



# Fingerprinting/Background Checks for Child Care Professionals

POLICY BRIEF | 2023

In an area of business that already has high turnover rates, routine background checks that take weeks or up to months force many prospective child care professionals to seek employment elsewhere. That further restricts Nebraska's already limited supply of child care available to parents and employers statewide.

In addition, providers risk losing their child care subsidy contracts if there are delays in the background check process. This further impacts families with lower incomes that depend on subsidy for child care.

## 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 current 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 the 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 the deadline, the Legislature passed LB460 (2019) and LB1185 (2020) to bring our state into compliance with federal requirements.

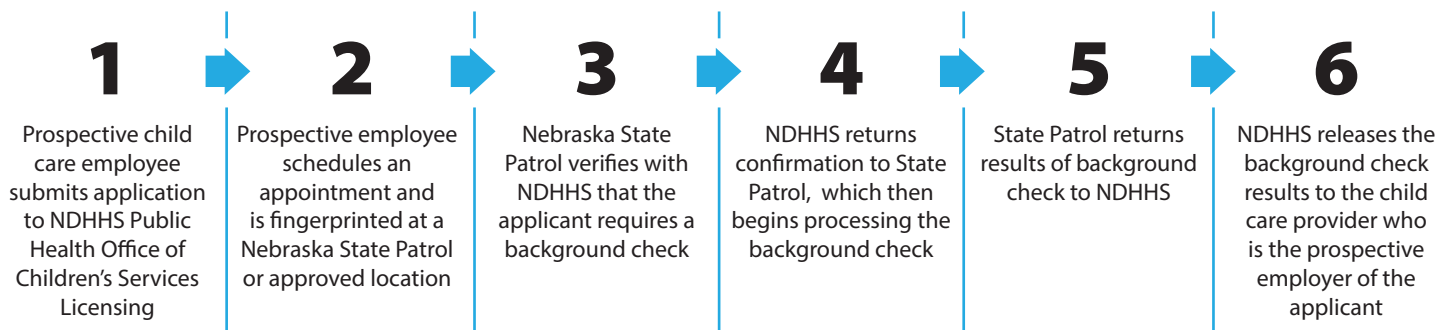
## Statutory Requirements

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 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 complex process involving the prospective child care employee, Nebraska Department of Health and Human Services (NDHHS), Nebraska State Patrol and the child care provider who is the applicant's prospective employer.

## 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 NDHHS 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 NDHHS is not seamless. At times, the State Patrol must wait for NDHHS authorization to process fingerprints (Step 3). In other cases, NDHHS 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 for dozens of organizations. This includes NDHHS, which processed 600 to 800 applications per month in 2022, per data requested in January 2023. Legislation was passed in 2022 requiring fingerprint checks for all licensed occupations in Nebraska. While the Legislature approved a funding increase for two additional State Patrol staff in the FY2023-25 biennial budget, the volume of checks and applications these entities are required to process is straining agency resources.

Breakdowns in the fingerprinting and background check process are more than 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 Nebraska business and industry.

## Next Steps

During the 2023 legislative session, the Legislative Performance Audit Committee prioritized a performance audit request of the fingerprint background check processes conducted by the State Patrol and NDHHS. The audit will assess the volume of applications, processing time and available agency resources, and identify factors that may contribute to the delay. Additional efforts are needed to increase staff capacity at NDHHS and the State Patrol, investigate administrative efficiencies and examine recommendations for statutory or regulatory fixes so child care providers can hire staff in a more timely manner.

