

Child Care Provider Background Checks

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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 is accomplished.

All states have some mechanisms for carrying out such checks. ECEC member centers, all licensed by the state in which they operate, carefully check candidates for hire against existing databases or records, sometimes through consumer reporting agencies that specialize in handling these sensitive matters.

Although child care centers 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 and infrastructure leaves room for improvement.

Requirements aren't uniform within states or across states.

- Some individuals are included in the requirement, but many are not. The requirements entirely leave out the large community of unlicensed child care. What is checked varies widely across states, too.

States lack infrastructure to carry out comprehensive checks expeditiously.

- Staff and equipment are needed to conduct the checks and report results, and most states are lacking this infrastructure to implement any more checks than those they already conduct.
- States report absence of appropriate legislation, lack of appropriate agency, and lack of funding and resources as obstacles.
- Check results are not available in a timely fashion to maintain compliance with group size and ratio requirements in classrooms, a key component of safety.

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Working together toward solutions

- Background checks should apply to all types of child care settings, for all providers caring for unrelated children on a regular basis for a fee.
- Background check expenses should not exceed \$40 per comprehensive background check.
- Background check results should be available within 30 days.
- Background checks should be portable with the individual across state lines and job to job in the early childhood field.
- States should allow for a provisional hiring of a candidate while waiting for the background check results. This provisional hire is not to be alone with children until the results indicate the candidate has passed the check.
- Employee backgrounds should only be checked in states where the employee or applicant has lived.
- Employee backgrounds should be checked for a reasonable period into the past, and be valid for a similar period going forward.
- Background check records should be “flagged” so that employers can be made aware of any activity that occurs after a check has been completed and the person has been hired.
- States must be required to provide for a process by which a child care staff member (including a prospective child care staff member) may appeal the results of a criminal background check to challenge the accuracy or completeness of the information.
- 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 Equal Employment Opportunity Commission.
- To be effective and successful in expeditiously carrying out background checks states need funding to put systems in place in their appropriate agencies to carry out comprehensive checks.
- Background check legislation should encourage the use of consumer reporting agencies to conduct records checks since these entities often have access to more records from more states than most state agencies and can conduct large parts of a background check more quickly and efficiently.
- The Government Accountability Office should research the current capacity of states, the costs per check per individual, and the resources needed to expand the infrastructure state by state.