

Louisiana Department of Education

Early Childhood – Child Care Criminal Background Check (CCCBC)

Policy Number:	CBC-180002
Policy Name:	Ineligible Process for CCCBC Determinations
Responsible Unit:	Criminal Background Check
Contact:	Valerie Black
Initial Effective Date:	March 1, 2018
Revised:	February 1, 2020

Purpose: *To set forth procedures that strive to ensure that child care criminal background check (CCCBC) based determinations of eligibility are accurate prior to issuing an ineligible determination. The purpose is also to maintain the applicant’s right to confidentiality and act in accordance with state and federal criminal justice information security (CJIS) requirements.*

I. **OVERVIEW**

A. The **Ineligible Process** is a process partially within the Child Care Civil Background Check System (CCCBC System) portal that is used by the Louisiana Department of Education (LDOE) to determine ineligibility for child care purposes and issue notifications of ineligibility to the applicant(s) requesting a CCCBC, including the provider and the applicant.

II. **Process**

A. LDOE will review and process CCCBC applications via the System. See CBC-180008, Staff Process of Initial Application; LDOE may also take the same steps as below upon receiving updated criminal history, sex offender information, and/or the state central registry information.

a. The CCCBC System will automatically notify LDOE when DCFS changes a person that has provisional or eligible status to a ‘Not Clear’ in the CCCBC System.

B. Determination of eligible, indeterminable, or ineligible is a decision reserved for the Program Manager, Program Specialists, or the Program Manager’s assigned proxy.

There are several determinations that may be selected for the applicant's CCCBC, which are:

- a. Final Determination: Eligible
 - b. Final Determination: Ineligible as a child care staff member per BESE B137 §1805 A-C or B139 §310 and §311(A)(5)
 - c. Final Determination: Ineligible as an "owner/director/director designee of a Type III centers" per BESE B137 §1805 A-D.
 - d. Temporary Determination: Provisional
 - e. Final Determination: Indeterminable
 - f. Final Outcome: Expired
- C. The supervisor will issue a determination based on the responses received by LDOE from other partnering agencies.
 - D. If any of the responses received by LDOE contain an offense that is prohibited by law (BESE Bulletin 137, §1805 or B139 §310 and §311(A)(5)) the supervisor may issue a final determination of Ineligibility for Child Care purposes as a child care staff member or as an owner/director/director designee, whatever the case may be.
 - i. Prior to making the final determination the supervisor may, at their discretion, contact the issuing agency, clerk of court, district attorney, or other available resources in order to ensure the offense is accurately reported.
 - E. When the determination is made within the CCCBC System an email notification is automatically issued to **the applicant and the associated provider(s)**. This email only states that there has been a status change.
 - F. Upon logging in, the provider and applicant can view the determination for the applicant and see the Notice of Ineligibility (NOI). This notice does not disclose the prohibited offense(s). It only states that the person is ineligible and shall not be on the premises.
 - G. The applicant receives a Notice of Ineligibility for the Applicant (NOIA) via US Postal Services which provides details of the prohibited offenses, LDOE contact information, and appeal information. The notice in the System does not contain details of the prohibited offense(s). This letter is placed in a blue envelope so as to not be scanned by LDOE staff if the letter is returned.
 - H. The Supervisor contacts the Division of Licensing after issuing an ineligibility determination if the applicant was a current employee or otherwise presently associated with the center.
 - a. The supervisor only discloses the applicant's unique identification number and provider information. The applicant's name is not disclosed via email and the Division of Licensing uses the CCCBC System, Licensing Report tool, to locate the person's name, as necessary.
 - I. If the applicant is not associated with any center at the time the determination is made, the Division of Licensing is not notified, nor is any provider. This ensures the privacy of the applicant.