

Meeting the Background Check Requirement for Head Start and Early Head Start Programs in Washington State

Frequently Asked Questions

Q: What are the background check and selection requirements for Head Start and Early Head Start staff?

A: On Oct. 1, 2021, the complete background check procedures as described in the Head Start Program Performance Standard 1302.90(b)(2) went into effect.

SUMMARY OF REQUIREMENTS:

Before Hire:

- Sex offender registry check, and
- State criminal history records, including fingerprint checks, OR FBI criminal history records, including fingerprint checks.

Within 90 Days of Hire:

- Complete the second (state or FBI - whichever one was not obtained before hire) criminal history records, including fingerprint checks, and
- Child abuse and neglect state registry check.

Important Note: Staff cannot have unsupervised access to children until all (4) parts of the background check process is completed.

The complete background check procedures as outlined in 1302.90 (b) are as follows:

- (1) Before a person is hired, directly or through contract, including transportation staff and contractors, a program must conduct an interview, verify references, conduct a sex offender registry check and obtain one of the following:
 - (i) State or tribal criminal history records, including fingerprint checks; or,
 - (ii) Federal Bureau of Investigation criminal history records, including fingerprint checks.
- (2) A program has 90 days after an employee is hired to complete the background check process by obtaining:
 - (i) Whichever check listed in paragraph (b)(1) of this section was not obtained prior to the date of hire; and,
 - (ii) Child abuse and neglect state registry check, if available.
- (3) A program must review the information found in each employment application and complete background check to assess the relevancy of any issue uncovered by the complete background check including any arrest, pending criminal charge, or conviction and must use Child Care and Development Fund (CCDF) disqualification factors described in 42 U.S.C. 9858f(c) (1)(D) and 42 U.S.C. 9858f(h)(1) or tribal disqualification factors to determine whether the prospective employee can be hired or the current employee must be terminated.



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- (4) A program must ensure a newly hired employee, consultant, or contractor does not have unsupervised access to children until the complete background check process described in paragraphs (b)(1) through (3) of this section is complete.
- (5) A program must conduct the complete background check for each employee, consultant, or contractor at least once every five years which must include each of the four checks listed in paragraphs (b)(1) and (2) of this section, and review and make employment decisions based on the information as described in paragraph (b)(3) of this section, unless the program can demonstrate to the responsible HHS official that it has a more stringent system in place that will ensure child safety.
- (6) A program must consider current and former program parents for employment vacancies for which such parents apply and are qualified.

Q: Does the DCYF Portable Background Check provided through MERIT meet all of the Head Start Program Performance Standard Requirements?

A: Yes, the DCYF Portable Background Check provided through MERIT meets all of the Head Start Program Performance Standards.

Q: Can all Head Start and Early Head Start programs in Washington use the DCYF Portable Background Check provided through MERIT?

A: Yes. The link to information on Portable Background Checks and MERIT is located here: <https://www.dcyf.wa.gov/services/early-learning-providers/background-checks>.

Q: Are there any Head Start and Early Head Start programs that are required to use MERIT?

A: Yes. Head Start programs that are licensed or provide ECEAP services are required to use MERIT by state law (RCW 43.215.215 and 43.215.425).

Head Start programs that are not licensed or do not provide ECEAP services have the option of using MERIT. This includes part-day programs and programs that are operated by a license-exempt entity.

Q: Does the Office of Superintendent of Public Instruction (OSPI) background check meet the Head Start Program Performance Standard requirements?

A: The OSPI fingerprint background check meets the requirement for a state criminal history records check and a Federal Bureau of Investigation criminal history records check. Additional information on the OSPI fingerprint background check is located here: <https://www.k12.wa.us/certification/fingerprints-background-checks>.

The OSPI fingerprint background check does not include a sex offender registry check and also does not include the child abuse and neglect (CAN) state registry check. Information on conducting a sex offender registry check is located here: <https://www.nsopw.gov/>.

Information on how to complete a Washington State Child Abuse and Neglect History Check is located here: <https://www.dcyf.wa.gov/safety/can-founded-findings/history-checks>.

| Requirement Met | DCYF MERIT | OSPI Background Check |
|--|------------|-----------------------|
| State criminal history records, including fingerprint checks | X | X |
| FBI criminal history records, including fingerprint checks | X | X |
| Sex offender registry check | X | |
| Child abuse and neglect state registry check | X | |

Q: How long does a Portable Background Check provided through MERIT take to receive the results?

A: Usually results are received within 21 days.

Q: Are there things our program can do to help staff complete the Portable Background Check provided through MERIT?

A: Yes, some Head Start programs have found it helpful to assist staff in completing these Portable Background Checks as quickly as possible. Some programs have completed guides for their staff to use. A link to the ECEAP protocol, as an example, is located here:

https://www.dcyf.wa.gov/sites/default/files/pdf/eceap/ECEAP_Portable_Background_Checks_Protocol.pdf

Since the Portable Background Check through MERIT is good for three years and stays with the individual, programs could consider asking all applicants they intend to interview to begin the Portable Background Check before the interview process.

Q: One of the barriers faced in my community to completing the Portable Background Check is that the vendor who provides fingerprints is located a long distance from our Head Start program sites. Is there anything that our program can do?

A: Yes, if you are interested, your Head Start program site can become a location to provide fingerprints for your Head Start staff. You must be willing to also provide fingerprints for child care and other early learning educators in your community. To learn more about this, please contact Trent Harr, Program Director at IdentoGo by Idemia, at trent.harr@us.idemia.com or 615-428-0198.

Q: How much does the Portable Background Check through MERIT cost?

A: The total cost for the Portable Background Check through MERIT is \$57.75, or \$55.75 for volunteers. The cost includes the following fees:

- \$12 application
- \$11.50 fingerprint vendor
- \$21 Washington State Patrol
- \$13.25 (or \$11.25 for volunteer) Federal Bureau of Investigation

However, the Governor's 2022 supplemental operating budget allocated \$1.3 million to DCYF to cover the cost of all background check fees in fiscal year 2023. This means licensed family home providers, child care centers, ECEAP and Head Start staff, and individuals and volunteers who currently pay or whose employers pay these fees will not have to pay for a Portable Background Check through MERIT starting July 1, 2022, through June 30, 2023.