

## Comprehensive Background Checks (CBC) Targeted/Intensive Technical Assistance (TA) Project Overview

### Project Statement

A primary objective of the Child Care and Development Block Grant (CCDBG) Act of 2014 is to increase the health and safety protections for children in care. The law and regulations require state, territory, and tribal Lead Agencies to conduct comprehensive background checks (CBC) for child care staff members and prospective staff members. Lead Agencies continue to have challenges implementing certain aspects of comprehensive background checks. In-state partnerships, in-state background check processes, and interstate checks are the primary areas of concern. The National Center of Subsidy Innovation and Accountability (NCSIA) plans to provide two levels of technical assistance (TA) to meet Lead Agency needs. Targeted TA (up to 10 Lead Agencies) may include, but not limited to, ongoing process consultation and process mapping, peer to peer consultation, document review and analysis, facilitation, interviewing, and project management. Intensive TA (up to five Lead Agencies) will include everything included in targeted TA, in addition to project management (leadership and coordination); at least once monthly calls; and quarterly in-person site visits. Both levels of TA will be in partnership with the Office of Child Care (OCC) and the numbers are subject to change based on need and interest. Through small stakeholder groups, or individual grantees, NCSIA will support states, territories, and tribes to develop strategies leading to full compliance with the Act.

### Desired Outcomes

In coordination with OCC, NCSIA will provide support to Lead Agencies in the development and execution of the strategies listed below. NCSIA is dedicated to developing a plan and providing support to each state to achieve full compliance with the CCDBG Act CBC requirements.

### Intake

NCSIA will provide an introductory webinar outlining the goals, strategies, approaches, and the commitment required from Lead Agencies and their partners. Partnering agencies should include criminal justice agency, child abuse and neglect agency, licensing office, tribal partners, and any other agency or office that is involved with CBC implementation.

NCSIA will present OCC with the Lead Agency's proposal, estimate of anticipated labor effort for both NCSIA and Lead Agency, and time frame for achieving project objectives.

### Commitment from States and Territories

Lead Agencies and their partnering agencies will commit to participating in planning, virtual, and on-

site meetings. Lead Agencies will also commit to including interested Tribal Lead Agencies as many utilize state systems to implement CBC. The workplan will be developed with input from all stakeholders.

### Needs assessment

NCSIA will work with the Lead Agency to identify areas of noncompliance and barriers.

### Workplan

NCSIA will consult with the Lead Agency and their partners to develop a project package. The package will include a problem statement, intervention description, project work plan, staffing plan, and an agreement to clarify roles and responsibilities between NCSIA and the Lead Agency. The anticipated level of effort, time, and resource commitment necessary from the Lead Agency will be included.

The project workplan will outline activities, responsible parties, and the timeframe for achieving project objectives. Preliminary analysis of work plans, milestones and desired outcomes will be tracked to assess project progress, accountability, completion, and success.

## High-Level Tasks and Deliverables

In conjunction with OCC, NCSIA will develop materials to assist states and territories in implementing CBC. NCSIA will provide a report to OCC that identifies key CBC challenges, gaps, common solutions in use, and the lessons learned to date. The report will be used to assist OCC in the development of updated policies, Program Interpretation Questions (PIQs), and FAQs. The table below lists the high-level tasks for each entity to ensure compliance with the CCDBG Act.

The table below shows the tasks that each responsible entity needs to conduct to ensure compliance with the CCDBG Act and overcoming the current challenges:

OCC	NCSIA	Lead Agency	Child Care Provider
<ol style="list-style-type: none"> <li>1. Introduce targeted/intensive TA to all Lead Agencies</li> <li>2. OCC sends invitation to identified Lead Agency and state partners</li> <li>3. Analyze state plans and regularly track progress on milestones</li> </ol>	<ol style="list-style-type: none"> <li>1. Conduct focus group meetings</li> <li>2. Develop implementation plan and strategies</li> <li>3. Analyze state plans and regularly track progress on milestones</li> </ol>	<ol style="list-style-type: none"> <li>1. Review OCC guidance, implementation plan and policies</li> <li>2. Lead Agency and Law Enforcement (State Identification Bureau (SIB)) collaboration</li> <li>3. Lead Agency and CAN agency collaboration</li> <li>4. Submit new state</li> </ol>	<ol style="list-style-type: none"> <li>1. Review updated guidance and policies from Lead Agency</li> <li>2. Child care providers compile list of questions</li> <li>3. Review staff and identify staff cleared and staff yet to be cleared and schedule background checks</li> </ol>

OCC	NCSIA	Lead Agency	Child Care Provider
		plans to OCC for approval 5. Provide new guidance to all child care providers 6. Submit regular progress report on schedule TBD by OCC	for compliance 4. Compliance report on cleared staff and staff scheduled for CBC checks submitted on schedule TBD by Lead Agency

## OCC Tasks and Deliverables

### Task 1 – Introduce targeted/intensive TA to all Lead agencies

Deliverable: OCC will identify Lead Agencies with greatest need for TA based on interest from Lead Agency, as well as penalty and CAP status.

### Task 2 – OCC sends invitation to identified Lead Agency and state partners

Deliverable: Lead Agencies will respond with their interest in participating in either targeted or intensive TA.

### Task 3 – Analyze state plans and regularly track progress on milestones

Deliverable 4A): Provide a “State of the State” in coordination with the NCSIA

Deliverable 4B): Require regular state progress reports

## NCSIA Tasks and Deliverables

### Task 1 – Conduct Focus Group Meeting(s)

Deliverable 1: Develop a report from the focus group meeting(s) with all Stakeholders (criminal justice agency, child abuse and neglect agency, licensing office, tribal partners, etc.) to identify the key challenges, gaps, common solutions in use and the lessons learned to date.

### Task 2 – Develop the implementation plan and strategies

Deliverable 2A): Develop step by step guide for implementation (Playbook)

Deliverable 2B): Create knowledge base containing FAQs document

Deliverable 2C): Develop a list of valuable common business practices (from focus group discussions)

Deliverable 2D): Create a list of valuable technology products, services, and solutions possible (from focus group discussion) to help familiarize states with the use and benefits of each (e.g., LiveScan, database, shared partnership web portals).

Deliverable 2E): Create a list of critical milestones that must be achieved according to CBC

requirements

### **Task 3 – Analyze State Plans and Track Milestones**

Deliverable 3A): Provide a “State of the State” in coordination with the RO

Deliverable 3B): Require regular state progress reports

## **Lead Agency Tasks and Deliverables**

### **Task 1 – Lead Agency review of OCC guidance, implementation plan, new policies/PIQs (if any)**

Deliverable 1A): Update state guidance to providers

Deliverable 1B): Develop statewide implementation plan

Deliverable 1C): Document current progress

### **Task 2 – Lead Agency and Law Enforcement (SIB) Partner Collaboration (SINGLE MOST IMPORTANT KEY TO THE SUCCESS OF THIS PLAN)**

Deliverable 2A): Jointly review current policies and processes (gaps, challenges, politics, resources, and technology options)

Deliverable 2B): Develop a joint action plan (including costs) on how Lead Agency and Law Enforcement partner (SIB) will collaborate on implementation of child care background check requirements (CHRI, State SOR, FBI NSOR)

### **Task 3 – Lead Agency and CAN agency collaboration**

Deliverable 3A): Jointly review current policies and processes (gaps, challenges, politics, resources, and technology options)

Deliverable 3B): Develop a joint action plan (including costs) identifying how Lead Agency and CAN agency will collaborate on implementation of child care background check requirements

### **Task 4 – Submit new state plans to OCC for approval**

Deliverables (all require OCC approval):

Deliverable 4A); Implementation plan (project plan)

Deliverable 4B): Roles and responsibilities matrix

Deliverable 4C): List of needed resources (personnel and dollars)

Deliverable 4D): Implementation timeline

### **Task 5 – Provide newly defined guidance to child care providers**

Deliverable 5A): New guidance documents (including COVID-19 exceptions)

Deliverable 5B): Provide FAQs

### **Task 6 – Progress Report to OCC**

Deliverable: Develop progress report using template provided by OCC

## Child Care Provider Tasks and Deliverables

### **Task 1 – Review updated guidance and policies from Lead Agency**

Deliverable: Acknowledgement of review (sign-off and date)

### **Task 2 – Child care provider compiles list of questions**

Deliverable: Review Lead Agency’s FAQs document

### **Task 3 – Review all staff and identify any staff to be cleared for compliance**

Deliverable 3A: Provide list of staff who need to obtain background checks clearance

Deliverable 3B): Schedule needed background checks

### **Task 4 – Submit compliance report**

Deliverable: Report compliance to Lead Agency

## Policy Requirements or Interpretations

With non-criminal justice background checks growing throughout the country, the process becomes further complicated because states are not able and willing to accept background check results from other states. This is not the practice, nor even possible today due to the inconsistency of policy and governance between the states. As an example, states apply different legal authority for conducting non-criminal justice background checks. This variation between states in policy (or policy interpretation) and governance currently directly affects the adjudication of all fingerprint-based criminal history record checks including those involving multi-state residence.

Additionally, states and territories may need to pass new or updated legislation to conduct in-state and/or inter-state background checks.

### **Recommendations**

Leadership at the highest level must discuss this issue at appropriate gatherings such as the National Governor’s Association, National Conference of State Legislators, National League of Cities, with Attorney Generals, etc.

### **Inter-Agency Partnerships**

The CCDBG Act was written for a positive purpose of preventing harm and protecting the vulnerability of the children involved in child care program placements. Unfortunately, this purpose is expected to be fulfilled among different and sometimes competing interests of the agencies overseeing the different repositories, databases and data sources for the type of information needed to perform a successful background check and meet the requirements of the CCDBG Act.