish the application process. CBC staff will review the forms for completeness and to make the checks to each particular state agency.
- E. CBC staff will then process the application and make a recommendation of provisional, eligible, or ineligible depending on the results and the timeframe the other states generally take to respond.

## **II. PROCESS**

### **A. DETERMINING STATE PROCESSES:**

1. CBC staff will review the Review tab of the Applicant's information screen to determine whether the applicant has indicated on the application that they have lived in another state within the past 5 years. If so, additional checks will automatically be visible to CBC staff.
2. Determine if the state is an NFF state.
  - a. If the state is an NFF state, CBC staff must only the CAN and the SOR.
  - b. If the state is not an NFF state, CBC staff must check the CHRI, CAN and the SOR.
3. The CBC Staff will check the forms completed by the applicant and process according to the state's specifications. CBC staff will verify whether payment is required for each check prior to submitting any paper or online forms to the other state.
  - a. The CBC Staff will submit a request to each state agency, regardless of whether that state responds; and regardless of the timeframe for a response.
4. The CBC staff will manually perform a search of the SOR.
  - a. Generally, SORs are maintained by the State police and can be accessed through a public website.
5. The CBC staff completes the review tab with all known results.

### **B. OBTAINING PAYMENT FOR OUT OF STATE CHRI OR CAN REQUESTS**

1. Often there is a charge to request a check of other state(s) criminal history registry or its state's Child Abuse and Neglect Registry or both.
2. Payments needed to perform the search of any of the state(s) checks are either forwarded to the Administrative Coordinator on a weekly basis, added to an account maintained by the other state agency, or requested by the CBC staff to LDOE Fiscal Operations.

### **C. SUBMITTING REQUESTS AND LOGGING RESULTS FOR OOS CHECKS:**

1. Once payment is authorized and all required documents have been verified pursuant to the other state's policy have been executed by either the applicant or CBC Staff, the request to the other states.
2. Upon receipt of the results, the CBC Staff will update all search inquiry results into the applicant's Review tab on the CCCBC system along with any other necessary case notes.
  - a. Additional case notes may be logged into the Comments tab under General document type.
3. If inputting the result of the OOS request is the last necessary check remaining for the applicant, the CBC Staff member may then issue their recommendation to the CBC Supervisor.

### **D. TRACKING OUT OF STATE APPLICANTS:**

1. The CCCBC System maintains the CCCBC out of State Report. Prior to the deployment of this report, the CBC staff utilized an Out of State Tracker. This tracker provided management of LDOE's workflow performed in obtaining an Out of State Applicant's CCCBC results.

### **E. TRACKING OUT OF STATE APPLICANTS:**

1. Many state agencies do not issue results within a reasonable time. Many state agencies refuse to release any results. Thus, LDOE may use its discretion, per federal regulation 45 CFR §98.4, to grant a person eligibility when a state does not have a tendency to respond timely or respond at all. LDOE will give a determination within 45 days of having a complete application, including complete forms and fingerprints from the applicant.