

## Appendix A: Web-based Survey

### Survey of State CCDBG Lead Agencies Conducting In-State and Out-of-State Child Care Background Checks

Thank you for taking the time to complete this survey. The Administration for Children and Families (ACF), Office of Child Care (OCC) and Office of Planning, Research, and Evaluation (OPRE) is sponsoring a national study to learn more about specific challenges States are facing and identify promising solutions to problems impeding the implementation of out-of-state background checks as mandated by the Child Care and Development Block Grant (CCDBG) Act of 2014. ACF has contracted with CNA and the National Opinion Research Center at the University of Chicago (NORC) to conduct this study. This survey is designed to solicit information about your State's child care background check process as the first step in identifying solutions to barriers to the implementation of the CCDBG requirements.

ACF will use the data collected through the survey 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. The information that you provide will not be used for punitive or compliance-related decisions or actions.

This survey is completely voluntary and individual responses will not be attributed to you. Information collected will be kept private to the extent permitted by law. Responses may be combined and shared in aggregate at the state level with ACF to inform technical assistance resources. The survey should take no longer than 30 minutes to complete.

#### Instructions

This survey asks questions about the process for conducting background checks, both in-state and out-of-state checks, for applicants and employees **who work in child care in your state**.

When you see an information icon ⓘ you may click on the icon to obtain a definition of the associated word or phrase.

You may share the link for this survey with your colleagues, as needed, so that they may assist in responding to these questions about the background check process for child care workers in your State. You and your colleagues may log in to the survey as many times as you wish before submitting. The website will automatically save your work as you go. Please do not use your browser's back or forward buttons to navigate through the survey: only use the next and back buttons at the bottom of each page. **Please submit your completed survey by [date].**

We'll begin the survey with some general questions about the background check process for child care workers in your State, about legislative authority for making and responding to background check requests in your State, and what the background check program or lead child care agency in your State has done to facilitate background check requests from other States.

1) Does your State have a statewide centralized background check unit that is responsible for conducting background checks<sup>(i)</sup> for child care workers?

- Yes → Go to Question 2
- No → Go to Question 5

2) In what State agency does the centralized background check unit reside?

Agency Name: \_\_\_\_\_  
Department Name: \_\_\_\_\_

3) Does this centralized background check unit conduct child care background checks for both licensed providers and license-exempt providers?

- Yes, for both licensed and license-exempt providers
- No, for licensed providers only
- No, for license-exempt providers only

4) Does this centralized background check unit conduct both the in-state<sup>(i)</sup> and out-of-state<sup>(i)</sup> portions of the child care background checks?

- Yes, conducts both in-state and out-of-state checks
- No, conducts in-state checks only

5) [If no to Q1] Which agency or agencies are responsible for conducting child care background checks in your State, that is, who is responsible for ensuring all components of the child care background check<sup>(i)</sup> are completed?

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6) Has your background check program or child care lead agency entered into any contractual agreements or Memorandums of Understanding with State agencies or private entities regarding the implementation or operation of child care background checks? (Check all that apply.)

- Your State criminal justice/law enforcement agency
- Your State custodians of the child abuse and neglect registry
- Your State custodians of the sex offender registry
- Other agency(ies) in your State (Specify: \_\_\_\_\_)
- An agency in another state (Specify: \_\_\_\_\_)
- A private vendor for fingerprinting, screening or other services  
Specify vendor type: \_\_\_\_\_  
Specify vendor name (optional): \_\_\_\_\_
- None
- Other, (Specify: \_\_\_\_\_)

### Legislative Authority

- 7) Does your State currently need new legislation to implement any portion of the **in-state** background checks required by the CCDBG Act of 2014?
- Yes, we need new legislation
  - No, we have already enacted the legislation we need for this new requirement
  - No, we did not need to pursue new legislation to implement the required in-state checks
- 8) Does your State require new legislation to implement any portion of the **out-of-state** background checks required by the CCDBG Act of 2014, including providing records/repository information in response to requests from other States?
- Yes, we need new legislation
  - No, we have already enacted the legislation we need for this new requirement
  - No, we did not need to pursue new legislation to implement the required out-of-state checks
- 9) Does your State require new legislation to implement the **Federal criminal history** checks required by the CCDBG Act of 2014 for any or all applicants covered by the law?
- Yes, we need new legislation
  - No, we have already enacted the legislation we need for this new requirement
  - No, we did not need to pursue new legislation to implement the required federal checks

10) Does your State require new legislation to implement the National Sex Offender Registry (NSOR) ⓘ checks required by the CCDBG Act of 2014 for any or all applicants covered by the law?

- Yes, we need new legislation
- No, we have already enacted the legislation we need for this new requirement
- No, we did not need to pursue new legislation to implement the required federal checks

### **Responding to Background Check Requests from Other States**

11) Can your state law enforcement agency share criminal history information with out-of-state child care agencies for employment purposes?

- Yes
- No
- Don't know

12) Can your state child abuse and neglect (CAN) registry custodians share CAN registry information with out-of-state child care agencies for employment purposes?

- Yes
- No
- Don't know

13) Can your state sex offender registry (SOR) share SOR data with out-of-state child care agencies for employment purposes?

- Yes
- No
- Don't know

### **Criminal History Checks**

These next questions ask about the process for conducting in-state ⓘ, out-of-state, ⓘ and federal ⓘ criminal history checks **for child care workers in your State.**

14) How are in-state criminal history checks conducted for child care workers in your State?

- Checks are name-based
- Checks are fingerprint-based

15) Who submits requests for criminal history checks to the criminal records repository as part of the background check for child care workers in your State?

	In-state Criminal History Checks	Out-of-state Criminal History Checks
Centralized background check unit (not in the child care lead agency)	•	•
Background check unit in child care lead agency	•	•
Local child care subsidy agencies	•	•
Law enforcement/criminal justice agency	•	•
Employers	•	•
Applicant/employee	•	•
Other	Specify: _____	Specify: _____

16) How are criminal history search requests made for State criminal history checks for child care workers in your State? (Check all that apply.)

	In-state Criminal History Checks	Out-of-state Criminal History Checks
Electronically, via the State law enforcement website with a real-time response	•	•
Electronically, via the State law enforcement website with delayed response	•	•
Email	•	•
Mail	•	•
Telephone	•	•
Other	Specify: _____	Specify: _____

17) Who reviews criminal history check results to make a determination of eligibility for employment for child care workers in your State?

	In-state Criminal History Checks	Out-of-state Criminal History Checks
Centralized background check unit (not in child care lead agency)	•	•
Background check unit in child care lead agency	•	•
Local child care subsidy agencies	•	•
Law enforcement/criminal justice agency analysts	•	•
Other	Specify: _____	Specify: _____

### Child Abuse and Neglect Registry Checks

The following questions ask about the process for completing child abuse and neglect (CAN) registry checks **for child care workers in your State**. We are interested in requests you make to both your State CAN registry and to CAN registries in other states.

18) Is the CAN registry search in your State completed as part of the in-state criminal history check done by your State law enforcement/criminal justice agency?

- Yes
- No
- Don't know

19) Who initiates the request to obtain a CAN registry check as part of the background check for child care workers in your State?

	In-state CAN searches	Out-of-state CAN searches
Centralized background check unit (not in child care lead agency)	•	•
Background check unit in child care lead agency	•	•
Local child care subsidy agencies	•	•
Law enforcement/criminal justice agency	•	•
Employers	•	•
Other	Specify: _____	Specify: _____

20) How are CAN registry search requests made? (Check all that apply.)

	In-state CAN searches	Out-of-state CAN searches
Electronically, via the registry website with a real-time response	•	•
Electronically, via the registry website with delayed response	•	•
Completed as part of the state criminal history check done by law enforcement	•	•
Email	•	•
Mail	•	•
Telephone	•	•
Other	Specify: _____	Specify: _____

21) Who reviews CAN registry check results to make a determination of eligibility for employment in child care in your State?

	In-state CAN searches	Out-of-state CAN searches
Centralized background check unit (not in child care lead agency)	•	•
Background check unit in child care lead agency	•	•
Local child care subsidy agencies	•	•
Law enforcement/criminal justice agency	•	•
CAN registry analysts in my State	•	•
Other	Specify: _____	Specify: _____

### State Sex Offender Registry Checks

The following questions ask about the process for completing state sex offender registry (SOR) ⓘ checks **for child care workers in your State**. We are interested in requests you make to both your State sex offender registry and to sex offender registries in other states.

22) Is the state sex offender registry ⓘ search in your State completed as part of the in-state criminal history check done by your State law enforcement/criminal justice agency?

- Yes, we make a single request to receive both criminal history and sex offender information
- No, we make separate requests for criminal history and sex offender information
- Don't know

23) In conducting checks of state sex offender registries in other states, do you only check what is available on the public website or do you contact the sex offender registry custodians for information from the non-public dataset? (Check all that apply.)

- We check what is available on states' public websites
- We directly contact the registry custodian to request information from the non-public dataset
- We do not conduct state sex offender registry searches in other states
- Other (Specify: \_\_\_\_\_)

24) Who submits requests to the state sex offender registry checks as part of the background check for child care workers in your State?

	In-state SOR searches	Out-of-state SOR searches
Centralized background check unit (not in child care lead agency)	•	•
Background check unit in child care lead agency	•	•
Local child care subsidy agencies	•	•
Law enforcement/criminal justice agency	•	•
Employers	•	•
Other	Specify: ____ _	Specify: ____

25) How are state sex offender registry search requests made for child care workers in your State? (Check all that apply.)

	In-state SOR searches	Out-of-state SOR searches
Electronically, via the registry website with a real-time response	•	•
Electronically, via the registry website with delayed response	•	•
Completed as part of the state criminal history check done by law enforcement	•	•



Email	•	•
Mail	•	•
Telephone	•	•
Other	Specify:____ =	Specify:____

26) Who reviews state sex offender registry check results to make a determination of eligibility for employment in child care in your State?

	In-state SOR searches	Out-of-state SOR searches
Centralized background check unit (not in child care lead agency)	•	•
Background check unit in child care lead agency	•	•
Local child care subsidy agencies	•	•
Law enforcement/criminal justice agency	•	•
Sex offender registry analysts	•	•
Employer/provider	•	•
Other	Specify:____	Specify:____

27) Do you currently complete an NCIC NSOR check as part of your child care background check?

- Yes
- No (If no, skip to question 29.)

28) What law enforcement agency do you partner with to conduct this check?

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### Disqualification Decisions

29) Who makes the final decision on whether an applicant's background check results contain a disqualifying offense that prohibits the individual from employment in child care in your State?

- Centralized background check unit (not in child care lead agency)

- Background check unit in child care agency
- Local or regional child care agency offices
- Criminal justice/law enforcement agency
- Child care provider
- Other (Specify: \_\_\_\_\_)

30) How are missing dispositions handled when reviewing background check results for disqualifiers for employment in child care?

- Applicants are asked to provide missing disposition data
- The agency responsible for the final decision investigates missing dispositions
- Not applicable for in-state records, our criminal justice agency provides conviction information only
- Other (Specify: \_\_\_\_\_)

31) How are employers notified of the applicant’s background screening determination?

	Eligible Applicants	Ineligible Applicants
They check a secure portal after notification that the determination has been made	•	•
They receive notification by email	•	•
They receive notification by mail	•	•
Other	Specify: _____	Specify: _____

32) How are applicants notified of their background screening results?

	Eligible Applicants	Ineligible Applicants
They check a secure portal after notification that the determination has been made	•	•
They receive notification by email	•	•
They receive notification by mail	•	•
They are notified by the employer	•	•
Other	Specify: _____	Specify: _____

**Administrative Information**

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.

33) For each component of the background check process listed below indicate who pays for that component in your state? (If fees are split among entities, check all that apply.)

Background Check Component	Component Paid for by:				
	Applicant	Employer	State Child Care Agency	Conducted at No Cost	Other/Check Not Conducted
Fingerprint collection	•	•	•	•	Specify:_____
In-state criminal history check	•	•	•	•	Specify:_____
In-state CAN check	•	•	•	•	Specify:_____
In-state SOR check	•	•	•	•	Specify:_____
Out-of-state criminal history check	•	•	•	•	Specify:_____
Out-of-state CAN check	•	•	•	•	Specify:_____
Out-of-state SOR check	•	•	•	•	Specify:_____
Federal (FBI) criminal history check	•	•	•	•	Specify:_____
NCIC NSOR check	•	•	•	•	Specify:_____
Other, Specify (_____)	•	•	•	•	Specify:_____

34) About what percentage of the child care background checks conducted for employment in your State get completed within 45 days? Please answer this question separately for those checks that include in-state requests only and those checks that include out-of-state requests.

	Checks with In-State Requests Only	Checks That Include Out-of-State Requests
From 0 to 25 percent	•	•
26 to 50 percent	•	•
50 to 75 percent	•	•
75 to 95 percent	•	•
Over 95 percent	•	•
Not applicable as we do not complete out-of-state requests at this time		•

35) What is the annual volume of background checks <sup>(i)</sup> that are processed for applicants/employees working in child care in your State?

\_\_\_\_\_ # \_\_\_\_\_

36) What percentage of these checks have an out-of-state <sup>(i)</sup> background check component?

\_\_\_\_\_ % \_\_\_\_\_

**Your Most Significant Implementation Challenge**

37) What has been the most significant challenge to the implementation of the CCDBG requirements for child care background checks<sup>(i)</sup> in your State?

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**Additional Contacts**

The second stage of our data collection process will be semi-structured interviews with key informants in each State. We would appreciate it if you could provide us with contact information (name, email, and telephone number) of your counterparts at your State’s law enforcement/criminal justice agency, your State’s child abuse and neglect registry, and your State’s sex offender registry (if different from the law enforcement/criminal justice agency).

	Key Informant Name and Contact Information		
	Name	Email	Telephone Number
State law enforcement/ criminal justice agency			
State child abuse and neglect registry custodian			
State sex offender registry custodian			

We are also interested in contact information for any other key informants in your State who you feel can offer additional perspectives on the child care background check process and implementation issues.

Name	Organization	Email	Telephone Number

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Name and contact information of survey respondent(s):

Name	Organization	Email	Telephone Number

Thank you for completing this survey. Your participation is very important to us.

## Definitions Included in the Survey

Child care worker background check: A child care worker background check includes 8 specific components, which encompass 3 in-state checks, 2 federal checks, and 3 out-of-state checks.

In-state checks: In-state checks include checks of criminal history records, the sex offender, and the child abuse and neglect registry **in your state**.

Out-of-state checks: Out-of-state checks include checks *that you or your state requests* of criminal history records, the sex offender registry, and the child abuse and neglect registry **in any other state where the individual has resided in the past 5 years**.

Federal checks: Federal checks include the FBI fingerprint check and the National Crime Information Center (NCIC) National Sex Offender Registry (NSOR).

NSOR (National Sex Offender Registry): The database maintained by the National Criminal Information Center (NCIC). This is not the National Sex Offender Public Website (NSOPW).

Sex offender registry: Your state's public sex offender website or the sex offender data repository in your state. This does not refer to the National Sex Offender Registry (NSOR) or the National Sex Offender Public Website (NSOPW).