The New Child Care Criminal Background Check

Teacher Leader Summit 2018
Session Agenda

What you can expect from this session:

• Presentation
  • Overview of the Child Care Criminal Background Check (CCCBC)
  • Overview of the CCCBC System
• Break-out session
  • Role Playing
• Q&A

Please write down questions on the notecards during the presentation period.
An Overview of the Child Care Criminal Background Checks
There have been recent changes to the child care background check requirements. Here is what the providers and entities can prepare for in regards to these changes.

- The new Child Care Criminal Background Check (CCCBC)
- Who is required to get a CCCBC
- How the process will work
- Checking eligibility
- Adding New Hires with an existing CCCBC determination
- Provisional employees and monitoring
- Appealing an ineligible determination
- Fees for the CCCBC
- Transition periods
- Resources

Please email questions to Valerie Black at LDEchildcareCBC@la.gov.
The Child Care Development Block Grant (CCDBG) Act of 2014 seeks to make child care safer by ensuring that the adults working with or in proximity to children have not committed violent crimes, child abuse or sexual offenses.

Louisiana:
• Must establish and manage a statewide system for conducting Child Care Criminal Background Checks (Child Care CBCs) for use in determining eligibility for child care purposes for staff, volunteers and contractors who work at licensed early learning centers and individuals who work at or live within a home-based provider that is registered for child care assistance.

Child Care CBCs impact all licensed programs (not only publicly-funded programs), all registered in-home providers, school staff that visit centers, and contractors who provide services in centers when children are present.
What is a Child Care Criminal Background Check?

**Components of a Child Care Criminal Background Check (CCCBC)** – A CCCBC includes:
1. a fingerprint-based search of the La. Bureau’s criminal history record information (CHRI);
2. a fingerprint-based search of the FBI CHRI;
3. a search of the National Sex Offender Registry (NSOR);
4. a search of the La. Sex Offender Registry;
5. a request for a search of the La. Child Abuse and Neglect Registry; and
6. a name-based search of the following in each state in which the individual has resided in the past five years: state criminal repository, state sex offender registry, and state child abuse and neglect registry.

Based on a review of these results, the Department will determine whether an individual is eligible or ineligible for child care purposes.

**Bulletin 137 and Bulletin 139 outline the new regulations for background requirements.**

**The CCCBC eligibility determination will be good for five years.**
Changes to Bulletin 137

In order to comply with the CCDF criminal background check requirements and recently passed state law, the Department made changes to the licensing regulations.

Changes to Bulletin 137 include:

- reorganization of criminal background check requirements to make the requirements easier to locate;
- components of the Child Care CBC;
- who needs a Child Care CBC and how it will work;
- rules regarding provisional employment and monitoring;
- rules for appeal of accuracy of Child Care CBC results;
- fee and schedule of fees from other agencies;
- rules regarding termination based on ineligible determinations;
- transition periods for obtaining Child Care CBCs to lessen economic impact on providers; and
- definitions of the previous and new criminal background checks and terms related to the new Child Care CBC (Appendix).

The changes reflect a concerted effort to focus on the provider’s needs and concerns while keeping the health and safety of children as the priority.
Who Needs a Child Care CBC?

Individuals who provide services in ELCs shall obtain a CCCBC-based determination of eligibility for child care purposes from the Department.

- Individuals with a Right to Review (RTR) will need a CCCBC either before it expires or before September 30, 2018, whichever comes first.
- Individuals with Annual Letters will need a CCCBC before September 30, 2018.
- Individuals with an affidavit will need a CCCBC before September 30, 2018.

Right to reviews, annual letters, and affidavits will no longer be accepted by ELCs after September 30, 2018.
A Closer Look at the CCCBC Process

Start

Little Angels Center enters Ms. Smith’s information into LDOE CCCBC Portal and pays fees*

The Department searches sex offender registries and DCFS searches CAN registry

Ms. Smith goes to get fingerprinted Little Angels**

The Department gets FBI and State results

* Little Angels Center enters Ms. Smith’s information into LDOE CCCBC Portal and pays fees.
** Ms. Smith goes to get fingerprinted Little Angels.
A Closer Look at the CCCBC Process (Cont.)

The Department reviews all results and determines eligibility/inelegibility

The Department notifies Little Angels Center and Ms. Smith of eligibility or ineligibility

Finish

- Things that Little Angels Center still needs to do:
  - Send Ms. Smith to get fingerprinted (with fees only if she is going to LSP)

- Things that Little Angels *does not* need to do:
  - Continuously search system for results
  - Review RAP sheets and risk missing a prohibited offense
  - Send Ms. Smith for fingerprints if she has an eligibility still in effect
Steps to Getting a New CCCBC

The CCCBC process differs from the previous process and varies based on where the person goes to get fingerprinted.

Below are the steps to getting a new CCCBC:
1. fill out a New Application on the Child Care Civil Background Check System (CCCBC System);
2. pay $15 LDOE fee online, and $15 for any state the person lived in within the last 5 years;
3. pay the fingerprint fees $48 online for Gemalto sites;
4. send applicant to get fingerprinted; and
5. check your email and your user account for a determination.

A determination of eligible or provisional must be made prior to allowing a new hire to be on the premise.
The Child Care Civil Background Check System is available at https://CCCBCLDOE.la.gov.

Licensed/registered providers were issued a username and temporary password March 1, 2018. Other entities and additional users must create an account.
Some centers may want to have more than one person with access to the center’s portal (i.e. the owner, director, and director designee). The System ID will link the user accounts to a specific center. It is important to use a business email while setting up an account.

The user will be required to upload a state-issued verification, and proof of employment.
Once LDOE Back Office has approved the request, the user will receive a notification containing a link and a temporary password.

This email will also contain a System ID number. This number can be used to add additional users (i.e. additional human resource staff or a director designee).
A provider/entity applies on behalf of an individual using the New Application tab.

The New Application tab serves two functions:
• Apply for a person’s first Child Care CBC; and
• Add a person to the account with an existing Child Care CBC.

If a provider is applying for their own CCCBC they MUST use different email addresses. A business email should be for the provider/entity user account and a CCCBC application should have their personal email address.
The user can link to the fingerprint vendor to submit payments when an applicant is In Progress, Awaiting Fingerprints, or in Corrections Requested. *for Gemalto sites only*
The provider/entity will receive and email stating the applicant has a change in status. Once logged in, the provider/entity can securely view the notice.

The provider/entity will not be given any additional information in the email regarding the results of the Child Care CBC.
The most updated fingerprint location list is on Louisiana Believes and on the CCCBC System.

A. If going to a **Gemalto location** such as a UPS site or Community Action Agency (i.e. NOT Louisiana State Police), the applicant must bring the following:
   - a valid form of identification used to enter their information in the system (i.e. driver’s licenses, state issued ID, etc.); AND
   - their Transaction Control Number (TCN).
B. The individual should no longer get fingerprints for the CCCBC at Louisiana State Police or their local law enforcement agency.
How Fingerprint Fees are Paid

The fingerprint fees are paid in the CCCBC System, using the fingerprint icon.

A. If the person is going to a Gemalto location such as a UPS site or Community Action Agency (i.e. NOT Louisiana State Police):
   • the providers must pay online by clicking on the fingerprint icon;
   • the receipt will be given online when payment is complete.

B. If the applicant never gets fingerprinted the provider can recover the $48 by:
   • using the fingerprint icon and clicking on the cancel button; or
   • waiting 90 days and the $48 will be credited to the credit/debit card used.

The Department does not issue receipts for Gemalto. Please print the confirmation page.
Checking Eligibility and Adding a Person to Your Roster

The CCCBC System allows a provider to “Check Eligibility” and to add hires with existing CCCBC determinations to their roster.

The Check Eligibility function should be used when people come in on an irregular basis.

The New Application function should be used to add a person to the provider’s eligible roster.

Steps for adding a person with an existing CCCBC:
1. click “New Application”;
2. enter SSN, Drivers License, or State-issued Identification Number;
3. upload the Consent & Disclosure Form to Add; and
4. click confirm.

The User Manual on Louisiana Believes walks you through each process.

If you work at more than one center or provide services at more than one center, it would be helpful to have your Consent & Disclosure to Add ready for providers.
Check the Eligibility of a Contractor

A provider may check the eligibility of a contractor via their provider dashboard in top left of the page by selecting the Check for Eligibility tab.

The provider/entity will only be able to see if the person is eligible. The provider will not be given any additional information regarding the results of the Child Care CBC.
Adding a New Hire with an Existing CCCBC Determination

To add a new hire to the provider/entity user account return to the dashboard and select the New Application tab.

A provider can add a person to their account if the application is in progress or complete, but only if the person has a provisional or eligible status.
Adding a New Hire with an Existing CCCBC Determination

After providing the SSN, the provider must download a consent form for the applicant to sign. The provider must then upload the signed consent form.

The Provider would then download and print the Consent Form for the new hire to sign. Then, upload the signed consent form and select Confirm.
Provisional Employment and Monitoring

Provisional employment can help ensure that the child care industry can maintain child-to-staff ratio in times of staff transitions.

Provisional Employment:
• Is allowed for persons for whom the Department has received a satisfactory Louisiana or federal criminal history information record pending completion of the CCCBC-based determination of eligibility.
• Provisionally-employed staff members may be counted in child-to-staff ratios, but must be monitored.

The center must:
• Designate a monitor for each provisionally employed staff member present at the center; and
• Have at least one monitor physically present at all times in any room during naptimes if a provisionally employed staff member is present.

Note: The center may designate one monitor for up to five provisionally employed staff members at any given time.

The monitor must:
• remain within close enough physical proximity to their provisionally employed staff members to be able to intervene at any time; and
• perform at least 1 observation of each designated provisionally employed staff member every 30 minutes.

A sample monitoring log is available on the Louisiana Believes CBC page.
A center must develop and implement a written policy describing the monitoring procedures. The monitoring procedures shall:

• Include all the requirements as previously discussed;
• Require the center to post a copy of the policy in the center in a place visible to all parents and staff; and
• Require the center to provide copies to each parent/legal custodian of enrolled children, center staff members and provisionally employed staff and obtain signed documentation verifying receipt.

Monitoring Log

• The center shall have a log or other written documentation of the monitoring of provisionally employed staff members that identifies each provisionally employed staff member, the designated monitor for each, and the times of the visual observations.

Monitoring is done in an effort to protect the health and safety of children when cared for by a provisionally employed staff member.
Appeals of ineligible determinations are allowed to address the accuracy and completeness of the CCCBC results received by the Department and used to make the eligibility determination.

Individuals are given the opportunity to submit a request for an appeal of an ineligible determination based on inaccuracy or incompleteness of the results of the CCCBC received by the Department and used to make the eligibility determination.

- The person must submit the request within 45 days of the issuance of a notice of ineligibility (NOI).
- The requestor remains ineligible throughout the appeal process.
- The Department will render a final decision on the appeal within 30 days of receiving all documents and information necessary to review the appeal and make a final determination.
- If as a result of the appeal process, a person is determined to be eligible, for child care purposes, the Department will issue an eligibility determination to both the requestor and the requesting provider.

A person shall remain ineligible and is prohibited from being at the center during the appeal process.
Total Fees for CCCBC

The $15 fee charge by the Department will contribute to an effort to make the process as efficient and user-friendly to the providers as possible.

- **Fees Collected by the Department:**
  - $15 Department administrative fee
  - $25 DCFS fee for search of State Central Registry for Child Abuse and Neglect (starting July 2018)
  - $15 (if applicable) fee per state for record searches in any other state in which the person has resided during the past five years (to be sent to other state agencies). This will only be charged if the person lived in another state in the last 5 years.

- **Fees Collected by La. State Police or online for Gemalto Sites:**
  - $26 fee for Louisiana Bureau for Louisiana criminal history information record
  - $12 fee for FBI for federal criminal history record
  - $10 fee for fingerprinting (charged on-site by LSP or online by Gemalto).

The total fees are expected to be between $88-$93 per Child Care CBC; note that the federal regulations prevent agencies from charging more than cost.
The Transition Periods will be implemented as follows:

- **March 1, 2018** – All New Hires and Others without an Existing Satisfactory CBC must have a CCCBC prior to being present at or providing services at a center when children are present.

- **April 1 and May 31, 2018** – All existing owners, directors, director designees and staff-in-charge for whom a center had an existing satisfactory CBC on March 1, 2018;

- **May 1 and June 30, 2018** – Any volunteers and staff members employed for five or more years for whom a center had an existing satisfactory CBC on March 1, 2018;

- **June 1 and July 31, 2018** – Any volunteers and staff members employed between two and five years, and all visitors and independent contractors for whom a center had an existing satisfactory CBC on March 1, 2018, including those independent contractors with CBC affidavits and CBC annual letters issued prior to March 1, 2018 for the 2017-2018 school year; and

- **July 1 and August 31, 2018** – Any volunteers and staff members employed for two years or less for whom a center had an existing satisfactory CBC on March 1, 2018.

The transition plan developed by the Department takes into consideration feedback from providers, turnover rates, and the need to be in compliance by September 2018.
Here is an example of 10 employees that vary in position type and years of employment.

March 1, 2018
ABC Center gets 1 new hire on March 10th. Thus, only 1 new CCCBC needs to be applied for this month.

April 1, 2018
ABC has 1 Owner/Director and 1 Director Designee. There should be 2 CCCBCs submitted this period.

May 1, 2018
ABC has 3 teachers that have been with the center for 5 or more years.

June 1, 2018
ABC Center has 2 staff employed between 2-5 years.

July 1, 2018
ABC Center has 2 relatively new staff that has been employed less than 2 years.
The CBC page on Louisiana Believes has many resources and will be continuously updated to support providers.

To find the CBC page go to Louisiana Believes ➔ Early Childhood ➔ Criminal Background Checks.
Break-out Sessions
Q & A
The Department will continue to engage with the public through webinars and other resources to prepare providers/entities for the background check changes.

Questions?

Please feel free to reach out to Valerie Black the LDOE Early Childhood CBC Program Manager at:

LDEchildcareCBC@la.gov or LDECCCBCprocessing@la.gov

Several recorded webinars, resources, and FAQs can be found on the CCCBC Website.