

MEMORANDUM

TO: All Child Care Providers

FROM: Georgia Department of Early Care and Learning

DATE: September 19, 2016

SUBJECT: UPCOMING CHANGES TO RECORDS CHECK REQUIREMENTS

Read this ENTIRE memo carefully.

CURRENT STATE REQUIREMENTS

Since January 1, 2014, Georgia law requires all new employees to have a national fingerprint-based criminal background check. This law also requires all employees, regardless of when they are hired, to complete this background check...with a satisfactory determination...**before January 1, 2017.**

NEW FEDERAL REQUIREMENTS – COMPREHENSIVE BACKGROUND CHECK

Recently, a new federal law was passed that affects all licensed child care programs and a select few license-exempt programs. *This new law requires that **all child care employees** across the nation undergo a rigorous **comprehensive background check.***

This new **comprehensive background check** includes a check of the following:

1. A national fingerprint-based criminal history (which Georgia currently requires);
2. The Georgia Child Abuse Registry (which requires consent);
3. The National Sex Offender Registry (which requires consent);
4. A state fingerprint-based criminal history for every US territory, tribal land or state (other than GA) in which an employee has lived in the past five years (which requires reporting and consent); and
5. The state child abuse registry in every US territory, tribal land or state (other than GA) in which an employee has lived in the past five years (which requires reporting and consent).

WHO MUST HAVE THIS NEW CHECK?

This new **comprehensive background check** applies to every Employee (as defined in the rules and regulations) in the child care industry, even those who already have the national fingerprint-based background check.

- Individuals who have had a national fingerprint-based criminal background check through DECAL and have lived only in Georgia for the past five years must undergo a check of the Georgia Child Abuse Registry and the National Sex Offender Registry by October 1, 2017. *Please note that there is NO COST associated with these two additional checks; each person only needs to supply authorization for DECAL to complete them.*
- Individuals who have had a national fingerprint-based criminal background check through DECAL but have resided in US territory, tribal land or state (other than GA) within the past five years must undergo a check of the Georgia Child Abuse Registry, the National Sex Offender

Registry, and a check of both the fingerprint-based criminal history and child abuse registry for each of those territories, tribal lands and states by October 1, 2017.

- Every new employee hired on or after January 1, 2017 must receive a satisfactory comprehensive background check determination from DECAL before s/he can be present at a child care program while children are present for care.

These requirements apply to every director, provider, employee, volunteer (other than a parent), student-in-training, contractor and resident aged 17 or older for the follow child care programs:

- Licensed Family Child Care Learning Homes;
- Licensed Child Care Learning Centers; and
- License-exempt programs that receive Child Care and Parent Services (CAPS) subsidy.

THE PHASE-IN PLAN FOR THE COMPREHENSIVE BACKGROUND CHECK

Because we know it will be challenging to meet all the requirements of this federal law by the deadline, we have developed a plan to “phase in” the process. **Read this section carefully because it contains important guidelines and deadlines.**

- **New records check applications** – We encourage all providers to submit electronic records check applications through your [DECAL KOALA portal](#). However, if you must use a paper records check application form, it must be the new version attached to this message. Beginning October 1, 2016, DECAL will accept only the electronic application or the paper application attached to this message. ***Any other paper application submitted to the DECAL records unit after October 1, 2016 will be rejected, and the clearance process will not begin until the application is submitted electronically or on the correct form.***
- **Authorization to Check the Additional Databases** – Beginning January 3, 2017, DECAL will contact each provider to determine whether an individual has lived in outside of Georgia within the past five years and to ask for authorization/consent for DECAL to check the Georgia Child Abuse Registry, the National Sex Offender Registry, other state Child Abuse Registries and Criminal History databases as needed for each individual who has a current valid satisfactory records check determination (based on the fingerprint-based national check). Every provider **must** submit this authorization/consent for each employee before the **comprehensive background check** process can begin. **The deadline to supply this authorization/consent for these individuals is July 1, 2017.**
- A current DECAL fingerprint-based satisfactory determination letter will meet requirements until 10/01/2017 or until a DECAL **comprehensive background check** letter is issued.
- **Comprehensive Background Check Letters**
 - Beginning January 3, 2017, all new records check applicants must submit to the five-part **comprehensive background check**, and those who complete all required checks satisfactorily will be issued a satisfactory comprehensive determination letter by DECAL.
 - Beginning January 3, 2017, all individuals with a current DECAL fingerprint-based satisfactory determination letter that have completed the authorization/consent form will submit to the five-part **comprehensive background check**. Those who complete all required checks satisfactorily will be issued a satisfactory comprehensive determination letter by DECAL. This comprehensive letter will replace the older determination letter.
 - Everyone directly caring for children unsupervised must have a satisfactory comprehensive determination letter on file by October 1, 2017.

- **Provisional Term of Employment Explained** –Remember, a Provisional Employee is someone who has been hired by a program based on a **local** criminal history check clearance conducted and issued by law enforcement within 10 days before the date of hire. Currently, the rules allow for a Provisional Employee to be on the premises for one 21-day term of employment within which s/he must submit to the national fingerprint-based background check. The concept of the provisional term of employment will remain the same, but now each Provisional Employee must submit everything required to run the **comprehensive background check** within that 21-day term. If all requirements are met by the Provisional Employee within that 21-day period, s/he can remain on site until a **comprehensive background check determination** is made by DECAL.
- **Provisional Employees to be Supervised at all times** – Beginning October 1, 2017, each Provisional Employee must be supervised at all times by someone that has a satisfactory comprehensive background check. **Supervised** means that a person with a **satisfactory comprehensive background check** must be in the room with the Provisional Employee at all times.
- **Supervised Provisional Employees and Ratios.** At no time can anyone without a satisfactory comprehensive background check be left alone with a child in care; however, as long as a provisional employee meets qualification rules and is in the room with someone with a valid **satisfactory comprehensive background check** determination, the provisional employee can be counted into staff:child ratios.
- **Deadline for Compliance for Current Employees** – No later than October 1, 2017 every employee (other than provisional employees compliant with the rules) must have a satisfactory comprehensive background check issued by DECAL on file. Failure to do so will result in adverse action from DECAL that could include revoking a license and withdrawing and/or reclaiming CAPS funding. In order for DECAL to complete the checks by this deadline, all employees must submit the authorization to run these additional checks any time between **now and July 1, 2017**.

THE GOOD NEWS

The process of updating the background check for those who already have fingerprint-based clearance will be **at little to no cost to you or your employees**. DECAL will not charge for checking the Georgia Child Abuse Registry or the National Sex Offender Registry. The only costs that may be incurred are for individuals who have resided in any US territory, tribal land or state other than Georgia within the past five years.

STAY TUNED FOR MORE INFORMATION

To support providers during this transition phase, DECAL will provide the following:

- Email Reminders – DECAL will email reminders to providers about upcoming comprehensive background check requirement deadlines.
- Training – DECAL consultants will offer on-site training and assistance in meeting these requirements and deadlines at regularly scheduled monitoring visits.
- Reference Material – DECAL will post frequently asked questions and other reference materials about the new comprehensive background check requirements and deadlines.
- Webinars – DECAL will conduct live webinars to explain the new comprehensive background check requirements and deadlines and to answer questions.

HELPFUL TIPS AT A GLANCE

1. DO THESE NEW COMPREHENSIVE BACKGROUND CHECK REQUIREMENTS APPLY TO ME?

More than likely, YES! These new comprehensive background checks apply to all individuals aged 17 and older who work, volunteer, reside, contract, intern with/at any licensed child care program or any license-exempt program that receives CAPS funding.

2. WHAT DO I NEED TO DO NOW TO BE IN COMPLIANCE WITH THE NEW REQUIREMENTS?

Right now, you are encouraged to familiarize yourself with your [DECAL KOALA portal](#). This is a program-specific portal through which you can submit records check applications and the necessary authorization/consent forms that will be available in 2017.

You can also replace the current paper application that you've been using with the revised one attached to this memo. As of October 1, 2016, DECAL will no longer accept the old paper applications.

Keep an eye out for email notices with further instructions. We plan to send reminders out at each stage of the phase-in plan.

3. WHAT IS THE DEADLINE FOR THE NEW COMPREHENSIVE BACKGROUND CHECK?

Everyone must have a satisfactory comprehensive background check determination by October 1, 2017. In order for DECAL to make these determinations by this deadline, all new authorization/consent forms must be submitted to the Department by July 1, 2017.

4. WHEN CAN I SUBMIT FOR THE NEW COMPREHENSIVE BACKGROUND CHECK?

Starting January 3, 2017, all new applicants will undergo the comprehensive background check. Online submission of records check applications through your DECAL KOALA portal will automatically trigger the process.

Also starting January 3, 2017, all those with a current satisfactory fingerprint-based background check determination can submit the authorization/consent form through DECAL KOALA to being the comprehensive background check process.

5. HOW OFTEN WILL I HAVE TO UPDATE THE COMPREHENSIVE BACKGROUND CHECK?

The comprehensive background check must be renewed every five years from the date of the national fingerprint scan or after any 6 month break in service.

6. HOW MUCH WILL IT COST?

For those with a current satisfactory fingerprint-based background check determination who have only resided in Georgia for the past five years, there is no additional cost. Once you submit the authorization/consent form, DECAL will complete the in-state requirements with no additional cost.

For those with a current satisfactory fingerprint-based background check determination who have resided outside of Georgia within the past five years, the cost will depend on what each other state charges to complete the process.