



Fingerprinting/Background Checks for Child Care Professionals

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In an area of business with extremely high rates of turnover, child care providers have to fill open positions in a timely manner if they are to remain in compliance with staff-to-child ratios.

But when routine background checks take weeks or even months to complete, many prospective child care workers will find it necessary to seek employment elsewhere.

This undercuts the earnings of child care programs, limits the growth of the professional early childhood workforce and further constricts the already limited supply of child care available to working parents and employers throughout the state.

Background

Our state's child care workforce plays an essential role in cultivating the next generation of healthy, capable Nebraskans as well as addressing our present needs for a fully engaged and productive workforce. Unless child care programs are adequately staffed with skilled and reliable professionals, they cannot keep pace with the growing demand for these services in all parts of our state.

While every area of business and industry requires capable, trustworthy workers, this is especially true of those who care for our youngest and most vulnerable children. The reauthorized federal Child Care and Development Block Grant (CCDBG) Act of 2014 required all child care staff members to complete a comprehensive federal background check and directed all states to implement the necessary policies and procedures to meet those requirements no later than September 30, 2017. States that failed to meet this deadline risked losing a portion or all of their annual allotment of federal CCDBG funds.

Although Nebraska missed its deadline, the Legislature passed LB460 (2019) and LB1185 (2020) to bring our state into compliance with federal requirements.

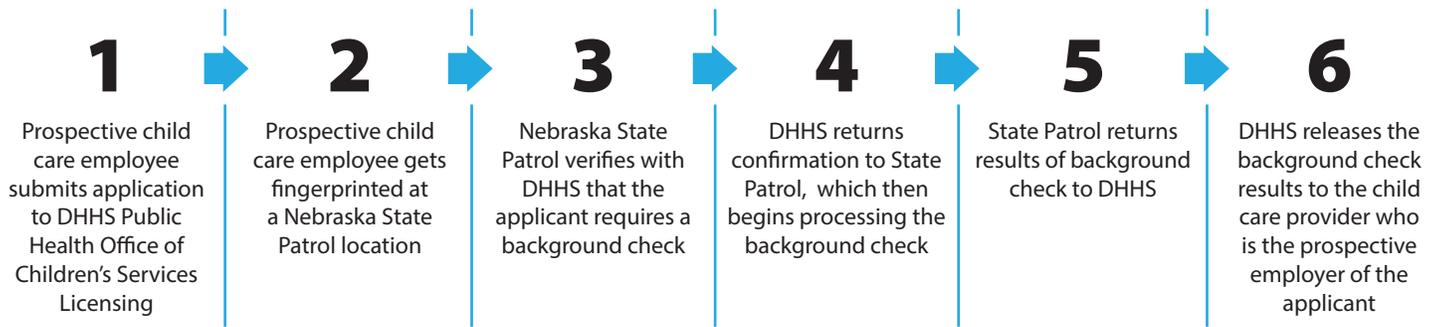
Statutory Requirements

Currently, state statute requires the following:

- ▶ Individuals 18 years or older who are new or current child care staff members in a licensed child care setting or are a resident in a family child care home must submit fingerprints for background checks.
- ▶ Individuals must complete a full set of background checks once every five years while employed by a child care facility or living on-site at a family home program
- ▶ Background checks include: (1) fingerprint-based national criminal history, (2) state criminal history, (3) state sex offender registry, and (4) child abuse and neglect registries, repositories or databases for every state in which the individual has resided during the previous five years.

Compliance with these requirements depends on a fairly complex process involving the prospective child care employee, Nebraska Department of Health and Human Services, Nebraska State Patrol and the child care provider who is the prospective employer of the applicant.

Background Check Process



Note: If a child care worker has already undergone a background check while employed at another program, they must still submit an application to DHHS to verify their eligibility to work. If there is more than a 180-day gap in employment, the child care worker must complete the entire process again to regain eligibility.

Obstacles

In theory, the entire background check process is supposed to take 7 to 10 days. In reality, many child care providers report these checks can take 45 days or even longer. Factors contributing to this problem include:

- ▶ **Procedural misalignments** | The interface between the State Patrol and DHHS is not seamless. At times, this means the State Patrol must wait for DHHS authorization to process fingerprints (Step 3). In other cases, DHHS must wait for the State Patrol to move these checks through their backlog (Step 5).
- ▶ **Volume of requests** | The State Patrol is responsible for processing fingerprinting checks from dozens of different organizations. This includes DHHS, which processes 600 to 800 applications per month. In 2022, new legislation was passed requiring fingerprint checks for all licensed occupations in Nebraska. Neither DHHS nor the State Patrol currently employs enough staff to keep up with the overwhelming volume of checks and applications these entities are required to process.

Breakdowns in the fingerprinting and background check process are more than simply an administrative problem. They are a serious threat to the viability of child care businesses and a barrier to recruiting the professional talent needed to staff them. In turn, this undermines the supply of child care needed to maintain a fully engaged workforce in all sectors of business and industry throughout Nebraska.

Next Steps

In January 2023, Governor Pillen announced his budget plan for Nebraska (LB814), including a funding increase of \$166,199 for FY2023-24 and FY2024-25 for additional State Patrol staff to accommodate the increased volume of fingerprinting/background checks. While this is a step in the right direction, these increased staff resources are not specifically earmarked for processing child care background checks. Additional efforts are needed to increase staff capacity at DHHS and the State Patrol, as well as investigate administrative efficiencies in the fingerprinting process so child care providers can hire staff in a more timely manner.

