



Georgia Department of Early Care and Learning


2 Martin Luther King Jr. Drive, SE, Suite 754, East Tower, Atlanta, GA 30334
(404) 656-5957

Nathan Deal
Governor

Amy M. Jacobs
Interim Commissioner

MEMORANDUM

To: CACFP Center Sponsors, Administrative Sponsors and Day Care Home Sponsors

From: Falita Flowers,  Nutrition Services Director

Date: August 20, 2014

Subject: Criminal Background Check Requirements

Legal Authority: O.C.G.A. 20-1A-34(b)

Definitions: "Center" means a group day care home, family day care home, or child care learning center which is allowed to operate or is required to be licensed, commissioned, or registered by Bright from the Start: Georgia Department of Early Care and Learning under Article 1 of O.C.G.A. 20-1A-30.

The purpose of this memorandum is to provide information of a Georgia law that directly impacts new and participating Child and Adult Care Food Program (CACFP) sponsoring organizations (center sponsors, sponsors of day care homes and sponsors of unaffiliated centers). The State interprets the law to deem all agents, servants, employees and subcontractors of the Agency, Bright from the Start employees for the limited purpose of criminal record check compliance, are subject to the fingerprint records check requirements.

Specifically, the Georgia Code O.C.G.A. 20-1A-34(b) states:

- Every potential Bright from the Start employee who may have any reason to be present at a center while any child is present for care must receive a satisfactory fingerprint records check determination or have had an unsatisfactory fingerprint records check determination reversed in accordance with Code Section 20-1A-43 prior to employment.
- Every current Bright from the Start employee who may have any reason to be present at a center while any child is present for care must receive a satisfactory fingerprint records check determination

or have had an unsatisfactory fingerprint records check determination reversed in accordance with Code Section 20-1A-43 by January 1, 2014.

- Every Bright from the Start employee shall undergo additional fingerprint records checks such that the time between such additional fingerprint records check and that employee's previous fingerprint records check shall not exceed five years.

Under Georgia law, any entity that contracts with Bright from the Start or performs duties or services on behalf of Bright from the Start is deemed an “employee” of Bright from the Start for the very limited purpose of criminal records check compliance. Since CACFP sponsoring organizations contract with Bright from the Start and/or perform duties or services on behalf of Bright from the Start, they are considered Agency employees for this very limited purpose and **must ensure all employees/personnel who have any reason to be present at a center licensed by Bright from the Start¹ while any child is present for care must undergo fingerprint-based criminal background checks.** An employee may include, but is not limited to, any staff performing monitoring duties, training, or providing technical assistance.

In order to comply with Georgia law and establish or maintain participation in the CACFP, sponsoring organizations must:

1. Complete the attached **Records Check Application for DECAL and CACFP Sponsor Employees and Cogent Applicant Processing Services Acknowledgement** forms for each such employee. Both forms must be submitted to Bright from the Start with all other the CACFP application materials.
2. Processing for New CACFP Applicants:
Fingerprint-based criminal background checks are required as a part of the institution’s application process and must be completed within 30 days of submission of the CACFP application. During this 30 day period, the institution must conduct all pre-operational visits prior to application approval.
3. Processing for FY 2015 Renewing CACFP Participants:
Fingerprint-based criminal background checks are required as a part of the institution’s application renewal process and must be completed for all renewing institutions on or before December 31, 2014.
4. Upon receipt of the required Records Check Application, Bright from the Start will register each employee with the Georgia Applicant Processing Services (GAPS), the COGENT vendor that processes fingerprint scans for our agency. Once registered, Bright from the Start will notify the applicant of additional steps to complete the process. In addition, each identified employee will be required to visit a GAPS processing site with adequate identification and submit a fingerprint scan. A list of acceptable forms of ID is attached. A map of GAPS stations can be found at <http://www.ga.cogentid.com/GAregionshtml/GARegionsMain.htm>.

Results will be sent directly to Bright from the Start’s Record Unit for review. Upon review, Bright from the Start will issue a determination letter specific to each employee for his/her files.

¹ Employees that only perform services for non-licensed programs such as Adult Care Centers, At-Risk-Afterschool Programs, Emergency and/or Homeless Shelters are not required to comply with the fingerprint-based criminal records check requirements. School Food Authorities (SFAs) and any other institution that does not provide CACFP services in a licensed facility are also excluded from these requirements.

Employees who receive a satisfactory criminal records background check determination will be notified in writing. It is important that all sponsoring organization employees, including but not limited to, staff performing monitoring duties, training, or providing technical assistance, bring this clearance letter with them to all facilities at each visit because many centers require proof of that clearance prior to allowing any work be performed at the facility. Clearance letters are valid for five years and employees must undergo a new fingerprint-based criminal background five years from the fingerprint date listed on the previous clearance letter. In addition, sponsoring organizations must ensure all new personnel who may have any reason to be present at a center licensed by Bright from the Start, while any child is present for care, must receive fingerprint-based criminal background check clearance prior to working at such licensed facility. As always, the sponsoring organization is required to update its CACFP application with any revisions to its staff/personnel.

Employees who receive a pending criminal background check determination will be notified in writing and will have 21 days from the receipt of the letter to submit the requested documents to Bright from the Start to resolve the pending issue(s). **Please Note: Any employee of a CACFP sponsoring organization who receives a pending criminal records background determination is prohibited from being present at a center that is licensed by Bright from the Start unless and until a subsequent satisfactory determination letter is issued by Bright from the Start.**

Employees who receive an unsatisfactory determination will be notified in writing and will have the opportunity to appeal through the State's appeal process. **Please Note: Any employee of a CACFP sponsoring organization who receives an unsatisfactory criminal records background determination is prohibited from being present at a center that is licensed by Bright from the Start unless and until a subsequent satisfactory determination letter is issued by Bright from the Start.**

If you have any questions concerning this memorandum, please contact Christie M. Bearden, Bright from the Start Legal Services Supervisor, at 404-656-0348.



BRIGHT FROM THE START

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Nathan Deal
GOVERNOR

Amy M. Jacobs
INTERIM COMMISSIONER

August 20, 2014

Re: Criminal Background Check Requirements

Dear Vendor:

You have been identified as a vendor retained by Bright from the Start: Georgia Department of Early Care and Learning (DECAL) to perform at least one duty that may require an employee to be present at a licensed child care facility while children are present for care. Recent changes in Georgia law require that every such individual submit to a fingerprint-based national criminal records check determination by January 1, 2014. See O.C.G.A. § 20-1A-34(b).

In order to comply with Georgia law, please supply the information requested on the attached Records Check Application for DECAL and Vendor Employees and Cogent Applicant Processing Services Acknowledgement forms for each such employee and return to the DECAL Records Check Unit either by fax to 404-463-9189 or hand-delivery or mail to the Records Unit at the address above.

Once we receive the information, we will register each employee with the Georgia Applicant Processing Services (GAPS), the COGENT vendor that processes fingerprint scans for our agency. Once registered, each identified employee must visit a GAPS processing site with adequate identification to submit a fingerprint scan. A list of acceptable forms of ID is attached. A map of GAPS stations can be found at http://www.ga.cogentid.com/GA_regions_html/GA_Regions_Main.htm.

Once the fingerprints have been submitted, the results will be sent directly to DECAL for review. Upon review, DECAL will issue a fitness letter specific to each employee for his/her files. It is important that all employees bring this clearance letter with them to all facilities because many centers require proof of that clearance prior to allowing any work be performed at the facility.

If you have any questions, please contact me directly at 404-656-0348.

Sincerely,

Christie M Bearden
Legal Services Officer



Georgia Department of Early Care and Learning

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Records Check Application for DECAL and CACFP Institutions

The following information is required by our vendor, COGENT, to process the national fingerprint-based records check for employees of the Bright from the Start: Georgia Department of Early Care and Learning (DECAL) and vendor/contractor employees that may perform any work at a child care facility of behalf of DECAL in compliance with O.C.G.A. § 20-1A-24(b). Please complete the worksheet below, the Cogent Applicant Processing Services Acknowledgement form and submit both forms with the CACFP application for participation.

Last Name: _____ First Name: _____
Middle Name: _____ Suffix: _____
Date of Birth: _____ Place of Birth: _____
Social Security Number: _____
Gender: _____ Race: _____
Eye Color: _____ Hair Color: _____
Height: _____ Weight: _____
Country of Citizenship: _____
Driver's License Number: _____ Driver's License State: _____
Address: _____
City: _____ State: _____ Zip Code: _____
Phone Number: _____
Email Address: _____

Sponsors/Institutions please provide the following additional information:

Company Name: _____ Agreement #: _____

Name of Program Contact: _____

Nutrition Services Contact: Tammie Baldwin, Business Operations Specialist (404) 656-6332

I hereby authorize DECAL to receive any criminal history record information pertaining to me which may be on file with any criminal justice agency in the United States and its territories. I further authorize DECAL to release a fitness determination to the Department or Vendor employer. I understand that this authorization is valid for up to and including 180 days from the date of this signature. Georgia law authorizes DECAL to require additional fingerprint records checks when the department has reason to believe that I have a criminal record that renders me ineligible to have contact with children in a licensed child care facility or during the course of a child abuse investigation.

Applicant Signature

Date



Georgia Applicant Processing Services



Cogent Applicant Processing Services Acknowledgement

I authorize Cogent systems, Inc. to conduct a fingerprint-based criminal history record check of me.

I understand that Cogent Systems, Inc., will send my fingerprints to the Georgia Crime Information Center for a search of criminal history information in its files when a federal record check is so authorized.

I understand that the electronic results of this fingerprint check will be received by Cogent Systems, Inc. and forwarded to the agency responsible for determining my suitability for the position for which I have applied.

I further understand that Cogent Systems, Inc. will not maintain a copy of my record and that Cogent Systems, Inc. meets all confidentiality and security requirements for handling and dissemination of state and federal criminal history record information.

Do you receive any retirement income from the State of Georgia? _____

Name of Applicant (printed)

Signature of Applicant

Date

Cogent Systems Approved Identity Verification Documents

Cogent Systems requires current, valid and unexpired picture identification documents. As a primary form of picture identification one of the following will be accepted at the GAPS Print Locations:

Primary Documents

- State Issued Driver's License with Photograph
- State Issued Identification Card with Photograph
 - US Passport with Photograph
- US Active Duty/Retiree/Reservist Military ID Card (000 10-2) with Photograph
- Government Issued Employee Identification Card with Photograph (includes Federal, State, County, City, etc.)
- Tribal Identification Card with Photograph

However, in the absence of one of the above Primary identifications, applicants may provide **one** or more of the following Secondary Documents, **along with two** of the supporting secondary documents listed below:

Secondary Documents:

- State Government Issued Certificate of Birth
 - Social Security Card
 - Certificate of Citizenship (N560)
 - Certificate of Naturalization (N550)
- INS I-551 Resident Alien Card Issued since 1997
- NS 1-688 Temporary Resident Identification Card
- INS I-688B, I-766 Employment Authorization Card

Secondary Documentation must be supported by *at least two* of the following:

- Utility Bill (with current address)
 - Voter Registration Card
- Vehicle Registration Card/Title
- Paycheck Stub with Name/Address
- Cancelled Check or Bank Statement