



State and Territory CCDF Administrators Meeting
August 7–9, 2018 • Crystal Gateway Marriott • Arlington, Virginia

Promising Approaches for In-State Criminal Background Check CCDF Compliance



STAM Presentation

August 8, 2018

Introductions

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Utah Department of Health

Tracey Chestnut, Bureau Chief, Child Care Policy and Technical Assistance
Ohio Department of Job and Family Services

Session Objectives

- Share an overview of current policy and regulatory requirements
- Highlight promising approaches and hurdles among states/territories
- Provide participants an opportunity to share questions and experiences



Criminal Background Check Requirements

Background Check Requirements Highlights

Applicability of Rules

- **State, Territorial and Tribal Lead Agencies**
- **Licensed, regulated, and registered providers**
 - Whether or not they receive CCDF funds
- **License-exempt CCDF providers**
 - Except those related to all children in care
- **Current and prospective staff members**
 - Including those employed before 11/19/2014 (date of enactment)

Individuals Subject to Background Checks

- Those employed by a provider for compensation
- Contracted employees and self-employed
- Those who care for, supervise, or have unsupervised access to children in care
- Those (adults) living in a family child care home

Required National and State-based Background Checks

FBI Check + Current State of Residence

National FBI Fingerprint Criminal History Check

In-State Criminal History Check

Fingerprint Required:

- FBI Check
- In-State Criminal

Fingerprint Optional:

- In-State SOR
- Out-of-State SOR
- Out-of-State Criminal

Name Based:

- NCIC NSOR
- All CAN Checks

NCIC National Sex Offender Registry Check

In-State Sex Offender Registry Check



In-State Child Abuse and Neglect Registry Check

Previous State(s) of Residence for Last 5 Years

State Criminal History Check

State Sex Offender Registry Check

State Child Abuse and Neglect Registry Check

The FBI fingerprint check is national, why doesn't it cover the out-of-state background check requirements?

Only offenses/records with a valid fingerprint make it into the national FBI database.

Checking the individual State records helps mitigate gaps between the State and FBI records.

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Background checks should meet a standard 45-day or less turnaround time.

Individuals may start work once the FBI or State fingerprint check is returned as satisfactory, but must be continually supervised until a determination is made on all checks.

Revised: 11/8/2017



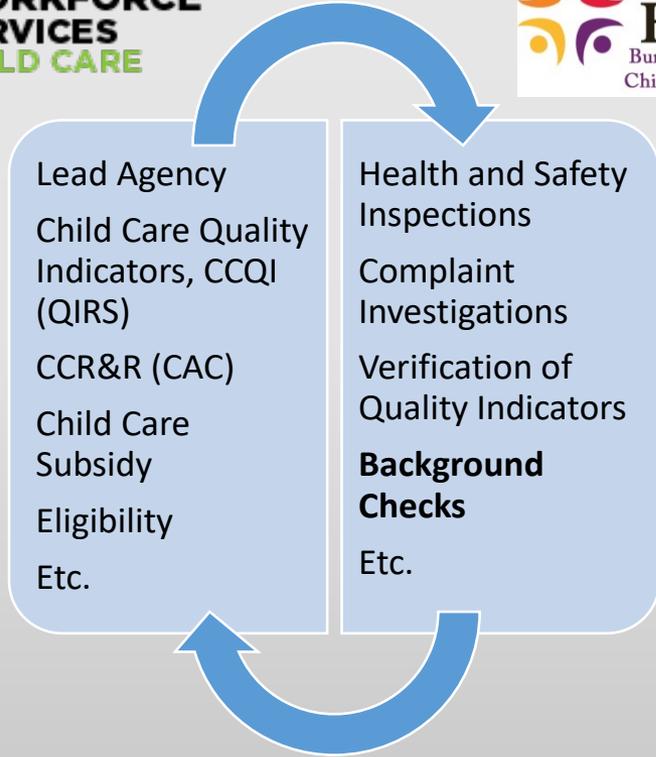
Children's Health and Safety First

Background Checks for Child Care In Utah



Structure?

Organization





Partnerships

Statute

- Gives authority to both agencies

Public Safety

- Access to records
- Training
- Technical Assistance

Local Public and Private

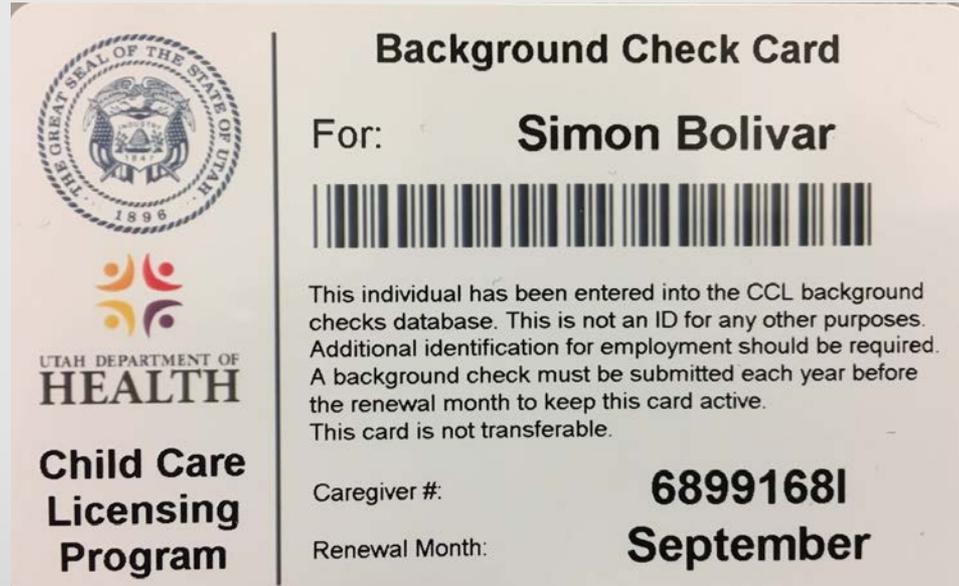
- About 50 additional fingerprinting locations

Advisory Committees

- Provide solid and constant support through active participation



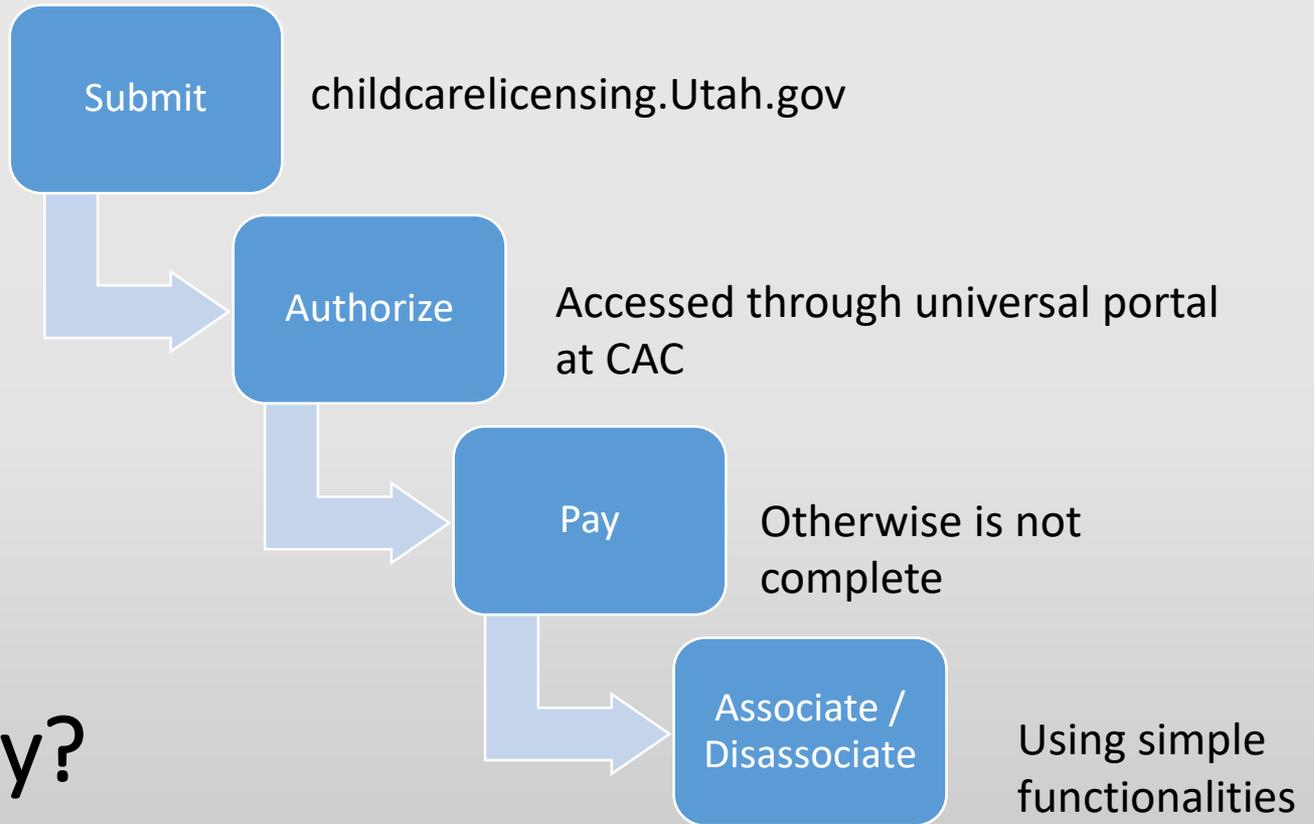
Card?



- Can be used at any child care facility as long as it is current
- Card holder can be associated by the provider



Technology?





Cost Solutions?

Fingerprint Scanners

One at each CAC

Lead agency paying for additional staff

Paperless

Prints processed at no cost to covered individual

OCC increased background screening staff funding



Challenges?

Costs for required fingerprints

Technology impairments

Private/Public/Exempt playing field

Low unemployment rates

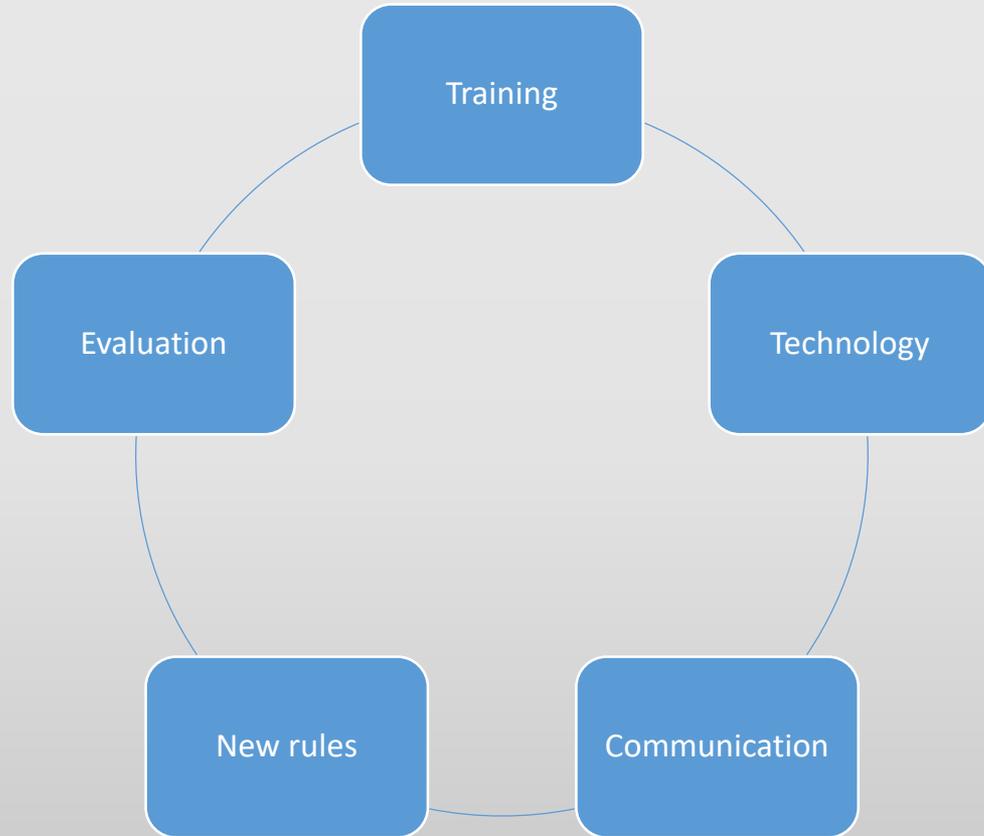
**Inter
state
checks!**

Approaches:

- Fingerprint capturing at no cost for FFN providers
- Trainings and user friendly portals
- Changes in statute and rule
- Rule variance to address ratios



Next Steps?







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Promising Approaches for In-State Criminal Background Check CCDF Compliance

Ohio

Wednesday, August 8, 2018
STAM

Background

Ohio Department of Job & Family Services

- Office of Family Assistance
 - Child Care
 - Bureau of Policy and TA
 - State Administrator
 - Bureau of Licensing and Monitoring
 - Bureau of Operational Support
 - SNAP/TANF
 - Technical Assistance and Support
 - Child Care and SNAP/TANF policy help desks

Background

Ohio Department of Job and Family Services

- Child Care Centers
- Family Child Care Homes
- In-Home Aides
- Approved Day Camps

Ohio Department of Education (ODE) programs

Policy

- Publicly Funded Child Care (PFCC) program
 - Participation is required for approved day camps and in-home aides
 - Participation is optional for child care centers, family child care homes, ODE programs
- Step Up To Quality (QRIS)
 - Ohio Revised Code
 - Beginning July 1, 2020, PFCC may only be provided by a program rated in SUTQ (includes ODE programs)
 - By June 30, 2025, all centers and Type A homes must be highly rated

Policy

- Background check policy revised 10/29/2017
 - Individuals must create a profile in the Ohio Professional Registry (OPR)
 - Individuals must email request to ODJFS to complete background check and submit fingerprints at a local WebCheck agency with results sent to ODJFS
 - Must be submitted at application, before beginning employment and every 5 years
 - FCC within 10 days of residency/turning 18 years old
 - Individual is determined eligible or ineligible
 - notified via snail mail of reason for ineligibility due to FBI requirements
 - Notified via email if eligible
- 19 – Appeal process available

Policy

- Individual must submit request to ODJFS to have program receive verification of eligibility
- Individual cannot be left alone with children until results are received by program
- Existing staff transition plan
 - County agencies maintained records for SACWIS reviews and FBI/BCI results for Type B homes and IHA for provider and residents
 - State maintained FBI/BCI records for Center and Type A owners/administrators
 - Centers (including ODE) Type A homes and Day Camps maintained staff FBI/BCI records

Infrastructure

- Application Unit
 - 19 staff and one supervisor
- Processes all requests manually
- Average 800 new requests a week
 - New individuals to the field
 - Professionals changing employment or adding additional programs
- To date have completed 70,000 background checks

Partnerships

Ohio Department of Education

- Ohio Child & Licensing Quality System (OCLQS) used by ODJFS state/county staff and programs
 - Interface with OPR
- Early Care and Education Program search is inclusive of ODE and ODJFS programs
- Step Up To Quality
- Publicly Funded Child Care
- Head Start

Partnerships

Ohio Attorney General's Office

- Processes BCI and FBI checks for Ohio

Office for Families and Children – ODJFS

- SACWIS system

Ohio Highway Patrol

- NSOR checks

Partnerships

Ohio Child Care Resource & Referral Association

- Ohio Professional Registry (OPR)
 - Centralized information system for early childhood and afterschool professional
- Determine Career Pathway's Level
- T.E.A.C.H.
- Create professional development
 - SUTQ required training
 - SA endorsement

Technology and Resources

- OPR (workforce registry) tracks each professional using an ID number (OPIN #)
- Professional creates profile and links themselves to a program in the registry, updating program information if needed
- Professional submits educational information to be reviewed and applied toward Career Pathways Level and SUTQ Professional Development Certificate
- Information is managed by the professional and verified by OPR

Technology and Resources

- Information is imported to OCLQS during inspections
 - education levels and professional development reviewed for licensing and SUTQ compliance
- Program administrator and regulators can view certain information in the OPR
- Future changes to OPR include
 - Automated employee record chart
 - Automated background check

Technology and Resources

- Automated background check
 - Request submitted by individual
 - Results entered by ODJFS staff
 - Notification sent by system to individual and program
 - Information stored in registry
- Confidentiality concerns addressed

Technology and Resources

- Automated background check
 - Allow for accurate data on the number of requests and employment tracking statewide
 - New individuals
 - Length of time in the field
 - How frequently professionals change employment

Portability

- OPR tracking allows for professional to be more easily marketable when profile is created and verified
- These items move with the professional and are not tied to one program
 - Professional Development Certificate requirements for SUTQ
 - Background check approval

Challenges

- Processing incomplete requests
 - Form incomplete
 - Didn't submit at WebCheck agency
 - Results in delayed processing
 - Requires additional communication
- Managing email box
- Manual tracking
- NSOR access

Resources

- Policy
 - <http://emanuals.jfs.ohio.gov>
- Background Check Information
 - http://jfs.ohio.gov/cdc/Background_Check_Process.stm
- Early Care and Education Program search
 - <http://childcaresearch.ohio.gov/>



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FBI Fingerprints / Live Scan

Current Resources Overview



Criminal Background Checks 1-Pager

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FBI Fingerprint 1-Pager

Fingerprinting: Considerations and Resources

FBI Next Generation Identification System

The FBI's Next Generation Identification system is the largest biometric database of criminals in the world, and clear, legible fingerprints form the foundation of its master fingerprint file. Agencies submitting fingerprints to the FBI should be aware of the proper procedures for recording fingerprints.

Basic Fingerprint Equipment

Fingerprints can be recorded utilizing the following methods:

- **Standard Fingerprint Card** (e.g., FD-249 and FD-258)
 - Use ink to record fingerprint images on standard fingerprint cards
- **Live Scan**
 - Fingerprint images can be submitted electronically using a live scan device
 - Electronic fingerprinting equipment should be properly maintained at all times

FBI Certified Products List

For a list of all certified products, please refer to the FBI Certified Products List here: www.fbibiospecs.cjis.gov/certifications

Lead Agency Preparation Questions

These are just some of the questions to consider when exploring fingerprint implementation

- What discussions have taken place with involved entities?
- Has implementing legislation and/or regulation been introduced?
- What infrastructure already exists to obtain fingerprints?
- What needs to be done to provide the broadest coverage statewide and in local jurisdictions?
- Does this structure provide optimal access and turnaround time for providers and within the 45-day timeframe required by law?
- What are the options – buy live scan equipment, lease, contract with a vendor, or use an FBI approved channeler?
- Have FBI channelers been considered? FBI approved channelers can transmit fingerprints directly to the FBI and copy the State Agency, but State Agencies still need to submit and complete in-state fingerprint checks of their criminal justice registry.
- Which is the most practical, efficient, and least costly option for implementation?
- Will results be added to a central child care employee registry for tracking purposes?
- What are the staffing needs?

Keep Up To Date!
Explore the FBI Biometric Specifications website for the latest news and information
www.fbibiospecs.cjis.gov

Fingerprint CBC Requirements
Reminder: The following CCDF CBC components require use of a fingerprint

- National FBI Criminal History Check
- In-State Criminal History Check



Fingerprint Considerations and Resources

- **CCDF Requirement Reminder**

- 45 CFR 98.43(b) of the Final CCDF Rule requires fingerprint checks for:
 - Federal Bureau of Investigation (FBI) Next Generation Identification (NGI) system
 - Criminal repository of the current state of residence
 - Fingerprints are optional for criminal repositories in which an individual previously resided

- **Live Scan vs Ink Fingerprints**

- Rolled (ink) prints have rejection rates that can range up to 60%
- Unreadable prints can cause weeks or months of delays

- **Considerations for Implementation**

- “Fingerprint Considerations and Resources” includes a planning guide with questions that CCDF Administrators should ask themselves when researching fingerprinting solutions



Open Discussion and Questions

