

Appendix B: Interview Guide for State Child Care Lead Agencies

U.S. Department of Health and Human Services (DHHS) Administration for Children and Families (ACF)
Office of Planning, Research, and Evaluation (OPRE)

Child Care Interstate Background Checks (CC-IBaCs) Environmental Scan

Interview Guide for State Child Care Lead Agencies

Thank you for agreeing to participate in this interview today. My name is _____. I work for CNA, a research organization based in Arlington, VA. We are working with the U.S. Department of Health and Human Services, Office of Child Care and Office of Planning, Research, and Evaluation to find ways to improve the implementation of the out-of-state background checks for child care workers that are required under the Child Care and Development Block Grant (CCDBG) Act of 2014. For this study, we are interviewing a wide range of key people involved in the background check process. ACF will use the data collected through the interviews to support the development of promising solutions to strengthen nationwide implementation of child care background checks as mandated by the CCDBG Act and provide states and territories with additional technical assistance to facilitate implementation. Please note that the sole purpose of this study is to gather data to inform how ACF can better support state and territory agencies.

Before we get started, there are a few things I should mention. This is a research project, and your participation is voluntary. We expect that the interview will take about an hour. It's important to note that information collected will be kept private to the extent permitted by the law. Your responses will not be used for compliance purposes or result in any punitive actions from the Office of Child Care. Our goal is simply to understand the challenges your state is experiencing so that the Office of Child Care can better support your efforts towards full implementation. We will summarize your information and use it to produce a final report that will be used for internal planning at the Office of Child Care, but we will not identify or quote any of the specific people interviewed for the report. We aim to summarize findings for each state or territory so that comments cannot be attributed to any specific person from your state or territory.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB number for this information collection is 0970-0356 and the expiration date is 06/30/2021.

Do you have any questions before we start?

With your permission, we would like to record the interview. The recording will be used to help us ensure our notetaking is accurate. The recordings will be accessible only to the project team at CNA, and will not be shared with the Office of Child Care. We will destroy the recordings after the study is complete. Are you okay with us recording our interview today?

- 1) As states conduct background checks on child care workers, you're making requests to your state's criminal history repository, child abuse and neglect registry, and sex offender registry as

well as each state where the applicant or employee has lived in the past five years. It was reported on the web-based survey, that your agency completes about

___#___ background checks per year and that ___%___ have an out-of-state component, that is, about _____ percent require requests made to other states for criminal history, CAN registry and SOR information.

It's the requests you make to other states – the out-of-state requests – that I'd specifically like to ask you about. *[Interviewer: If the state is not currently making out-of-state requests, these questions still apply.]*

LEGISLATIVE AUTHORITY

[Interviewer: Review question 8 from the web survey to determine if the state needs legislative authority (or has already passed new legislation) to implement any portion of the out-of-state background checks required by the CCDBG Act of 2014. If their survey response to question 8 is that they did not need to pursue new legislation for the out-of-state background check requirements, skip this section of the interview guide.]

First, I'd like to ask you some questions about legislative processes and the legislative barriers to implementing the out-of-state portion of the new child care background checks.

2) *[For states that need new legislative authority to pursue out-of-state background check requests]*

In the web-based survey, it was reported that your state needs new legislative authority to make out-of-state background check requests. In what ways is the lack of legislative authority impeding your ability to implement the out-of-state portion of the background check requirements? What does your state law currently allow?

PROBES: What actions have you taken to pursue needed authority?
Can you provide us with a citation for legislation that was introduced but not passed?
If no actions have been taken to pursue needed legislation, why not?
What kind of resources or support from the federal government would help you in this process?

3) *[For states that have already enacted new legislation to meet the new requirements]* In the web-based survey, it was reported that your state has already enacted new legislation to meet the new child care background check requirements. Can you describe the legislation that was passed and the program needs that it addressed? Can you provide us with a citation?

PROBES: Did the legislation address required action to complete out-of-state criminal history, CAN registry and SOR checks?
What were the most important things that helped you succeed in getting the legislative changes that you needed?
What stakeholders did you work with?
Which were most helpful to getting legislation enacted?
What arguments did you make in support of the legislation?
How long did it take to pass the legislation?
Is there anything you would have done differently?

- 4) In the web-based survey, you noted that background checks are not conducted for licensed providers [license-exempt] providers by your background check unit. How are background checks conducted for this group of providers?

PROBES: Who is responsible for completing these background checks?
How does the process for completing these checks differ from the process you described in the survey for licensed providers [license-exempt] providers?

HELPING TO FACILITATE BACKGROUND CHECK REQUESTS FROM OTHER STATES

- 5) Please describe what your agency has done to respond to interstate background check requests from other states in a timely manner. *[Interviewer, probed for details.]*

PROBES: Does your agency provide child care agencies from other states with information on how to make criminal history, CAN registry and SOR checks in your State?
Does your agency provide applicant information to out-of-state child care agencies? What information do you provide?
Does your agency help transmit requests to data custodians in your State for out-of-state child care agencies?
Have you considered any other actions to facilitate child care background checks for out-of-state requestors?
What kinds of support or resources from the federal government might help you meet this requirement?

MAKING A DETERMINATION OF ELIGIBILITY FOR EMPLOYMENT

- 6) What factors does your state consider in disqualifying employees and applicants from employment in child care in your state? Are the factors the same as those required in the CCDBG Act of 2014 or have you added offenses beyond those listed in the Act?

PROBE: Can the following be disqualifying:

- Arrests?
- Cases with pending charges?
- Cases with missing dispositions?

Can you provide us with a list of disqualifying offenses in your State or a link to a webpage where we can find this information?

[Interviewer: Ask the next two questions only if the state has made out-of-state background check requests.]

- 7) Have you ever received a red light/green light response to an out-of-state background check request?

PROBES: [If yes] How many have you received in this past year?

How did you handle this information?

Did the out-of-state agency let you know the factors they used to make the red light/green light determination?

- 8) How long does it take to receive a reply to an out-of-state background screening request on average for criminal history, CAN registry checks, and SOR checks?

- 9) What is the process by which you combine results from in-state and out-of-state data requests to make a final employment determination?

PROBES: How do you ensure definitions for criminal offenses are equivalent to your State's statute when offense information is received from out-of-state?

What do you do if you do not receive a response to an out-of-state request?

Is automation used in the determination process? If so, how?

CHALLENGES AND SOLUTIONS

10) What challenges have you encountered in requesting out-of-state checks for...

- (1) Child abuse and neglect registry searches?
- (2) SOR searches?
- (3) Criminal history searches?

[Interviewer: Consider the answers to questions above and the state's answer to Question 33 on the web survey when probing for challenges. For each challenge identified, ask the respondent to describe the issue and how it affects their ability to conduct out-of-state registry checks.]

PROBES: Are there challenges related to ...

- Staffing?
- Identifying the out-of-state agencies that own the data?
- Communicating with the out-of-state agencies that own the data?
- Lack of automation?
- Difficulty with linking automated systems?
- Payment of fees
- Restrictions on the release of information?
- Legislative authority to make out-of-state requests?
- Definitional or reporting differences between states?
- How long it takes to receive responses?
- Appeals related to out-of-state results

[If staffing is a challenge ask] How large is your staff shortage (in terms of number of staff)?

11) Are there other challenges to conducting out-of-state checks that we have not yet discussed?
Are there other factors specific to your state's environment that are hindering the ability to fully implement the child care background check requirements?

12) Which of the challenges or barriers that you've identified do you see as the challenge most in need of an immediate solution?

13) Have you implemented any solutions to these challenges or are you considering any solutions to address these challenges? *[Interviewer: Discuss this question for each challenge identified above.]*

PROBES: [If yes] What solutions have you explored?

Did you implement (or attempt to implement) a solution that did not work?

[If not] What solutions do you think would be helpful (for example, software, technical support, templates)?

What would you like to see the federal government do to support implementation of out-of-state checks?

14) Are there any other people in your state from other programs or interested agencies that you think we should interview for this study?

15) Lastly, do you have a flow chart or description of your background check process that you can share with us? If you have a document that can be emailed to me, that would really help us.