

Louisiana Department of Education
Early Childhood – Child Care Criminal Background Check (CCCBC)

Policy Number:	CBC-180010
Policy Name:	Provisional Determinations
Responsible Unit:	Criminal Background Checks (CBC)
Contact:	Valerie Black
Initial Effective Date:	March 1, 2018
Revised:	December 27, 2019

Purpose: *This policy describes the steps that the CBC staff generally take in making a final determination for Provisional Employment status. This process outlines the steps to reviewing available information, granting the applicant provisional employment status and updating their status on the Child Care Civil Background Check System (CCCBC System).*

I. OVERVIEW

- A. Applicants may be granted provisional employment status whenever LDOE receives results from either the State or Federal Criminal History Record Information that return without any disqualifying events, but the results of any of the remaining components of the CCCBC have not yet returned. The applicant may remain in provisional status no longer than 45 days from the date the applicant submits a complete application, with all necessary forms and fingerprint submissions.

II. PROCESS

A. REVIEW OF RAP SHEETS:

- 1. Upon receipt of the Applicant’s criminal record history information (CHRI) – either FBI or Louisiana State – the CBC staff takes the following steps:
 - a. Review the CHRI for any crimes;
 - b. Identify whether there have been convictions for any prohibited crimes pursuant to 15:587.1(C) and BESE B137;
 - c. Check the CCCBC System to verify whether the remaining components of the CCCBC have returned with results; and
 - d. If any of the other results have not yet returned, the CBC staff may recommend the following:
 - i. If the FBI or LA CHRI results are clear with no criminal history, the CBC staff may recommend the applicant provisional status.
 - ii. If the FBI or LA CHRI contains criminal history, the CBC staff may either:
 - (a.) Determine that the crime is not on the prohibited crimes list and recommend provisional employment status; or
 - (b.) Recommend ineligible in order for the crime should be reviewed by a CBC supervisor. CBC supervisor may enter case notes and forward the case to the CBC Program Manager or legal for additional review; make a provisional determination; or request additional information from the applicant.

- iii. If the CHRI contains a disqualifying event(s), then the CBC staff may recommend ineligible and forward their recommendation to the CBC supervisor along with case notes for review. See Policy CBC-180002 Ineligible Process.

III. GRANTING PROVISIONAL STATUS

- A. If the CHRI is clear with no criminal history, the CBC supervisor may grant the applicant provisional status by updating the Applicant's status in the CCCBC System.
 - 1. The CCCBC System automatically issues an email notification alert for the Provider and Applicant to login into the CCCBC System to view the status of the CCCBC-based eligibility determination.
 - 2. An applicant will have up to 45 days to be provisional prior to LDOE making a final determination.

IV. ISSUING A FINAL DETERMINATION FROM PROVISIONAL STATUS

- A. If the incoming results are all clear with no criminal history or prohibited offense, CBC staff may recommend the person be eligible upon receiving the necessary results or applications; and the CBC supervisor may grant the applicant an eligible determination by updating the Applicant's status in the CCCBC System.
 - 1. The CCCBC System automatically issues an email notification alert for the Provider and Applicant to login into the CCCBC System to view the status of the CCCBC-based eligibility determination.
- B. If the incoming results contains criminal history or otherwise prohibited offense, the CBC staff will recommend ineligible. See Policy CBC-180002 Ineligible Process.
- C. If the applicant has lived in another state in the last five years See Policy CBC-180006 Out of State CCCBC Requests for Incoming Residents.
- D. If the applicant or provider give LDOE notice that the applicant will no longer be completing the CCCBC application process, LDOE staff may make the person Indeterminable for child care purposes.

V. MONITORING PROVISIONAL APPLICATIONS FOR TIMELY DETERMINATIONS

- A. The CBC Staff each monitors their cases daily to be sure the applicants receive a final determination of eligible, ineligible, or indeterminable within 45 days from the date the applicant submits a complete application, with all necessary forms and fingerprint submissions.
 - 1. A case note will indicate what items are outstanding for the application and any other reasons for delay.
 - 2. The CBC Staff will ensure no cases enter "expire" status and are given a recommendation for eligible, ineligible, or indeterminable.
 - 3. If there are circumstances that require an extension of time, one will be given by the CBC Supervisor and the reasons will be noted in the case notes. (e.g. server down, technical issues, etc.)
- B. The CBC Supervisor monitors the cases at least twice weekly to be sure there are no cases that are complete and waiting for a final determination beyond the 45-day time period set forth in the Child Care Development Fund (CCDF) background requirements.