

# Criminal Background Check (CBC) Overview



Provider Webinar – February 27, 2019



- Gregory Brown, Legal Services, Records Unit Supervisor
- April Rogers, Child Care Services, Director of Policy and Enforcement

# Topics of Discussion

- October 1, 2018 Rule Revisions
- Criminal Background Check Process
- Training on Criminal Background Checks

# October 1, 2018 rule changes

- CBC Rules changes are related to:
  - Licensed CCLC
  - Licensed FCCLH
  - License-exempt programs receiving CCDF Block Grant subsidy (CAPS) funds
  - Informal Caregivers receiving CCDF Block Grant subsidy (CAPS) funds
  - Support Centers

# Federal and state laws determine who must submit to criminal background checks and these laws drive changes in rules for DECAL



- The state law that governs background checks for child care providers is O.C.G.A. Sections 20-1A-30 through 45.
- The federal law is 42 USC Section 9858f. <https://www.law.cornell.edu/uscode/text/42/9858f>

# Primary Changes- Effective 10/1/18

- **Provisional Employee** = person with a valid and current satisfactory **Fingerprint-based Records Check Determination**.
- “Local” records checks are **no longer sufficient nor accepted** for Provisional Employees to be present in a child care facility.
- At minimum, a Provisional Employee must have a valid and current satisfactory Fingerprint-based Records Check Determination (National CRC Satisfactory letter) issued by DECAL.
- Provisional Employees also cannot solely supervise or be alone with children, and must be **supervised at all times** by someone with a valid and current satisfactory Comprehensive Records Check Determination.

# Primary Changes – 10/1/18 con't.

## The type of Employee is determined by the type of Records Check Determination issued.

### **Director and Employee**

- Must have a valid and current satisfactory **Comprehensive** Records Check Determination, issued by DECAL.
  - CAN solely supervise and be alone with children.

### **Provisional Employee**

- At minimum, must have a valid and current satisfactory **NATIONAL** Fingerprint-based Records Check Determination, issued by DECAL.
  - CANNOT solely supervise or be alone with children.



# Primary Changes – Effective 10-1-18 con't

- CBC Rules and Fingerprint requirements apply to all Employees of the following **regardless of age:**
  - Licensed Child Care Learning Centers
  - Licensed Family Child Care Learning Homes
  - License-exempt programs receiving CCDF Block Grant subsidy (CAPS) funds
  - Informal Caregivers receiving CCDF Block Grant subsidy (CAPS) funds
- **CCLC and FCCLH** = Residents, required for age 17 and older

# Students-In-Training

Students are subject to the same clearance requirements as everyone else.

- A couple of **special considerations** for students:
  - Required to be ported electronically
  - Must be **supervised** at all times by someone with a satisfactory Comprehensive Records Check Determination
  - May be eligible for **2 years of portability** if they submit adequate proof of enrollment paperwork to DECAL along with the Records Check Application
  - Are subject to the 6 month break in service recheck; however, **enrollment** in a child care related curriculum counts as continuous working in the industry.

# Field Trips

- **Every person** enlisted to assist in the supervision of children, **other than** a Parent, only supervising their own child, must comply with the background check requirements as outlined in the rules and regulations

# Portability

Portability for Directors, Employees and Provisional Employees, excluding Students-in-Training:

- Only the most recently issued determination letter is eligible for portability and must be ported electronically.
- A Center or FCCLH may accept a ported satisfactory Fingerprint Records Check Determination letter or a satisfactory Comprehensive Records Check Determination letter if:
  - The Records Check Clearance Date/"As of" date, is within the preceding 12 months from the hire date.
  - The individual has not had a lapse of employment from the child care industry that lasted for 180 days (6 months) or longer, and
  - The Center or FCCLH does not know or reasonably should not know that the individual's satisfactory status has changed.

# How to Submit a CBC Portability Request

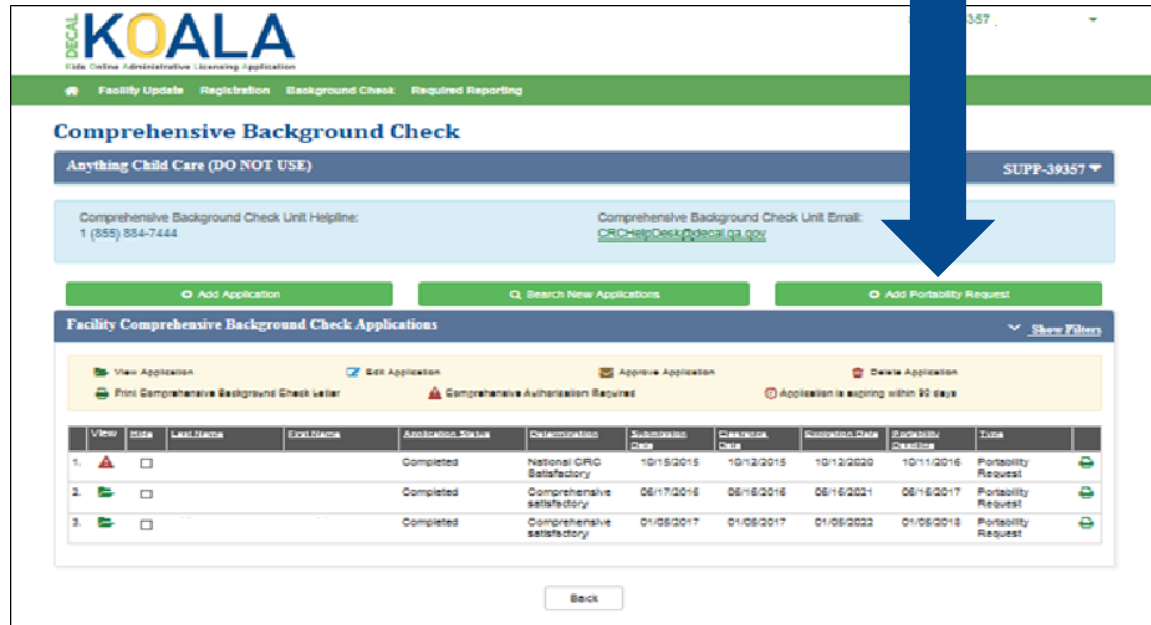
Sign into DECAL KOALA

<https://decalkoala.com/>

Go to Background Check  
Page

Click on

Add Portability Request



The screenshot shows the DECAL KOALA web application interface. At the top, there is a navigation bar with links for Facility Update, Registration, Background Check, and Required Reporting. The main heading is 'Comprehensive Background Check'. Below this, there is a section for 'Anything Child Care (DO NOT USE)' with a dropdown menu showing 'SUPP-39357'. A light blue box contains contact information for the Comprehensive Background Check Unit, including a helpline number (1 (855) 834-7444) and an email address (CBCHelpDesk@decals.ga.gov). Below this are three green buttons: 'Add Application', 'Search New Applications', and 'Add Portability Request'. A large blue arrow points to the 'Add Portability Request' button. The bottom section is titled 'Facility Comprehensive Background Check Applications' and includes a table of applications with columns for View, Edit, Last Update, Expire Date, Application Status, Description, Submitted Date, Check Date, Rescission Date, Backlog/Deadline, and Title. The table contains three rows of data, all with a status of 'Completed' and a title of 'Portability Request'. A 'Back' button is located at the bottom of the page.

# Portability

- Clearance letter is **not portable** if an individual has had a **break in service** from the child care industry of 180 days (**six months**) or longer.
- Clearance letters issued by DECAL are only **portable** to a new facility if it is **transferred electronically** before the employee is hired.

# What if I have an employee who has lived out of state?

- Regardless, the employee is required to submit fingerprints to DECAL.
  - The individual is responsible for obtaining CRC and child abuse registry information from the other state(s) the person lived in within the last 5 years.
  - If the individual is issued a Satisfactory National Fingerprint Clearance, the person may be present and work in the program, however, the person must be supervised by a person who has a current Comprehensive Background Clearance at all times.

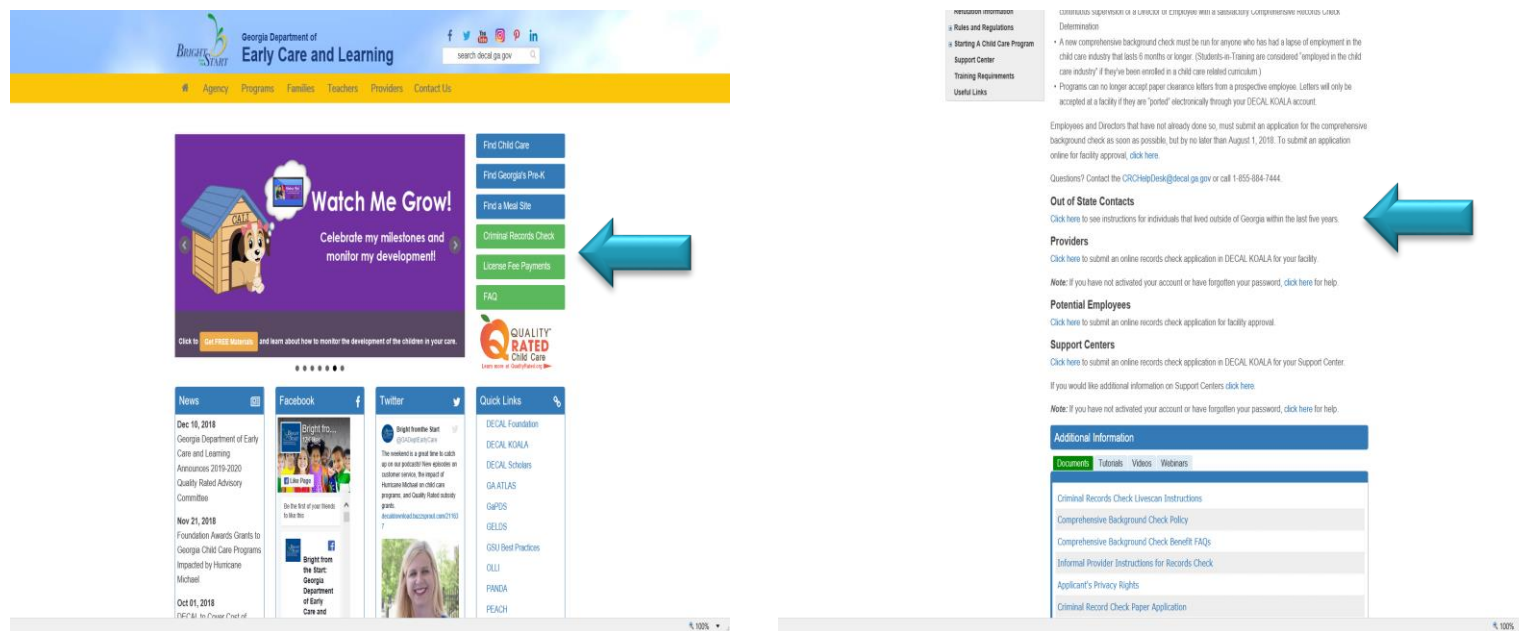
# Provisional “Out-Of-State” Employee

- The individual must ensure that Criminal History and Child Abuse and Neglect Registry reports are requested from each U.S. Territory, Tribal Land or State, other than Georgia, where the individual resided during the preceding five years **and** maintain evidence of the request.
  - Provider should also maintain evidence
- Once individuals have requested the information from other states, they are to complete the out of state affidavit and submit to the Records Unit.



# Provisional “Out-Of-State” Employee –follow-up cont’d

- The required Out-of-state request documents and submission instructions are available on the DECAL website, under Criminal Records Checks/Out of State Contacts.



The screenshot displays the Georgia Department of Early Care and Learning (DECAL) website. At the top, the header includes the logo and navigation links for Agency, Programs, Families, Teachers, Providers, and Contact Us. A search bar is also present. Below the header, there are several sections:

- Watch Me Grow!**: A purple banner with a cartoon dog and a house icon, encouraging users to celebrate milestones and monitor development.
- Find Child Care**: A vertical menu with links for Find Georgia's Pre-K, Find a Meal Site, Criminal Records Check, License Fee Payments, and FAQ.
- QUALITY RATED Child Care**: A logo for quality-rated care.
- News**: A section with recent announcements, including the 2019-2020 Quality Rated Advisory Committee and foundation awards.
- Facebook** and **Twitter**: Social media feeds.
- Quick Links**: A list of links including DECAL Foundation, DECAL KOALA, DECAL Scholars, GA-ATLAS, OePDS, GELDS, OSU Best Practices, OLI, PANDA, and PEACH.
- Additional Information**: A section with a dropdown menu for Documents, Tutorials, Videos, and Webinars. A list of documents is shown, including Criminal Records Check Liveness Instructions, Comprehensive Background Check Policy, Comprehensive Background Check Benefit FAQ, Informal Provider Instructions for Records Check, Applicant's Privacy Rights, and Criminal Record Check Paper Application.

Two blue arrows point to the 'Criminal Records Check' link in the 'Find Child Care' menu and the 'Out of State Contacts' section in the 'Additional Information' dropdown.

# Provisional “Out-Of-State” Employee – Steps to submit out-of-state reports to DECAL

- Submit the out-of-state Criminal History and Child Abuse and Neglect reports directly to DECAL, Attention: Records Unit, **including the Provisional Employee’s name and application number**, via:
  - i. Email to [CRCHelpDesk@decals.ga.gov](mailto:CRCHelpDesk@decals.ga.gov); or
  - ii. Fax to 404-232-1999; or
  - iii. Mail to 2 Martin Luther King Jr. Drive, Suite 754, East Tower, Atlanta, GA 30334

# Who is required to have a Comprehensive Background Check?

- **Applicants**
- **Owners**
- **Directors**
- **Employees**
- **Provisional Employees**
- **Anyone with Unsupervised Access to Children**
  - Including but not limited to dance, music, gymnastic, soccer, basketball, baseball, therapists, community partners or any other teachers or groups, must have a comprehensive background check.
  - Any employee that is on the program's premises and may have unsupervised access must have a comprehensive

# Continued - Who is required to have a Comprehensive Background Check?

- **Volunteers**

- volunteers *more than once in a 90 day period*

## **Employees with a break in service**

- An employee who has a break in service from the child care industry for six months (180 days) or longer

- **Student teachers**

- Any student in training regardless of age.

- **DECAL Employees**

- A consultant or any other employee of DECAL.

# Who is not required to have a Comprehensive Background Check?

- **Absentee owner**
  - An absentee owner who never enters the business while children are in care.
- **Maintenance worker**
  - A maintenance worker (contractor NOT employed by the center) who is supervised continuously.
    - *The employee supervising the worker must have a satisfactory comprehensive background check.*
- **Therapists and Community Partners**
  - Speech therapist or other community partner at the center to provide services on behalf of a child's parent. These individuals can only interact with the child of the parent who has provided permission and the services cannot be provided with other children present. The child should be signed in/out of the licensed program

# When is a recheck required?

- When the Center knows or reasonably should know that a Director, Employee or Provisional Employee has been arrested or charged for any covered Crime;
- When there is a lapse of employment from the child care industry that lasted for 180 calendar days (6 months) or longer
- At least once every five years; and
- When the Department so requests.

# Assessing Fingerprint Clearances – Expiration & Portability

- CHANGES on the letters issued by DECAL:
  - Expiration and Portability dates **ARE NO LONGER** listed on the letters.
  - DECAL now sends an email to the program on the 1<sup>st</sup> day of each month, for those individuals whose Criminal Record Check will expire in 90 days. The email is sent once a month for three months before the expiration date.

# LIMITED TIME

- In September 2018, Commissioner Amy Jacobs announced that for the next two years DECAL would pay for the cost of the initial fingerprint scan for eligible early care and education workers.
  - This includes new hires to the industry and those whose records check determination letters are about to expire. Check the DECAL Website under Criminal Records Check for full details.



# Compliance and Enforcement

- **Chapter 38** of CCLC and **Chapter 15** of FCCLH rules and regulations include all rules related to Adverse Actions for licensed programs.
- **(3)** Adverse Actions Not Subject to the Compliance and Enforcement Chart.
  - (k)** The Department shall revoke a License or Permit if a Center knows or should reasonably know that any actual or potential Director, Employee (including Independent Contractors, Students-in-Training, and Volunteers) or Provisional Employee has a Criminal Record, an unsatisfactory Fingerprint Records Check Determination or an unsatisfactory Comprehensive Records Check Determination and allows such individual to either reside at the Center or be present at the Center while any Child is present for care.

# Enforcement and Adverse Actions

- **.38(3)(i) and .15(3)(i)** The Department shall revoke a License or Permit if a non-correctable abuse, dereliction or deficiency exists in the operation or management of the Center/Home.
- **.38(3)(I) and .15(3)(I)** The Department shall revoke a License or Permit if a Center/Home knowingly or intentionally violates other provisions relating to Criminal Records or Comprehensive Background Checks.

# CRC Rule Violations

- Citation(s)
- Plan of Improvement will include viewing training video(s) related to the specific criminal records check rule violation(s).
  - The program's owner or an officer of the corporation will be required to sign an affidavit that the video(s) has been viewed and that they understand that further violations of criminal records check rules could result in revocation of the license
- Repeat Citation(s)



The Criminal Records Unit will publish training videos and power points on the DECAL website

# Where can I find CRC information?

[www.dec.ga.gov](http://www.dec.ga.gov)

<https://decakoala.com/>



- Find Child Care
- Find Georgia's Pre-K
- Find a Meal Site
- Criminal Records Check
- License Fee Payments
- FAQ



- News**
- Nov 21, 2018  
Foundation Awards Grants to Georgia Child Care Programs Impacted by Hurricane Michael
  - Oct 09, 2018  
DECAL announces Two-Generation Innovation Grant (TGIG) Funding Opportunity
  - Oct 01, 2018  
GEEARS and State Partners Launch Build My Brain Course
  - Oct 01, 2018  
DECAL to Cover Cost of Comprehensive Records Checks



- Quick Links**
- DECAL Foundation
  - DECAL KOALA
  - DECAL Scholars
  - GA ATLAS
  - GA PDS
  - GELDS
  - GSU Best Practices
  - OLLI
  - PANDA
  - PEACH
  - Training Approval System
  - Work Sampling Online



Bright from the Start is continuing its commitment to provide excellent customer service, increase communication and simplify administrative processes. DECAL KOALA is an online resource that is available to all licensed child care programs, approved exempt programs and registered support centers. When you activate your DECAL KOALA account, you can log in online to view and update specific information about your program(s), enter additional email addresses, pay license fees (if applicable), print your license or registration certificate and more.

If you have questions, comments or need support, send an email to [decakoala@dec.ga.gov](mailto:decakoala@dec.ga.gov)



Georgia Department of  
**Early Care and Learning**

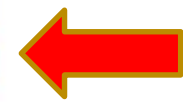
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search decal.ga.gov

Agency Programs Families Teachers Providers Contact Us



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**News**

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Be the first of your friends to like this

Bright from the Start: Georgia Department of Early Care

**Twitter**

Bright from the Start @GADepEarlyCare

After our break for Thanksgiving and a State Holiday, we're back tomorrow starting at 8:00 AM serving Georgia's youngest learners and their families!

Happiest of Birthdays this week to DECAL's own Lauren Gordon, Rita Lang, Seydou Kompeore, Domanika Johnson, Shayla Lewis, Melanie Martin, Karen Brown, and Michelle Pierce!

Bright from the Start @GADepEarlyCare

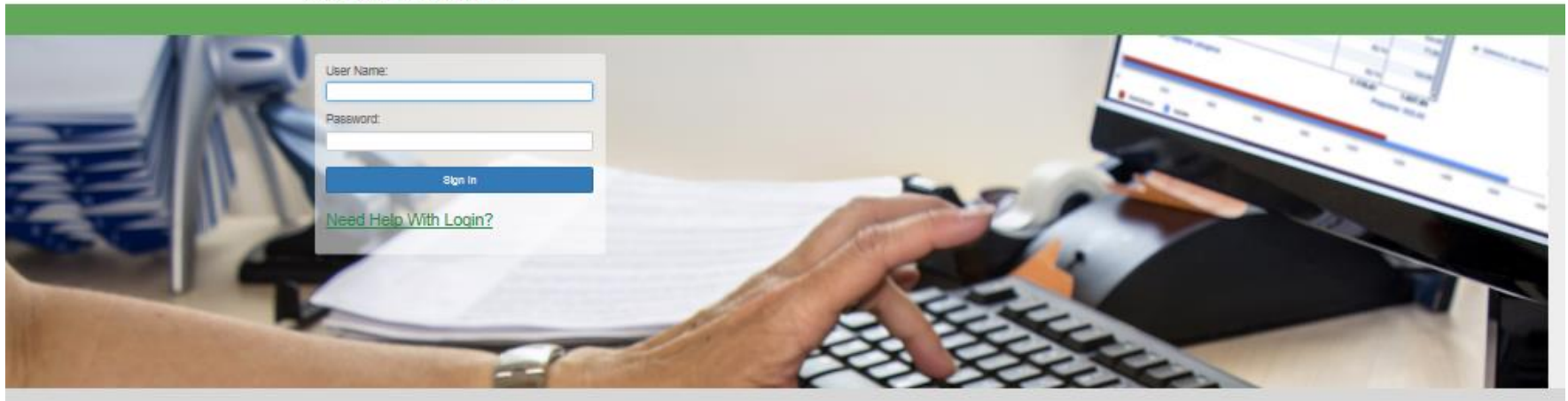
**Quick Links**

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DECAL KOALA is an online resource that is available to all licensed child care programs, approved exempt programs and registered support centers.

**DECAL** **KOALA**  
Kids Online Administrative Licensing Application



Bright from the Start is continuing its commitment to provide excellent customer service, increase communication and simplify administrative processes. DECAL KOALA is an online resource that is available to all licensed child care programs, approved exempt programs and registered support centers. When you activate your DECAL KOALA account, you can log in online to view and update specific information about your program(s), enter additional email addresses, pay license fees (if applicable), print your license or registration certificate and more.

If you have questions, comments or need support, send an email to [decalkoala@decals.ga.gov](mailto:decalkoala@decals.ga.gov)

# Once you have logged in to your DECAL KOALA account, click here for CBC

DECAL KOALA Kids Online Administrative Licensing Application

SUPP-39357 | Marcy Maloli

Facility Updates Registration Background Check Required Reporting

### Anything Child Care (DO NOT USE) SUPP-39357

Facility Address	Mailing Address	Approval Date
123 Daycare Lane Atlanta GA 30345 County: Fulton	123 Daycare Lane Testing Atlanta, GA 30345	Oct 26, 2016

**Contact Information**

Director/Admin Name:  
Marcy Maloli

Website:  
[dec.al.ga.gov](http://dec.al.ga.gov)

DECAL Contact Information



# DECAL KOALA








+ Add Application

🔍 Search New Applications

+ Add Portability Request

## Facility Comprehensive Background Check Applications

⌵ Show Filters

-  View Application
  -  Edit Application
  -  Approve Application
  -  Delete Application
-  Print Comprehensive Background Check Letter
  -  Comprehensive Authorization Required
  -  Application is expiring within 90 days

	View	Hide	Last Name	First Name	Application Status	Determination	Submission Date	Clearance Date	Expiration Date	Portability Deadline	Type	
21.		<input type="checkbox"/>			Completed	Comprehensive satisfactory	03/19/2018	03/19/2018	03/19/2023	03/19/2019	Application	
22.		<input type="checkbox"/>			Expired	National CRC Satisfactory	04/25/2018	05/01/2018			Application	
23.		<input type="checkbox"/>			Submitted						Application	
24.		<input type="checkbox"/>			Submitted Online		09/18/2018				Application	
25.		<input type="checkbox"/>			Completed	Comprehensive satisfactory	03/06/2015	03/12/2015	03/12/2020	03/11/2016	Portability Request	
26.		<input type="checkbox"/>			Completed	Comprehensive satisfactory	10/18/2017	10/18/2017	10/18/2022	10/18/2018	Portability Request	
27.		<input type="checkbox"/>			Completed	Comprehensive satisfactory	03/15/2018	03/13/2018	03/13/2023	03/13/2019	Portability Request	
28.		<input type="checkbox"/>			Consent submitted online	National CRC Satisfactory	03/15/2010	03/15/2010	10/01/2018	10/01/2018	Portability Request	

1 2

# Frequently Asked Questions

1. My employee has a satisfactory **local** GCIC background check. Can s/he work at my center?

**No.** On and after October 1, 2018, federal law dictates that local GCIC background checks are no longer acceptable. Every real and potential employee must have, at minimum, a valid and current satisfactory Fingerprint Records Check Determination issued by the state.

2. **Why** can we no longer use a local GCIC background check for provisional employees?

The **federal law** will not allow the use of a local state level check. Federal law requires everyone onsite to care for children have at least a national fingerprint-based clearance. This is not a DECAL requirement; it's a federal law requirement.

# Frequently Asked Questions - continued

3. My employee received a satisfactory **Fingerprint Records Check Determination** (National CRC Satisfactory letter) clearance letter. What does that mean?

A Fingerprint Records Check Determination clearance letter (National CRC Satisfactory letter) is issued by DECAL after a check of the **national FBI criminal history database based** on fingerprint data.

Anyone who has a valid and current satisfactory Fingerprint Records Check Determination (National CRC Satisfactory letter) letter is considered a **Provisional Employee** and may be present at a child care learning center or family child care learning home while children are present for care so long as s/he is under **continuous and direct supervision** of someone with a valid and current satisfactory Comprehensive Records Check Determination letter.

# Frequently Asked Questions- continued

4. My Employee received a satisfactory **Comprehensive Records Check Determination** clearance letter. What does that mean?

A Comprehensive Records Check Determination clearance letter is issued by DECAL after several checks have been conducted. For those who have only lived in GA during the past 5 years, this process includes a check of (1) the national FBI criminal history database based on fingerprint date, (2) the National Sex Offender database, (3) the Georgia sex offender database, and (4) the GA child abuse and neglect registry. For those who have lived in a state/territory/tribal land other than GA during the past 5 years, additional checks must be conducted.

Someone with a valid and current satisfactory Comprehensive Records Check Determination letter is considered an **Employee** and may be present at a child care learning center or family child care learning home while children are present for care. (Note: a **Director** must have a valid and current satisfactory Comprehensive Records Check Determination).

# Frequently Asked Questions- continued

5. Will there be any changes to Georgia's current **volunteer** policy?

There are **no changes** to Georgia's current volunteer policy. A volunteer can be present at a child care learning center or a family child care learning home **once per calendar quarter** (no more than once every 90 days) if **supervised** at all times by an employee with a valid and current satisfactory Comprehensive Records Check Determination and if **not compensated**. **Someone who visits more frequently or who is compensated must go through the background check process.**

# Frequently Asked Questions- continued

6. I am a District Manager over 7 programs, do I need to do a CBC for **each** program?

You will need to **port** your current CBC to **each** program that you plan to be present at. The CBC will then be valid at each program for 5 years. Remember that it can only be ported if the hire date is within 12 months of the “As of” date. This will be completed through **Decal KOALA**.

# Frequently Asked Questions- continued

7. I have a teacher that works with the school system during the school day and works with our program in the afternoon. Does she need a **CBC** since she has a **BOE** background check?

**Yes**, Board of Education background checks do not meet the requirements of the Comprehensive background check.





# Important Contacts

- GEMALTO – for questions about registering to fingerprint or find fingerprint locations
  - <https://www.aps.gemalto.com/ga/index.htm> (website)
  - 1-888-439-2512 (toll free phone)
- DECAL Records Unit Help Desk – for general questions or to check status of a letter
  - 1-855-884-7444 (toll free phone)
  - [CRCHelpDesk@decals.ga.gov](mailto:CRCHelpDesk@decals.ga.gov) (email)