# **Background Check Process for Child Care Providers**

Federal law states that anyone working in a child care program as an employee or volunteer, anyone who cares for or supervises children, or anyone with unsupervised access to children is required to undergo a criminal background check. Active criminal record clearances may be transferred from one licensed child development program to another. Licensed programs or programs applying for a license may contact OSSE to verify a person's status.



### Fingerprinting

The early learning provider must submit a fingerprint to be background checked.

All background checks must include a search of:

- National Crime Information Center (run by the FBI)
- FBI fingerprint check (using Next Generation Identification)
- National Sex Offender Registry
- State criminal and sex offender registries in every state the application has lived over the past five years
- State child abuse and neglect registries in every state the applicant has lived over the past five years, and
- Child Protection Register (run by the DC Child and Family Services Agency)

\*OSSE has a Memorandum of Understanding (MOU) with the District of Columbia Department of Human Resources (DCHR) to process criminal background checks and to provide suitability determination services. In all cases, the final suitability determination is made by OSSE.

## Why do applicants fail the background check?

An applicant could fail a background check for one or more of the following reasons. If an applicant fails the background check, he or she is not allowed to work in an early learning program.

1) He or she refuses a background check or lies during the background check.

- 2) He or she is registered or required to be registered on a state sex offender registry or the National Sex Offender Registry.
- 3) He or she is registered or required to be registered on a state child protection registry.

4) He or she has been convicted of one or more of the following criminal offenses: murder; child abuse or neglect; a crime against children, including child pornography; spousal abuse; rape or sexual assault; kidnapping; arson; physical assault or battery; or a drug-related offense (during the last five years).

#### **Background Check Results** The background check results

are sent to the DC Department of Human Resources (DCHR)\* for review, except the Child Protection Register results. These results are sent directly to OSSE.



Application Approved If the background check shows no

criminal history, OSSE notifies the applicant that they have passed the background check. This is called a criminal record clearance. The clearance is active for three years.

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## **Review of Results**

If the background check shows a criminal history, DCHR staff reviews the background check and decides whether the applicant should work in an early learning program. They may contact the applicant for additional information in order to make this decision.



## Application Approved or Denied

Once the decision has been made, OSSE notifies the applicant and the early learning program.

If the application is accepted, the clearance is active for three years.

If the application is denied, the applicant will receive information on how to request a waiver or an appeal.

An applicant may appeal the decision or request an exemption or waiver. All exemption and waiver documents must be received by OSSE within 45 days of the notification letter date. If not, the case will be closed and the original decision will remain final.

