

<p>Who will receive the Child Care Criminal Background Check (CCCBC) results?</p>
<p>Louisiana Department of Education (LDOE) will receive all results from the background check and will use the results to determine whether an employee or potential employee is eligible or ineligible for child care purposes. LDOE will send an email notification to the provider and applicant encouraging them to log in to LDOE’s secure Child Care Civil Background Check system to view the determination.</p>
<p>If a center has multiple owners (ex, husband and wife), but one owner never enters the center, does the owner who never enters the center need to have a CCCBC-based determination of eligibility?</p>
<p>Yes. Regulations regarding who is required to have a criminal background check have not changed. Refer to Bulletin 137, §1807 and §1809 for an outline of all employees, owners, volunteers, independent contractors and visitors who are required to have a CCCBC. All owners, regardless of whether or not they are ever on the premises, must have a CCCBC-based determination of eligibility, unless they own less than a 25% share in the center and do not meet one or more of the criteria listed in Bulletin 137, §503.A.5.b. In that situation, the owner may submit a signed, notarized affidavit to the center in lieu of a CCCBC-based determination of eligibility.</p>
<p>Must an employee be dismissed immediately if a center receives notice from LDOE that the employee is Ineligible for child care purposes? What if the employee has worked at the center for 20 years?</p>
<p>Yes. An employee must be dismissed immediately, regardless of the years of employment, if a center receives notice that the employee is Ineligible for child care purposes. The center must immediately remove the person from the center and the center premises, and if the person is employed by the center, the center must terminate the employment of the person. See Bulletin 137, §1819.A.</p>
<p>If a person has previously submitted fingerprints for a Louisiana or FBI criminal background check, does the person have to submit a new set of fingerprints or will LDOE be able to use the fingerprints previously submitted?</p>
<p>The person must submit a new set of fingerprints for child care purposes.</p>
<p>Can a center start requesting CCCBC-based determinations of eligibility for current employees on March 1, 2018?</p>
<p>Transitional periods to phase in the CCCBC-based determinations are provided in BESE Bulletin 137, §1813; centers should follow these schedules to prevent an overflow of applicants at fingerprinting locations on March 1, 2018. However, centers may request a CCCBC-based determination prior to the scheduled times, as needed. Centers cannot apply for a CCCBC prior to March 1, 2018.</p>
<p>Does a center have to have all CCCBC-based determinations requested before its annual renewal with the Division of Licensing?</p>
<p>No. A center may use the full transition period provided in Bulletin 137, §1813 to obtain CCCBC-based determinations for its current employees. This means that a request for a CCCBC-based determination of eligibility for all existing staff must be submitted no later than September 30, 2018. If the center’s renewal application is due during the transition period, both existing satisfactory CBCs and new CCCBC-based determinations of eligibility will be accepted by the Division of Licensing. Note however, that beginning March 1, 2018; all new employees will be required to have a CCCBC-based determination of eligibility prior to beginning employment.</p>

What is the timeframe for a person to submit an appeal if the person receives a Notice of Ineligibility for child care purposes?

An individual must submit a request for an appeal within 45 calendar days of the issuance of a Notice of Ineligibility. LDOE will issue a final decision on the appeal within 30 calendar days, if the request for appeal is sufficient and no additional information or documentation is required. If additional information or documentation is required, the final decision will be issued within 30 calendar days of receipt of the required information. The individual remains Ineligible for child care purposes during the appeal process.

Do the new CCCBC requirements apply to persons who are on the premises but are not considered center staff? (Cafeteria workers, maintenance workers, housekeeping, etc.)

The regulations regarding who needs to have a criminal background check have not changed. Please refer to [Bulletin 137, §1807 and §1809](#) for details on who needs a background check.

Can the criminal history information record (rap sheet) that LDOE receives be shared with the center, if the center pays the CCCBC fees the individual applicant agrees to allow the center to see it?

No. LDOE is prohibited by Louisiana and Federal law from disclosing any criminal history record information of the individual.

What is provisional employment status?

Provisional employment status is a temporary status that allows a person to be employed by a center on a “provisional” basis until all of the CCCBC results are received by LDOE and a determination of eligibility or ineligibility is made. Pursuant to both Louisiana and Federal law, LDOE may grant an individual provisional employment status if (a) the individual has submitted fingerprints and (b) LDOE has received the satisfactory results from either the Louisiana or FBI criminal history record. Note: A person with provisional employment status may be provisionally employed by a center only if they are monitored by the center in accordance with [Bulletin 137, §1811.D](#), pending receipt of all CCCBC results.

How do persons other than staff members who provide services in centers get CCCBC-based determinations of eligibility for child care purposes?

[Bulletin 137, §1809](#) identifies certain entities that may obtain CCCBC-based determination of eligibility from LDOE for employees and others listed persons who provide services in centers and therefore must have a CCCBC-based determination of eligibility. The §1809 entities listed below may set up a user account in LDOE’s Child Care Civil Background Check System and apply on behalf of these individual through the online System. The individual will then be required to submit fingerprints at the fingerprint location. LDOE will send notice of the determination of eligibility to the requesting §1809 entity and to the individual for whom it was requested.

The following §1809 entities may apply for a CCCBC-based determination of eligibility through LDOE for their employees and contract employees who provide services in centers:

- Local educational agencies
- Resource and referral agencies approved by BESE and under contract with LDOE
- Entities approved by BESE and under contract with LDOE to provide mental health consultations in centers
- Teacher preparation programs approved by BESE
- Accredited Louisiana universities

- Lead agencies approved by BESE and under contract with LDOE
- Louisiana Department of Health, which provides IDEA, Part C services for children in centers
- Third party contractors approved by BESE and under contract with LDOE to provide services in centers
- Entities approved by LDOE that provide services in centers

See [Bulletin 137, §1807 and §1809](#) for an outline of all employees, owners, volunteers, independent contractors and visitors that are required to have a CCCBC-based determination of eligibility.

We have independent contractors that come into our center for services (such as Tumbler Tiger, Gymnastics, and Soccer). These independent contractors are not specifically listed in the regulations. Do these independent contractors need to have a CCCBC-based determination of eligibility?

Yes, all independent contractors that currently need a background check and are present at a center or on the center’s premises must have a CCCBC-based determination of eligibility in order to provide services at a center. These contractors must have a center request CCCBC-based determinations of eligibility on their behalf. The provider is not, by law, responsible for paying for the CCCBCs for these independent contractors. Since the determination of eligibility for child care purposes is available to all licensed centers, the independent contractors only needs one provider to make the request.

Will contractors still be able to use a Right To Review (RTR), CBC affidavit or annual CBC letter as proof of a background check instead of having a CCCBC-based eligibility determination? (E.g. Mental Health Consultants, CLASS Observers, therapeutic services, etc.)

No. After March 1, 2018, the ability to use the RTR, annual letter, and/or affidavit will end with the expiration of the RTR, annual letter, and/or affidavit or on September 30, 2018, whichever is earlier.

If my Right to Review expires in December 2017, do I have to pay to submit fingerprints again and get a new CBC or RTR before March 1, 2018?

Yes. A person must always have either a satisfactory CBC (which includes a RTR) or a CCCBC-based determination of eligibility for child care purposes. If a RTR expires prior to March 1, 2018, the person must obtain a new RTR or satisfactory CBC prior to the expiration of the existing RTR. If a RTR expires after March 1, 2018, the person must obtain a new CCCBC-based determination of eligibility prior to the expiration of the RTR. If a person obtains a satisfactory CBC between now and February 28, 2018, they will need to apply for a CCCBC by September 30, 2018.