



February 13, 2023

Senator Robert Clements, Chair
Members of the Appropriations Committee
Nebraska Legislature

RE: LB814

Chairman Clements and Members of the Appropriations Committee,

Thank you for allowing me to testify today. My name is Mitchell Clark and I am a Policy Advisor for First Five Nebraska, a statewide public policy organization invested in the care, early learning and well-being of Nebraska's youngest kids. I am here to testify in support of LB814, specifically for the Nebraska State Patrol's budget request to address a backlog in fingerprint-based background checks. The request totals \$166,199 each fiscal year for two additional Criminal Identification Division staff and costs associated with FBI fees. (Section 184, Agency Number 64, page 86, line 30 through page 87, line 15).

I want to start by thanking Governor Pillemer for prioritizing this spending increase in his budget recommendation. Right now, there is a backlog of statutorily required background check and fingerprint processing applications. This affects dozens of categories for applicants applying for licensure, employment or services such as adoption and foster care. Today, I would like to speak from the perspective of the numerous employees, directors and business owners in the child care industry who are directly impacted by this backlog.

But first, a little background. 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. States that failed to meet this deadline risked losing a portion or all of their annual allotment of federal CCDBG funds. The Legislature brought Nebraska into compliance with federal requirements first by passing LB460 in 2019, followed by LB1185 in 2020. In theory, the entire background check process is supposed to take 7 to 10 days. However, data requested from the Nebraska Department of Health and Human Services (NDHHS), which oversees the child care licensure process, shows that the average processing time is 25 days. Unfortunately, an individual cannot work in child care until their application is processed completely. In an industry where the current turnover rate is 40%, this delay can cause classrooms or programs to temporarily close or shut down because they can't meet the required staff-to-child ratios.

There are three main factors contributing to the backlog: 1) a significant increase in the volume of applications, 2) no corresponding change in FTEs at the State Patrol, and 3) procedural misalignments between the State Patrol and NDHHS. While two of those factors cannot be addressed through the budget, the Committee can address the shortage of FTEs by supporting the Governor's recommendation. I've distributed a brief to the Committee which breaks down the factors I've mentioned.

Breakdowns in the fingerprinting and background check process are more than simply an administrative problem. They are a serious threat to the viability of Nebraska child care businesses and a barrier to recruiting workers needed to

staff them. In turn, this undermines the supply of child care programs needed to support a fully engaged workforce in all sectors of business and industry throughout Nebraska.

While the Governor's budget recommendation 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 NDHHS 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.

Our state's child care workforce plays an essential role in supporting one of Nebraska's greatest strengths—it is a desirable place to work and raise a family. We are committed to working with the Governor on realizing administrative efficiencies with this process in the longer term and ask the Committee to approve this portion of the Governor's budget recommendation.

Thank you for the opportunity to testify before you today. I am happy to take any questions you may have.

Sincerely,

A handwritten signature in cursive script that reads "Mitchell Clark".

Mitchell Clark
Policy Advisor
First Five Nebraska