



Licensing
Division of Programs
P. O. Box 3078
Baton Rouge, LA 70821

(O) 225.342.9905
(F) 225.342.9690
www.dcfsl.a.gov

Bobby Jindal, Governor
Suzy Sonnier, Secretary

July 26, 2012

RE: Criminal Background Check
Requirements for DOE Staff

Dear Child Care Provider:

The Department of Children and Family Services (DCFS), Division of Programs, Licensing Section is committed to providing protection and safety for children placed in licensed child care settings. Beginning with the 2012-2013 school year, there are new changes concerning the criminal background check (CBC) procedures for Department of Education (DOE) staff working in licensed child care facilities. This letter contains important information that will assist you with complying with licensing standards regarding CBC requirements for DOE staff. It is imperative that you review this information.

In the past, child care providers either ran a CBC for DOE staff under their child care facility's name or the DOE staff person obtained their own "right to review" CBC from the Louisiana State Police. These two methods of obtaining CBCs for DOE staff are still acceptable. Please be reminded that the "right to review" CBC expires one year from the date of issuance.

Now, a third option is also available. DOE staff (employees or representatives of a school district) may present child care providers with an original, completed, signed, and notarized affidavit. For the first school year that DOE staff provides services to a child at the child care facility, DOE staff may present to you an original, completed, signed, and notarized affidavit (sample attached) upon arrival at the child care facility.

You will need to view the original affidavit presented by DOE staff and keep a copy on file at the facility. This affidavit will be acceptable for the entire school year noted in the text of the affidavit and expires on May 31st of the school year. For example; if the affidavit notes the 2012-2013 school year, the affidavit expires May 31, 2013.



For the following school year, the DOE staff may present to you a new affidavit or may present an original, completed, and signed letter (sample attached). The letter is acceptable only if:

- the DOE staff person has remained employed with the same school district as noted in the affidavit that you have on file,
- you have maintained a copy of the affidavit , and
- the letter is presented on school district letterhead.

Note: The letter is acceptable ONLY in conjunction with the affidavit.

You will need to view the original letter presented to you by DOE staff and keep a copy on file at the facility. This letter will be acceptable for the entire school year noted in the text of the letter and expires on May 31st of the school year.

A Licensing deficiency regarding CBCs shall be cited for DOE staff for the following reasons:

- you failed to have a satisfactory CBC, a current "right to review" CBC, or a current, completed, and notarized affidavit on file,
- you have a current, completed, and signed letter on file, but failed to have a copy of the affidavit from the previous school year,
- you accepted a letter that was not on school district letterhead,
- you accepted a letter that was not completed, or
- you accepted a letter that was not signed and dated by the superintendent or superintendent's designee.

If the DOE staff also works as a child care staff person, you must run a CBC for that person or they must obtain a "right to review" CBC for child care purposes. The affidavit and letter are only acceptable when the individual is working on the child care premises performing school district business.

It is your responsibility to ensure that you receive the appropriate CBC documentation from DOE staff prior to them providing services to children on the child care premises and that this documentation is available for Licensing Section staff to review. If the above-noted CBC procedures are not followed, a deficiency will be cited that may lead to revocation of the license. It is imperative that an individual is not allowed on the on the child care premises without the proper documentation and that you maintain that documentation for review by Licensing

Section staff. This deficient practice seriously endangers the safety and well-being of children receiving services in your facility and is deemed unacceptable by DCFS.

Compliance with CBC requirements significantly impacts the licensing and regulation of child care facilities. We believe that the strict enforcement of laws requiring CBCs will help to protect the children in licensed child care facilities and we are grateful to you, the provider community, for your partnership and for working with us to advance this goal.

It is very important that you routinely access the Department's website for new licensing information and updates from the DCFS Licensing Section. In order to access this letter, go to the DCFS website at www.dcfs.la.gov, then select Service Providers, then select Important Updates for Child Day Care Providers or Important Updates for Residential Care providers. Computer access is available at all public libraries.

If you have any questions regarding this information, contact a Licensing Section Program Coordinator at (225) 342-9905.

Sincerely,



Angie Badeaux, Director
DCFS - Division of Programs
Licensing Section

(Letter shall be place on school district letterhead)

To: Child Care Provider:

I am the Superintendent/Superintendent's designee for the
_____ School District.

_____ is an employee and/or representative of the school district for the _____ (ex. 2012-2013) school year and is not employed or contracted on an emergency basis nor pursuant to written approval of any district judge or district attorney under to La. R.S. 17:15(A). As a prerequisite of employment and/or representative status, he/she underwent a criminal background check pursuant to La. R.S. 17:15 and La. R.S. 15:587.1. I certify that, according to that criminal background check, he/she has not been convicted of, or pled guilty or nolo contendere to, any of the criminal offenses set forth in La. R.S. 15:587.1(C).

I will notify the Director of the Licensing Section in writing if employee and/or representative named above receives a hit during the school year which nullifies the affidavit and/or letter.

Superintendent/Superintendent's designee signature

Date

PARISH OF _____

STATE OF LOUISIANA

AFFIDAVIT

BEFORE ME, the undersigned Notary Public personally came and appeared _____, who after being duly sworn, did depose and say that:

1. He is the Superintendent/Superintendent's designee for the _____ School District. (hereinafter referred to as "the school district").
2. _____ is an employee and/or representative of the school district (hereinafter referred to as "the employee") for the _____ school year and is not employed or contracted by the school district on an emergency basis nor pursuant to written approval of any district judge or district attorney pursuant to La. R.S. 17:15(A).
3. As a prerequisite of employment, the employee and/or representative underwent a criminal background check pursuant to La. R.S. 17:15 and La. R.S. 15:587.1.
4. According to that criminal background check, the employee and/or representative has not been convicted of, or pled guilty or nolo contendere to, any of the criminal offenses set forth in La. R.S. 15:587.1(C).
5. He/She will notify the Director of the Licensing Section in writing if employee and/or representative named above receives a hit during the school year which nullifies the affidavit and/or letter.

SWORN TO AND SUBSCRIBED, before me, the undersigned Notary Public, on this _____ day of _____, 20____, in _____, Louisiana.

AFFIANT

WITNESS

WITNESS

NOTARY PUBLIC