

For more information
on action to improve
child care policy,
regulation and funding,
please visit
www.ececonsortium.org

Background Checks and Compliance with Other Laws

As child care providers, our role is to provide a safe, high-quality environment for young children to grow and learn, and to give parents peace of mind while they are at work. Children need to be safe. We need to know who is caring for them. Background checks are *one* of the ways this can be accomplished.

Although child care centers and similar programs take action to screen individuals as mandated by their state, with the result that millions of children are cared for safely, the current system of state policies has room for improvement. Some issues include lack of uniformity within and across state lines, and the need for infrastructure and investments for state agencies to carry out comprehensive checks expeditiously.

Unfortunately, there are also cases where the effort to conduct comprehensive background checks to assure safety in child care renders a provider out of compliance with federal law and threatened by legal action.

“Private right of action” does not address this, because in this case it is the Equal Employment Opportunity Commission (EEOC) bringing legal action against the child care provider.

Compliance with state and federal background check laws and regulations should not put provider employers out of compliance with Civil Rights Act of 1964 and the EEOC.

To make sure federal and state law work together, the Early Care and Education Consortium recommends adding this provision to any federal background check legislation:

EARLY CARE AND
EDUCATION CONSORTIUM
1313 L St NW, Suite 120
Washington, DC 20005
Phone (202) 408-9625
Fax (202) 408-9627
info@ececonsortium.org
www.ececonsortium.org

A child care provider covered by subsection _____, who denies employment to an individual according the prohibitions in section _____, as established in state code or administrative rule, shall not be subject to enforcement for violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.*