

Department of Health and Human Services

**OFFICE OF
INSPECTOR GENERAL**

**Louisiana's Monitoring Did Not
Ensure Child Care Provider
Compliance With Criminal
Background Check Requirements
at 8 of 30 Providers Reviewed**

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Office of Inspector General

<https://oig.hhs.gov>

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Report in Brief

Date: December 2021

Report No. A-06-19-02001

U.S. DEPARTMENT OF HEALTH & HUMAN SERVICES
OFFICE OF INSPECTOR GENERAL



Why OIG Did This Audit

The Child Care and Development Block Grant Act (CCDBG Act) of 2014 added new requirements for States that receive funding from the Child Care and Development Fund (CCDF) to conduct comprehensive criminal background checks on staff members and prospective staff members of child care providers every 5 years. Criminal background check requirements apply to any staff member who is employed by a child care provider for compensation or whose activities involve the care or supervision of children or unsupervised access to children.

Our objective was to determine whether Louisiana's monitoring process of child care providers ensured provider compliance with State requirements related to criminal background checks established under the CCDBG Act.

How OIG Did This Audit

We selected and reviewed a nonstatistical sample of 30 out of 1,034 family child care providers and child care centers that received CCDF funding during State fiscal year 2018. We used geographic area, total CCDF funding received, and State inspection deficiencies to select 15 child care centers and 15 family home providers. In total, we reviewed supporting documentation for 264 household members and employees at 30 child care provider locations.

Louisiana's Monitoring Did Not Ensure Child Care Provider Compliance With Criminal Background Check Requirements at 8 of 30 Providers Reviewed

What OIG Found

Louisiana's monitoring process did not ensure provider compliance with State requirements for criminal background checks at 8 of the 30 child care provider locations we reviewed. We found that 15 of the 264 individuals requiring a background check did not have 1 or more of the required criminal background checks by the required deadlines.

The providers did not initiate a timely background check request for these 15 individuals. Because the State agency relies on child care providers to initiate the background check process, it was unaware that these individuals were lacking required background checks. As a result, the safety and well-being of children were potentially at risk.

What OIG Recommends and Louisiana's Comments

We recommend that Louisiana (1) ensure that providers initiate and complete criminal background checks for all required individuals, including those given access to children on a contingency basis, and (2) develop a process to ensure providers initiate required background checks for all employees in a timely manner.

Louisiana respectfully disagreed with our findings and did not indicate concurrence or nonconcurrence with our recommendations. Specifically, Louisiana stated it was beyond their control to enforce compliance for individuals not identified by providers or inspections. Louisiana also stated that while it was unable to verify compliance for all providers on the first day the background check requirements were implemented, its subsequent monitoring efforts ensures provider compliance with those requirements.

After reviewing the State agency's comments, we maintain that our findings are valid but have revised our recommendations. We recognize that providers may periodically need neighbors, temporary household members, or other individuals to care for the children on a contingency basis. We also recognize that ensuring compliance with CCCBC requirements is a process that continues beyond the effective date. Our revised recommendations are intended to strengthen the State agency's efforts to protect the safety and well-being of children.

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INTRODUCTION

WHY WE DID THIS REVIEW

The Child Care and Development Block Grant Act (CCDBG Act) of 2014 added new requirements for States that receive funding from the Child Care and Development Fund (CCDF) to conduct comprehensive criminal background checks on staff members and prospective staff members of child care providers every 5 years.¹

As part of our oversight activities, we conducted a series of audits that assessed States' criminal background check requirements and reviewed their plans and actions to implement the criminal background check requirements established under the CCDBG Act. We conducted this audit of Louisiana's Department of Education (State agency) as part of a second phase of our oversight activities to assess whether State agencies' monitoring processes ensured provider compliance with CCDF requirements related to criminal background checks.

Appendix B contains a list of prior Office of Inspector General (OIG) reports related to criminal background check requirements.

OBJECTIVE

Our objective was to determine whether the State agency's monitoring process of child care providers ensured provider compliance with State requirements related to criminal background checks established under the CCDBG Act.

BACKGROUND

Child Care and Development Block Grant Act

Reauthorized in the CCDBG Act, the CCDF is the primary Federal funding source devoted to subsidizing the child care expenditures of low-income families. Administered by the Administration for Children and Families (ACF), the CCDF provides eligible low-income families with help paying for child care at a provider of their choice while they work or participate in training, education, or both. In fiscal year (FY) 2019, ACF provided \$8.2 billion to States, territories, and Tribes to fund CCDF programs. In FY 2019, the most recent year for which nationwide data is available, CCDF served approximately 1.4 million children under the age of 13 from 857,700 low-income working families each month.

Under the CCDBG Act, each lead agency must certify in its State plan that it has monitoring policies and practices applicable to all child care providers and facilities that deliver services (45 CFR § 98.16(o)). States must have requirements, policies, and procedures in place to conduct criminal background checks for staff members of child care providers (other than

¹ P.L. No. 113-186, § 658H, enacted Nov. 19, 2014.

relatives) that are licensed, regulated, or registered under State law or receive CCDF funds (45 CFR § 98.43(a)(1)(i)).

Criminal background check requirements apply to any staff member who is employed by a child care provider for compensation or whose activities involve the care or supervision of children or unsupervised access to children. This includes not only the caregiver, teacher, and directors, but also janitors, cooks, and other employees of a child care provider who may not regularly engage with children but whose presence at the facility gives them the opportunity for unsupervised access. For family home providers, this includes the caregiver requesting a check of himself or herself as well as other adults in the household who may have unsupervised access to children.²

Criminal Background Check Requirements as of September 30, 2016

The Department of Health and Human Services (HHS) implemented the CCDBG Act's criminal background check requirements for States, territories, and Tribes in a Final Rule issued in September 2016.³ According to Federal regulations, States must have requirements, policies, and procedures in place to conduct comprehensive criminal background checks (45 CFR § 98.43(a)). These regulations require States to conduct criminal background checks for child care staff members and prospective child care staff members that include:

- a Federal Bureau of Investigation (FBI) fingerprint check using the Next Generation Identification system;⁴
- a search of the National Crime Information Center's (NCIC's) National Sex Offender Registry; and
- a search of the following registries, repositories, or databases in the State in which the child care staff member resides (in-State checks) and each State in which the staff member resided during the preceding 5 years (inter-State checks):
 - the State criminal registry or repository, with the use of fingerprints being required in the State in which the staff member resides and optional for other States;
 - the State sex offender registry or repository; and
 - the State-based child abuse and neglect registry and database.

² CCDF Program Final Rule, 81 Fed. Reg. 67438, 67494 (Sept. 30, 2016).

³ CCDF Program Final Rule, 81 Fed. Reg. 67438 (Sept. 30, 2016).

⁴ The FBI fingerprint check, Next Generation Identification (formally the Integrated Automated Fingerprint Identification System), provides the criminal justice community with the world's largest and most efficient electronic repository of biometric and criminal history information.

Extension and Waiver Deadlines for Implementation

The CCDBG Act required that all States have requirements, policies, and procedures in place that meet the criminal background check requirements no later than September 30, 2017. The CCDBG Act allowed for the Secretary of HHS to grant a 1-year extension to the States if they demonstrate a good-faith effort to implement the requirements. In recognition of significant challenges to implementing the new background check requirements, all States, including Louisiana, applied for and received extensions through September 30, 2018.

In addition, ACF has the authority to grant States a waiver of a statutory provision, including one or more criminal background check requirements, and may extend the implementation period for the waived requirements for up to 2 additional years, until September 30, 2020, assuming that the requirements for applying for the waiver are fulfilled. In its State plan preprint,⁵ ACF stated that if a State implements the FBI criminal history check and the three in-State background checks for prospective child-care staff by September 30, 2018, the State may receive a time-limited waiver (1 year, with an additional 1-year renewal, subject to conditions being met) to perform the following actions:

- conduct FBI checks and in-State registry checks on current child-care staff and
- establish procedures and conduct checks of the NCIC's National Sex Offender Registry and inter-State registries for current and prospective staff, as necessary.

ACF has further indicated that if a review of the State Plan reveals that a State is out of compliance with one or more CCDF program requirements, it may place the State on a Corrective Action Plan. If the State is not in compliance with background check requirements by September 30, 2020, ACF has the authority to impose certain penalties or sanctions. For failure to comply substantially with the criminal background check requirements, a State would be subject to a penalty of 5 percent of the total discretionary CCDF funds awarded to it for the fiscal year following ACF's determination that noncompliance occurred (45 CFR § 98.92(b)(4)(i)).

Louisiana's Implementation of Criminal Background Checks

Louisiana regulations specified the process that the State would take to transition from the previous Criminal Background Check (CBC) requirement to the new Child Care Criminal Background Check (CCCBC) requirements.⁶ This process instituted the new CCCBC

⁵ The State plan is the primary mechanism that ACF uses to determine State and territory compliance with the requirements of the CCDBG Act. The State plan preprint provides a tool for States and territories to describe to ACF their progress on eight key functions of an integrated system of child care as described in the preprint https://www.acf.hhs.gov/sites/default/files/documents/occ/ccdbg_fy2019_2021_ccdf_plan_preprint.pdf.

⁶ The new CCCBC requirements moved Louisiana from a 1-check system to a 5-check finger-print-based system, which includes the State Police, the FBI, state and national sex offender registries and state child abuse registry, and from a 1-year re-check to a 5-year re-check.

requirements for new hires as of March 1, 2018, and established an orderly roll-in of the new CCCBC requirements for existing staff, culminating in a final deadline of September 30, 2018.

As of September 30, 2018, the State agency had implemented requirements for all criminal background check components and conducts these checks for all new child care staff (prospective covered individuals), in accordance with 45 CFR § 98.43. A criminal background check uses data from eight different sources, three in-State checks, two national-level checks, and three interstate checks.⁷ Prospective covered individuals may be provisionally employed after receiving a satisfactory Louisiana or Federal criminal history information report.

See Appendix C for details on the implementation status of the State agency's CCDF criminal background checks and Appendix D for the Federal and District regulations related to criminal background checks.

Louisiana's Coordination Efforts for Conducting Criminal Background Checks

The State agency works with its State partner agency, the Department of Children and Family Services (DCFS), to conduct criminal background checks for child care staff members. For licensed and license-exempt providers, all criminal background checks were conducted through the State agency's Office of Early Childhood Operations.

The providers apply for a CCCBC for each staff member through the State's on-line system, and the staff members are fingerprinted at designated fingerprint locations. The fingerprint is used to check both the State and FBI criminal repository. When the application is submitted, the State's on-line system completes the required CCCBC searches by interfacing with several registry or repository background check applications, such as the Louisiana State Police Bureau of Identification and Information, for the results of the fingerprint-based FBI criminal history records information. The search also includes the National Sex Offender Registry and the Louisiana Sex Offender Register.

The on-line system also automatically sends a request to DCFS to search the Louisiana Child Abuse and Neglect Registry. When the providers apply through the State agency's on-line system, the State agency automatically sends demographic information to the fingerprint vendor. When the application discloses residential history outside of Louisiana during the past 5 years, the on-line system automatically adds the additional three inter-State registry checks for every State in which that person has resided. The provider is automatically given the additional forms and application instructions for requesting the inter-State checks, and the State agency is shown the additional required checks through a review log in the on-line system.

Through the on-line system, State agency staff can issue the appropriate status and final determinations of eligibility for each applicant. Automatic email notices are sent out through the on-line system urging the applicant and provider to log on and check any change in status.

⁷ Louisiana Administrative Code (LAC), Title 28, parts CLXI, Bulletin 137, § 1803, Louisiana Early Learning Center Licensing Regulations, and CLXV, Bulletin 139, § 310, Louisiana Child Care and Development Fund Programs.

The State Division of Licensing (State licensing agency) monitors a child care provider's compliance with the criminal background check requirements at the time of initial licensing. At this time, a State licensing specialist conducts an initial full compliance inspection of each owner, operator, and staff at the center or family home and at each annual inspection. In addition, licensed child care centers and certified family homes are also subject to unannounced inspections each year.

HOW WE CONDUCTED THIS REVIEW

Louisiana had 253 certified family home providers^{8, 9} and 781 licensed child care centers that received CCDF funding during State FY 2018 (July 1, 2017, through June 30, 2018).¹⁰ We reviewed 15 family home providers and 15 child care centers, for a total of 30 child care providers.

The State agency sent emails to the sampled providers to introduce OIG and to explain the purpose of our review. We conducted unscheduled site visits to 15 family home providers, where we obtained a list of all current employees or household members. We verified that the lists were accurate by comparing them with the list provided by the State agency and with the State agency's on-line system. We performed a walkthrough of each family home provider to identify household members. In addition, we contacted 15 child care center providers to request a list of all current employees and used the list and background check records from the State agency's on-line system to determine whether employees met State requirements for criminal background checks. In total, we reviewed supporting documentation for 264 individuals who were current employees or household members at 30 different child care provider locations.

We limited our review of internal controls to obtaining an understanding of the laws and regulations concerning the State agency's monitoring process to determine whether child care providers complied with State requirements related to criminal background checks.

Appendix A contains the details of our audit scope and methodology.

⁸ A family home provider is one or more individual(s) who provide child care services for fewer than 24 hours per day, per child in a private residence other than the child's residence, unless care for a full 24 hours is due to the nature of the parent's, or parents,' work (LAC Title 28, part CLXV, Bulletin 139, § 103). In Louisiana, family home providers are license exempt and are allowed to become certified.

⁹ To become certified, family home providers must be 18 years old and care for no more than six children who are under 13 years old or be special needs children who are under 18 years old (LAC Title 28, part CLXV, Bulletin 139, § 309).

¹⁰ A child care center is a provider licensed or otherwise authorized to provide child care services for fewer than 24 hours per day, per child in a nonresidential setting, unless care in excess of 24 hours is due to the nature of the parent's, or parents,' work (45 CFR § 98.2).

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

FINDINGS

Although the State agency had implemented requirements for all criminal background check components, we found that the monitoring process could be improved. Specifically, the State agency's monitoring process of child care providers did not ensure provider compliance with State requirements for criminal background checks established under the CCDBG Act at 8 of 30 child care provider locations we reviewed. Of the 264 individuals whose supporting documentation we reviewed at these locations, 15 (5.7 percent) did not have 1 or more of the required criminal background checks by the required deadlines. The 15 included 5 individuals at family home providers and 10 individuals at child care center providers.¹¹

The providers did not initiate a timely background check request for these 15 individuals. Because the State agency relies on the child care provider to initiate the background check process, it was unaware that these individuals lacked background checks. As a result, the safety and well-being of children were potentially at risk.

EIGHT OF THIRTY PROVIDERS DID NOT COMPLY WITH STATE CRIMINAL BACKGROUND CHECK REQUIREMENTS

Three Providers Did Not Initiate Criminal Background Checks for Three Individuals as of Our Onsite Visits

During our onsite visits, we compared the State agency's list of individuals who had a completed criminal background check with those individuals who were present or living at the provider's home. We identified three individuals at three family home providers that did not have any of the eight required background checks performed within the prescribed timeframe for working with children:

- a neighbor who watched the children while the family home provider was out of the house,
- a family member who was unexpectedly back in the home of the provider as a temporary household member, and

¹¹ The Louisiana State plan describes the deadlines for complying with the new criminal background check requirements: All licensed centers and CCAP in-home, family home, and school providers must have a fingerprint-based Louisiana criminal history check. The State law and Board of Elementary and Secondary Education Bulletin 137 Chapter 18 and Bulletin 139 § 310 require all new hires, as of March 1, 2018, to meet this requirement and all existing hires to meet this requirement prior to September 30, 2018. (See also La. R.S. 17:407.42 and 407.71.)

- a provider's daughter who helped take care of the children.

The State agency completed its annual inspection of the providers. However, because the individuals were not present during the inspection and the State agency relies on the child care provider to initiate the background check process, the State agency was unaware that these individuals lacked background checks.

Five Providers Did Not Initiate Criminal Background Checks for 12 Individuals by the Required Deadline

Twelve individuals at 3 child care centers and 2 family home providers did not receive required criminal background checks by September 30, 2018, as required. These providers did not apply before the deadline even though the State agency provided cost reimbursement incentive payments for filing applications in a timely manner. The State plan required all staff members to have the more comprehensive CCCBC completed by September 30, 2018. For the 12 staff members, the providers requested CCCBC checks from 4 to 164 days after the required deadline.

RECOMMENDATIONS

We recommend that the Louisiana Department of Education:

- ensure that providers initiate and complete criminal background checks for all required individuals, including those given access to children on a contingency basis, and
- develop a process to ensure providers initiate required background checks for all employees in a timely manner.

STATE AGENCY COMMENTS AND OFFICE OF INSPECTOR GENERAL RESPONSE

In written comments on our draft report, the State agency indicated that it respectfully disagreed with our findings and did not indicate concurrence or nonconcurrence with our recommendations. The State agency agreed that our findings are accurate if held strictly to ensuring that providers were compliant by the effective date of the CCCDF requirements. However, the State agency disagreed that its monitoring process did not ensure provider compliance with State requirements for criminal background checks established under the CCDBG Act. The State agency stated that our review validated that, to the extent within their control, their monitoring system did ensure provider compliance with the requirements.

With respect to the three individuals cited in our report as being present in family homes without having completed all required background checks, the State agency stated this was beyond their control. Specifically, the State agency indicated it was not possible for them to identify and prevent this type of occurrence if the home provider does not disclose such individuals and those individuals are not present during periodic inspections.

With respect to the twelve individuals cited in our report as not having completed all background checks by the required deadline, the State agency stated that it could not be physically present at over 1,400 child care locations to verify provider compliance on the first day CCCBC requirements took effect. The State agency stated however that its monitoring subsequent to September 30, 2018 (during initial licensing, annual renewals, and unannounced visits) did result in these twelve individuals becoming fully compliant with CCCBC requirements.

The State agency also noted that Louisiana was among the first states to complete the timely rollout of all CCCBC requirements and described extensive provider awareness education it had conducted 12 months before the required compliance date. Specifically, the State agency held numerous in-person meetings across the State in September and October of 2017, conducted live webinars, posted a recorded webinar for ease of viewing in the winter of 2017, issued a handout with highlights of the changes, and posted several notification updates in a bimonthly Early Childhood Newsletter during 2017 and 2018. The State agency stated that it continues to educate new providers of the CCCBC requirements during a required training before licensing or certification and reminds providers during annual professional development.

The State agency's comments appear in their entirety as Appendix F.

We commend the State agency for implementing requirements for all criminal background check components and for taking steps to conduct educational outreach to providers. With respect to the State agency's comments related to the three individuals cited in our report, we have revised our recommendation. We recognize that providers may periodically need neighbors, temporary household members, or other individuals to care for the children on a contingency basis. Since these situations would occur during the time between regular monitoring inspections, the State agency relies on the provider to identify these individuals. This reliance underscores the importance of the State agency's educational outreach efforts. The instances of non-compliance noted in our report could be shared as examples during this outreach in order to assist providers in ensuring that background checks are conducted on individuals entrusted with the care or supervision of children on a contingency basis.

With respect to the State agency's comments related to the twelve individuals cited in our report, we have revised our recommendation. Though we reported providers that were not compliant by the effective date of the CCCDF requirements, we recognize that ensuring compliance with CCCBC requirements is a process that continues beyond the effective date. We note that under the Final Rule, States and territories were expected to be in full compliance with requirements by October 1, 2018 and that after that date, federal monitoring will assess the level of states/territories' compliance, as we did in our audit.¹² We also note that it was our audit, not State agency monitoring efforts that identified many of the twelve instances of non-compliance. Our recommendation to develop a process to ensure providers initiate

¹² [Child Care and Development Fund Final Rule Frequently Asked Questions | The Administration for Children and Families \(hhs.gov\)](https://www.hhs.gov/child-care/fund/final-rule-frequently-asked-questions)

required background checks for all employees in a timely manner is intended to strengthen the State agency's efforts to protect the safety and well-being of children.

APPENDIX A: AUDIT SCOPE AND METHODOLOGY

SCOPE

In selecting which State(s) to include in our audit, each OIG audit team conducted an analysis of the States within its region and considered the following factors:

- States with a “partial” or “substantial” implementation status for criminal background check requirements in the 2016 through 2018 CCDF State plans,
- States in which we may not have conducted criminal background check work recently or those in which we had findings related to criminal background check requirements in foster care or Head Start audits,
- States where news reports have raised concerns related to criminal background check requirements,
- total CCDF funding within the State, and
- total children served by the CCDF within the State.

In addition to the factors above, the six States included in our previous CCDF Phase I (State implementation of CCDBG criminal background check requirements) audit series were included in the CCDF Phase II (State monitoring of child care provider compliance) audits.¹³ On the basis of our review of these factors, we selected Louisiana.

We selected and reviewed a nonstatistical sample of 30 of 1,034 family home providers and child care centers that received CCDF funding during our audit period of State FY 2018 and reviewed background check records for employees and household members who were active during the period of our request. We based our provider selection on the following risk factors:

- **Geographic region (the geographic division of the State identified by the State licensing agency):** For licensing purposes, Louisiana is divided into 11 geographic regions. We determined the geographic region in which each provider was located and grouped the providers accordingly.
- **CCDF funding received (the total amount of CCDF funding received for State FY 2018):** Within each region, we sorted each list of family homes and child care centers based on the amount of CCDF funding received per provider and selected some providers with high dollar amounts and some providers with low dollar amounts of CCDF funding received.

¹³ The six States included in CCDF Phase I were New York, Nevada, Colorado, Georgia, New Hampshire, and Illinois (See Appendix B).

- **State Inspection Deficiencies:** Within each region, using a State agency website, we randomly picked providers of varying funding amounts to search for State inspection information. We identified the family home and child care center providers that had significant deficiencies in the past 2 years. We made our selection based on these deficiencies. Some of the samples were providers with high dollar amounts and some with low dollar amounts of CCDF funding received. We excluded some regions because the providers in those regions did not have a deficiency in the past 2 years.

We conducted unannounced site visits at 15 family home providers, where we obtained a list of all current household members or employees. We verified that the lists were accurate by comparing them with the list provided by the State agency and with the State agency's on-line system. We performed a walkthrough of the family home providers to identify household members. In addition, we contacted 15 child care center providers to request a list of all current employees and used the list and background check records from the State agency's on-line system to determine whether the child care center employees met State requirements for criminal background checks. In total, we reviewed supporting documentation for 264 individuals who were current employees or household members at 30 different child care provider locations. We performed fieldwork at various family home providers from September 2019 to February 2020.

We limited our review of internal controls to obtaining an understanding of the laws and regulations concerning the State agency's monitoring process to ensure child care provider compliance with State requirements related to criminal background checks.

METHODOLOGY

To accomplish our objective, we:

- reviewed applicable Federal and State laws, regulations, and guidance;
- identified criminal background check requirements that have been fully implemented within the State;
- interviewed State agency officials to gain an understanding of the monitoring process over provider compliance with criminal background check requirements established under the CCDBG Act;
- interviewed State agency officials to identify any challenges or barriers that the State agency experienced monitoring providers to ensure that the new criminal background check requirements are being met;
- sorted 1,034 providers by type of facility, geographic region, dollar amount of funding, and deficiencies identified during State agency site visits within the past 2 years to select 30 sample providers;

- contacted 15 child care center providers to obtain a list of all current employees at each of the centers and obtained supporting documentation from the State's system to determine whether all the required criminal background checks were completed;
- conducted unannounced site visits at each of the 15 family home provider locations to obtain a current list of all employees or household members and obtained supporting documentation or evidence from the State's system to determine whether all the required criminal background checks were completed;
- reviewed and analyzed supporting documentation for all 264 employees and household members from the 15 family homes and 15 child care centers that received CCDF funding during State FY 2018 to determine whether all the required criminal background checks were completed; and
- discussed the results of our audit with State agency officials.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

**APPENDIX B: PRIOR OFFICE OF INSPECTOR GENERAL AUDIT REPORTS RELATED TO
CRIMINAL BACKGROUND CHECK REQUIREMENTS**

Report Title	Report Number	Issue Date
<i>The District of Columbia's Monitoring Did Not Ensure Child Care Provider Compliance With Criminal Background Check Requirements at 7 of 30 Providers Reviewed</i>	<u>A-03-20-00252</u>	11/3/2021
<i>Colorado's Monitoring Did Not Ensure Child Care Provider Compliance With State Criminal Background Check Requirements at 18 of 30 Providers Reviewed</i>	<u>A-07-19-06084</u>	4/19/2021
<i>Virginia's Monitoring Did Not Ensure Child Care Provider Compliance With State Criminal Background Check Requirements at 8 of 30 Providers Reviewed</i>	<u>A-03-19-00253</u>	2/19/2021
<i>Hawaii's Monitoring Generally Ensured Child Care Provider Compliance With State Criminal Background Check Requirements</i>	<u>A-09-19-01000</u>	9/3/2020
<i>Indiana's Monitoring Did Not Ensure Child Care Provider Compliance With State Criminal Background Check Requirements at 17 of 30 Providers Reviewed</i>	<u>A-05-19-00012</u>	8/26/2020
<i>Rhode Island's Monitoring Did Not Ensure Child Care Provider Compliance With State Criminal Background Check Requirements at 18 of 30 Providers Reviewed</i>	<u>A-01-18-02505</u>	8/17/2020
<i>New Jersey's Monitoring Did Not Ensure Child Care Provider Compliance With State Criminal Background Check Requirements at 9 of 30 Providers Reviewed</i>	<u>A-02-19-02004</u>	7/24/2020
<i>Utah's Monitoring Process Generally Ensured Child Care Provider Compliance With State Criminal Background Check Requirements</i>	<u>A-07-19-06085</u>	7/21/2020
<i>Illinois' Monitoring Did Not Ensure Child Care Provider Compliance With State Criminal Background Check Requirements at 12 of 30 Providers Reviewed</i>	<u>A-05-19-00016</u>	4/29/2020
<i>New Hampshire's Monitoring Did Not Ensure Childcare Provider Compliance With State Criminal Background Check Requirements at 21 of 30 Providers Reviewed</i>	<u>A-01-18-02504</u>	4/3/2020

Report Title	Report Number	Issue Date
<i>New Mexico's Monitoring of Childcare Providers Generally Ensured Provider Compliance With State Criminal Background Check Requirements at 30 Childcare Providers Reviewed</i>	A-06-19-07001	2/19/2020
<i>Georgia's Monitoring of Childcare Providers Ensured Provider Compliance with State Criminal Background Check Requirements</i>	A-04-19-03580	2/12/2020
<i>Tennessee's Monitoring Ensured Compliance with Criminal Background Check Requirements at 28 of the 30 Childcare Providers Reviewed</i>	A-04-19-02023	1/15/2020
<i>All Six States Reviewed Had Partially Implemented New Criminal Background Check Requirements for Childcare Providers, and Five of the States Anticipate Full Implementation by Fiscal Year 2020</i>	A-05-19-00015	8/23/2019
<i>New York Has Not Fully Implemented New Criminal Background Check Requirements for Child care Providers</i>	A-02-17-02011	1/8/2019
<i>Nevada Implemented Some New Criminal Background Check Requirements for Childcare Providers, but Challenges Remain for Unimplemented Requirements</i>	A-09-17-01003	9/19/2018
<i>Colorado Implemented Many New Criminal Background Check Requirements for Childcare Providers, but Challenges Remain for Unimplemented Requirements</i>	A-07-17-06076	9/17/2018
<i>Georgia Implemented Most New Criminal Background Check Requirements for Childcare Providers, but Challenges Remain for Unimplemented Requirements</i>	A-04-18-03578	7/27/2018
<i>New Hampshire Implemented Most New Criminal Background Check Requirements for Childcare Providers, but Challenges Remain for Unimplemented Requirements</i>	A-01-18-02500	7/9/2018
<i>Illinois Implemented Most New Criminal Background Check Requirements for Childcare Providers, but Challenges Remain for Unimplemented Requirements</i>	A-05-17-00047	6/4/2018

**APPENDIX C: LOUISIANA’S IMPLEMENTATION STATUS OF CCDF
CRIMINAL BACKGROUND CHECKS**

Criminal Background Check Requirements	Implementation Status as of 9/30/2018	OIG Analysis of the State’s Implementation Status (Includes a Review of Louisiana’s Laws, Regulations, and Guidance)
FBI Criminal History Fingerprint Check 45 CFR § 98.43(b)(1)	Implemented	LAC, Title 28, Education, part CLXI, Bulletin 137 – Louisiana Early Learning Center Licensing Regulations, Chapter 18 § 1803(B)(2), and Title 28, Education, part CLXV, Bulletin 139 Louisiana Child Care and Development Fund Programs, Chapter 3 § 310(A)(2)(b)
NCIC’s National Sex Offender Registry 45 CFR § 98.43(b)(2)	Implemented	LAC, Title 28, Education, part CLXI, Bulletin 137 – Louisiana Early Learning Center Licensing Regulations, Chapter 18 § 1803(B)(5), and LAC, Title 28 Education part CLXV, Bulletin 139 –Louisiana Child Care and Development Fund Programs, Chapter 3 § 310(A)(2)(e)
In-State Criminal Registry 45 CFR § 98.43(b)(3)	Implemented	LAC, Title 28, Education, part CLXI, Bulletin 137 – Louisiana Early Learning Center Licensing Regulations, Chapter 18 § 1803(B)(1), and LAC, Title 28 Education part CLXV, Bulletin 139 – Louisiana Child Care and Development Fund Programs, Chapter 3 § 310(A)(2)(a)
In-State Sex Offender Registry 45 CFR § 98.43(b)(3)	Implemented	LAC, Title 28, Education, part CLXI, Bulletin 137 – Louisiana Early Learning Center Licensing Regulations, Chapter 18 § 1803(B)(4), and LAC, Title 28 Education part CLXV, Bulletin 139 – Louisiana Child Care and Development Fund Programs, Chapter 3, § 310(A)(2)(d)
In-State Child Abuse and Neglect Registry 45 CFR § 98.43(b)(3)	Implemented	LAC, Title 28, Education, part CLXI, Bulletin 137 – Louisiana Early Learning Center Licensing Regulations, Chapter 18 § 1803(B)(3), and LAC, Title 28 Education part CLXV, Bulletin 139 –Louisiana Child Care and Development Fund Programs, Chapter 3, § 310(A)(2)(c)
Inter-State Criminal Registry 45 CFR § 98.43 (b)(3)	Implemented	LAC, Title 28, Education, part CLXI, Bulletin 137 – Louisiana Early Learning Center Licensing Regulations, Chapter 18 § 1803(B)(6), and LAC, Title 28, Education, part CLXV, Bulletin 139 –Louisiana Child Care and Development Fund Programs, Chapter 3 § 310(A)(2)(f)

Criminal Background Check Requirements	Implementation Status as of 9/30/2018	OIG Analysis of the State's Implementation Status (Includes a Review of Louisiana's Laws, Regulations, and Guidance)
Inter-State Sex Offender Registry 45 CFR § 98.43(b)(3)	Implemented	LAC, Title 28, Education, part CLXI, Bulletin 137 – Louisiana Early Learning Center Licensing Regulations, Chapter 18 § 1803(B)(6), and LAC, Title 28, Education, part CLXV, Bulletin 139 –Louisiana Child Care and Development Fund Programs, Chapter 3 § 310(A)(2)(f)
Inter-State Child Abuse and Neglect Registry 45 CFR § 98.43(b)(3)	Implemented	LAC, Title 28, Education, part CLXI, Bulletin 137 – Louisiana Early Learning Center Licensing Regulations Chapter 18 § 1803(B)(6), and LAC, Title 28, Education, part CLXV, Bulletin 139 – Louisiana Child Care and Development Fund Programs, Chapter 3 § 310(A)(2)(f)

APPENDIX D: FEDERAL AND STATE REGULATIONS

FEDERAL REGULATIONS

According to Federal regulations, States must have in effect requirements, policies, and procedures to require and conduct criminal background checks for child care staff members, including prospective child care staff members of all licensed, regulated, or registered child care providers and all child care providers eligible to deliver services for which assistance is provided (45 CFR § 98.43(a)(1)).

A “child care provider” is a center-based child care provider, a family child care provider, or another provider of child care services for compensation and on a regular basis that (1) is not an individual who is related to all children for whom child care services are provided and (2) is licensed, regulated, or registered under State law or eligible to receive assistance provided under this subchapter (45 CFR § 98.43(a)(2)(i)).

A “child care staff member” is an individual (other than an individual who is related to all children for whom child care services are provided) (1) who is employed by a child care provider for compensation, including contract employees or self-employed individuals; (2) whose activities involve the care or supervision of children for a child care provider or unsupervised access to children who are cared for or supervised by a child care provider; or (3) any individual residing in a family child care home who is age 18 and older (45 CFR § 98.43(a)(2)(ii)).

Federal regulations require States to conduct two national checks: (1) an FBI criminal history fingerprint check using Next Generation Identification (45 CFR § 98.43(b)(1) and (2)) a search of the NCIC’s National Sex Offender Registry for child care staff members or prospective staff members (45 CFR § 98.43(b)(2)).

According to Federal regulations, States are required to conduct a search of three in-State registries: (1) State criminal registry (using fingerprints), (2) State sex offender registry, and (3) State-based child abuse and neglect registry in the State in which the child care staff member or prospective staff member resides (45 CFR § 98.43(b)(3)).

In addition, States are required to conduct a search of three inter-State registries: (1) criminal registry in each State (fingerprints optional), (2) each State’s sex offender registry, and (3) each State’s child abuse and neglect registry in the State(s) in which the child care staff member or prospective staff member resided during the preceding 5 years (45 CFR § 98.43(b)(3)).

STATE REGULATIONS

An early learning center or an entity identified in section 1809 must request and obtain from the State agency a new CCCBC-based determination of eligibility for child care purposes for each required person:

- prior to the person being present or performing services at the center when children are present and
- not less than once during a 5-year period.

An early learning center or an entity identified in section 1809 must not be required to request and obtain from the State agency a new CCCBC-based determination of eligibility for child care purposes for a required person and instead must be able to request and obtain from the State agency the person's CCCBC-based determination of eligibility provided to another in-State child care provider or entity identified in section 1809, if:

1. a child care provider within the State or an entity requested and obtained a CCCBC-based determination of eligibility for child care purposes from the State agency for the person within the past 5 years, while the person was seeking employment or employed by an in-State child care provider, or seeking to provide or providing services at an early learning center in Louisiana for an entity;
2. the State agency provided to the initial requesting child care provider or entity a CCCBC-based determination indicating the person was eligible for child care purposes; and
3. the person is still employed by a child care provider within the State, or is still providing services in an early learning center within the State for an entity, or has been separated from a child care provider within the State or an entity for less than 180 consecutive days (LAC, Title 28, part CLXI, Bulletin 137, Chapter 18, §§ 1811(A)(1) and (B)).

A center may provisionally employ as a staff member a person for whom it has requested a CCCBC-based determination of eligibility for child care purposes and for whom the State agency has received a satisfactory fingerprint-based Louisiana or Federal criminal history information record, pending the State agency's receipt of the other CCCBC results and determination of the person's eligibility for child care purposes (LAC, Title 28, part CLXI, Bulletin 137, Chapter 18, § 1811(D)(1)).

A family child care provider must obtain a CCCBC-based determination of eligibility for child care purposes from the State agency for the following required persons:

- a. the provider;
- b. all adults employed in the home or on the property of the home where care is provided;
- c. all adults living in the residence where care is provided;
- d. any other person in the home or on the premises when one or more children in care are present, who is not a household designee for a child in care at the home. (Persons for whom home-based providers are required to obtain a

CCCBC-Based determinations of Eligibility for child care purposes) (LAC, Title 28, part CLXV, Bulletin 139, Chapter 3, § 310 (C)(1)(c) and (C)(1)(d): CCCBC for all Adults and for Other Persons in the Home or on the Premises); and A home-based provider that has an existing satisfactory CBC on March 1, 2018, for a required person . . . shall be required to request a CCCBC-based determination of eligibility for child care purposes from the State agency for such persons by submitting a request to the State agency and having the person for whom it is requested submit fingerprints to the bureau at the time of home-based provider's next renewal of certification or before 8/1/2018, whichever occurs first (LAC, Title 28, part CLXV, Bulletin 139, Chapter 3, § 310 (E)(3)(a)).

**APPENDIX E: NUMBER OF INDIVIDUALS NOT IN COMPLIANCE WITH CRIMINAL
BACKGROUND CHECK REQUIREMENTS AT 30 SELECTED PROVIDERS**

Provider Number	Provider Type	Number of Individuals Reviewed	Number of Individuals Not in Compliance With Criminal Background Check Requirements
1	Child care center	5	0
2	Child care center	40	0
3	Child care center	18	0
4	Child care center	27	0
5	Child care center	8	0
6	Child care center	12	0
7	Child care center	7	0
8	Child care center	4	0
9	Child care center	10	0
10	Child care center	7	5
11	Child care center	25	0
12	Child care center	21	1
13	Child care center	19	0
14	Child care center	7	0
15	Child care center	24	4
Total for Child care centers		234	10
16	Family home	2	0
17	Family home	1	0
18	Family home	2	0
19	Family home	2	0
20	Family home	3	0
21	Family home	1	0
22	Family home	4	1
23	Family home	3	1
24	Family home	2	1
25	Family home	3	0
26	Family home	2	1
27	Family home	1	0
28	Family home	1	0
29	Family home	1	0
30	Family home	2	1
Total for Family Homes		30	5
Combined Total for Child Care Centers and Family Homes		264	15

APPENDIX F: STATE AGENCY COMMENTS



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September 15, 2021

Ms. Patricia Wheeler
Regional Inspector General for Audit Services
Office of Audit Services, Region VI
1100 Commerce Street, Room 632
Dallas, TX 75242

Re: Department of Health and Human Services, Office of Inspector General Report #A-06-19-02001

Dear Ms. Wheeler,

The Louisiana Dept. of Education (LDOE) appreciates the opportunity to submit an official response to the Office of Inspector General's reported findings in report #A-06-19-02001. The LDOE respectfully disagrees with the findings.

The stated objective of the audit was to "determine whether the State agency's monitoring process of child care providers ensured provider compliance with State requirements related to criminal background checks established under the CCDBG Act."

LDOE believes that its monitoring process ensures provider compliance with state requirements related to the Child Care Criminal Background Checks (CCCBCs) established under the CCCDBG Act. LDOE believes that the facts in the observation scenarios cited actually validate that LDOE's monitoring system ensured provider compliance with the requirements. LDOE agrees that not all providers were in compliance with the CCCBC requirement on the first day of its effectiveness as, operationally, LDOE's monitoring process for CCCBCs could not begin until CCCBCs were required, which was 9/30/18.

The audit findings do not take into account any compliance that occurred after 9/30/18 and LDOE does not believe this accurately represents "provider compliance" with the state and federal requirements.

As best LDOE can ascertain, the only factor that was used to make a finding was whether a staff member had a CCCBC as of the first date the requirement was effective. This is most clearly evidenced by the findings for staff members who obtained CCCBCs 4- and 12-days after 9/30/18. If the goal was to determine whether LDOE's monitoring process "strictly ensured compliance by the effective date of the requirements," then the findings are accurate, but there would be no need for future recommendations, because nothing can be improved as the first day has already passed. However, if the goal was to "continually ensure compliance with the requirements," then the facts support the conclusion that LDOE's monitoring process ultimately ensures compliance, to the extent that it is within LDOE's control. Again, LDOE's monitoring process for CCCBCs could not begin until CCCBCs were required, which was

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9/30/18. As provided in responses to specific findings, LDOE's monitoring process is exactly what ultimately required providers to get into compliance.

Please note that the LDOE conducted extensive provider education and awareness of the new requirements 12 months in advance of the final date of compliance of 9/30/2018. The LDOE held numerous in person meetings across the state in September and October of 2017; conducted live webinars and posted the recorded webinar for ease of viewing in the winter of 2017; issued a [handout](#) with highlights of the changes; and posted several notification updates in the bimonthly Early Childhood Newsletter during 2017 and 2018.

Additionally, it is important to note that Louisiana was among the first states to complete the timely rollout of all of the requirements of the CCCBC mandated by the CCDBG Act. Also, even though approximately 16,000 applicants were expected, 30,000 applicants were being processed and monitored at this time. The response time for this complex CCCBC actually decreased from approximately 30 days to less than one day in some instances due to the implementation of a new data system concurrently with the implementation of the new federal requirements.

The Findings Section of this report begins with the following:

Although the State agency had implemented requirements for all criminal background check components, we found that the monitoring process could be improved. Specifically, the State agency's monitoring process of child care providers did not ensure provider compliance with State requirements for criminal background checks.

The LDOE disagrees with the statement that LDOE "did not ensure provider compliance with state requirements for criminal background checks" as LDOE's monitoring process could not start until the effective date of the requirement, which was 9/30/18. The LDOE strongly believes that its monitoring process is key in ensuring provider compliance. Physically, the LDOE could not be at over 1,400 provider locations on 10/1/2018 to verify compliance. The LDOE checks compliance for CCCBCs during initial licensing, annual renewals, unannounced visits, and as a result of any complaint including a report of non-compliance with CCCBCs.

The LDOE respectfully provides responses to the findings below.

RESPONSES TO IN-HOME PROVIDER FINDINGS:

Provider's Daughter (without a CCCBC) Sometimes Took Care of Children:

LDOE respectfully disagrees with this being a finding against LDOE. The provider should have identified the daughter and obtained a CCCBC for her. However, the provider did not identify her and the daughter was not present on any of LDOE's inspections. LDOE made unannounced inspections of the home on 08/06/2018 and 11/19/2018 and the daughter was not present. Had she been present, the provider would have been cited for not having a CCCBC and the daughter would have been asked to

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leave the premises. LDOE asks for information about residents in the provider's initial application and again during both annual inspections. If a home provider does not disclose such an individual and such individual is not present during any LDOE inspection, it is not possible for LDOE to know about and prevent this type of occurrence. LDOE disagrees that it has the responsibility to initiate CCCBCs for home providers or their staff or that its monitoring process did not work as it should. It is not possible for LDOE to ensure that all home providers will be forthcoming about individuals who require CCCBCs. LDOE does not believe that this should be a finding against LDOE.

Neighbor (without a CCCBC) Sometimes Watched the Children:

LDOE respectfully disagrees with this being a finding against LDOE. A neighbor of the provider sometimes looked after the children when the provider was out of the house. The provider should have disclosed the neighbor as a staff member and obtained a CCCBC for her. The provider did not disclose the individual and the individual was not present during LDOE inspections on 10/3/2018, 10/7/2018 or 7/9/19. Had the individual been present during any inspection, the provider would have been cited and the individual would have been asked to leave the premises. LDOE asks for information about staff in its initial application and again during both annual inspections. If a home provider does not disclose such an individual and such individual is not present during any LDOE inspection, it is not possible for LDOE to know about and prevent this type of occurrence. LDOE disagrees that it has the responsibility to initiate CCCBCs for home providers or their staff or that its monitoring process did not work as it should. It is not possible for LDOE to ensure that all home providers will be forthcoming about individuals who require CCCBCs. When LDOE learned of the presence of the neighbor from the OIG, an unannounced inspection was conducted in which lack of a required CCCBC was confirmed. A deficiency was given to the provider, and the provider submitted a CCCBC application on 01/29/2020. LDOE does not believe that this should be a finding against LDOE.

Family member was unexpectedly back in the home as a temporary household member:

LDOE respectfully disagrees with this being a finding against LDOE. LDOE was not informed by the provider that the individual was residing in the home and the individual was not present during LDOE inspections. LDOE asks for information about residents in its initial application and again during both annual inspections. If a home provider does not disclose such an individual and such individual is not present during any LDOE inspection, it is not possible for LDOE to know about and prevent this type of occurrence. LDOE disagrees that it has the responsibility to initiate CCCBCs for home providers or their staff or that its monitoring process did not work as it should. It is not possible for LDOE to ensure that all home providers will be forthcoming about individuals who require CCCBCs. When LDOE learned of the resident, an inspection was made and the provider was cited on 6/13/19 for not have a CCCBC for the resident. In a follow-up inspection on 07/15/2019, the provider was again cited because the resident was still present and no CCCBC had been obtained. Additionally, Licensing referred the provider to the Child Care Assistance Program (CCAP) on 7/18/2019, which informed the provider that her participation in CCAP was in jeopardy for the failure to obtain a CCCBC for the resident. LDOE Licensing made a third follow-up visit on 8/13/2019, and the provider had obtained a CCCBC for the resident. These facts

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demonstrate that LDOE's monitoring process ensures compliance with CCCBC requirements. LDOE does not believe that this should be a finding against LDOE.

Spouse of in-home provider did not have a CCCBC:

LDOE respectfully disagrees with this being a finding against LDOE. LDOE was not informed by the provider that the individual was residing in the home. LDOE asks for information about residents in the provider's initial application and again during both annual inspections. If a home provider does not disclose such an individual and such individual is not present during any LDOE inspection, it is not possible for LDOE to know about and prevent this type of occurrence. LDOE disagrees that it has the responsibility to initiate CCCBCs for home providers or their staff or that its monitoring process did not work as it should. It is not possible for LDOE to ensure that all home providers will be forthcoming about individuals who require CCCBCs. When LDOE learned of the resident from the OIG, an unannounced inspection was conducted in which the lack of a required CCCBC was confirmed. A deficiency was given on 2/7/19. The resident submitted a CCCBC application on 2/15/19. These facts demonstrate that LDOE's monitoring process ensures compliance with CCCBC requirements. LDOE does not believe that this should be a finding against LDOE.

Provider (4) days late in obtaining CCCBC:

LDOE respectfully disagrees with this finding being against LDOE. The finding is that the provider was four days late in obtaining the required CCCBC. LDOE was actively monitoring and reaching out to providers during this time period of changing from required CBCs to required CCCBCs. The provider acted in response to the monitoring and outreach efforts by the LDOE and applied for a background check within 4 days of 10/01/18. The LDOE also made an inspection on 11/13/2018 to verify the background checks were in compliance. These facts demonstrate that LDOE's monitoring process ensures compliance with CCCBC requirements. Again, LDOE's monitoring process could not start until the effective date of the requirement, which was 9/30/18. The LDOE strongly believes that its monitoring process is key in ensuring provider compliance. Physically, the LDOE could not be at over 1,400 provider locations on 10/1/2018 to verify compliance. The LDOE checks compliance for CCCBCs during initial licensing, annual renewals, unannounced visits, and as a result of any complaint including a report of non-compliance with CCCBCs. LDOE does not believe that this should be a finding against LDOE.

RESPONSES TO THE (3) CHILDCARE CENTERS WITH FINDINGS:

Childcare Center #1 (Multiple CCCBCs Missing):

LDOE respectfully disagrees with this finding being against LDOE. LDOE's Division of Licensing became aware of the center's failure to have the required CCCBC upon unannounced random inspections. Unannounced inspections were completed on 10/13/2018, 11/29/2018, 01/15/2019, 01/16/2019. The center was cited for failure to obtain CCCBCs on 10/13/18 and Licensing staff had conversations with this provider indicating the lack of compliance and providing information on the steps that needed to be completed to become obtain the required CCCBCs. When it was found at the follow up inspection on

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11/29/18 that the center was still not fully compliant, the LDOE Division of Licensing suspended the center's license on 12/3/18 due to failure to have the required CCCBCs. An email was sent to the center on 12/10/18 confirming a conversation that day with the owner and reiterating that the center's license was suspended and that it could not operate until it obtained the required CCCBCs. CCCBCs for two staff members were obtained on 12/10/18 and two more on 12/11/18.

Not only do these facts demonstrate that LDOE's monitoring process ensures compliance with CCCBC requirements, but shows the diligence with which the LDOE acted to ensure that all providers are in compliance. LDOE does not believe that this should be a finding against LDOE as it was continually working to bring this center into compliance. The fact that the center did become fully compliant, illustrates that the LDOE's monitoring process is practical, functional, and effective. LDOE does not believe that this should be a finding against LDOE.

Childcare Center #2 (One CCCBC Missing):

LDOE respectfully disagrees with this finding being against LDOE. LDOE's Division of Licensing became aware of the center's lack of compliance upon unannounced random inspections. There was a part time employee who worked on an as needed basis at the center who did not have a CCCBC. As a result of the monitoring, a deficiency was issued to the provider on 03/13/2019 and the center came into compliance. LDOE does not believe that this should be a finding against LDOE.

Childcare Center #3 (4 CCCBC Submissions 10-12 Days late):

LDOE respectfully disagrees with this finding being against LDOE. All (4) employees of this center who did not yet have completed CCCBCs were in full compliance within 12 days of the due date. LDOE was actively monitoring and reaching out to providers during this time period of changing from required CBCs to required CCCBCs. These facts demonstrate that LDOE's monitoring process ensures compliance with CCCBC requirements. Again, LDOE's monitoring process could not start until the effective date of the requirement, which was 9/30/18. The LDOE strongly believes that its monitoring process is key in ensuring provider compliance. Physically, the LDOE could not be at over 1,400 provider locations on 10/1/2018 to verify compliance. The LDOE checks compliance for CCCBCs during initial licensing, annual renewals, unannounced visits, and as a result of any complaint including a report of non-compliance with CCCBCs. LDOE does not believe that this should be a finding against LDOE.

CONCLUSION:

In conclusion, LDOE believes that its monitoring process ensures provider compliance with state requirements related to the Child Care Criminal Background Checks (CCCBCs) established under the CCCDBG Act. The LDOE checks compliance for CCCBCs during initial licensing, annual renewals, unannounced visits, and as a result of any complaint including a report of non-compliance with CCCBCs. The monitoring process is practical, functional, and effective and providers comply as a result. With regard to the recommendation of regular notification to providers to initiate the CCCBC, the LDOE conducted extensive provider education and awareness of the new requirements 12 months in advance of the final date of compliance of 9/30/2018. The LDOE held numerous in person meetings across the

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state in September and October of 2017; conducted live webinars and posted the recorded webinar for ease of viewing in the winter of 2017; issued a [handout](#) with highlights of the changes; and posted several notification updates in the bimonthly Early Childhood Newsletter during 2017 and 2018. In addition, the LDOE continues to educate new providers of the CCCBC requirement during a required training prior to licensing or certification and reminds providers during annual professional development.

Also, even though approximately 16,00 applicants were expected, 30,000 applicants were being processed and monitored during this time. The response time for this complex CCCBC actually decreased from approximately 30 days to less than one day in some instances due to the implementation of a new data system concurrently with the implementation of the new federal requirements.

Lastly, it is important to note that the LDOE took the comprehensive Child Care Criminal Background Check seriously by advancing legislation and regulation in order to protect the health and safety of children. Louisiana was among the first states to complete the timely rollout of all of the requirements of the CCCBC mandated by the CCDBG Act.

While the LDOE respectfully disagrees with the findings, we appreciate the opportunity to respond to the OIG report #A-06-19-02001.

Sincerely,

Lisa G. Brochard
Deputy Assistant Superintendent
Division of Early Childhood Operations
Office of Teaching and Learning
Louisiana Department of Education

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