

*131<sup>st</sup> Legislature*  
*Senate of*  
*Maine*  
*Senate District 2*

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**LD 2107, "An Act Regarding Department of Education Reliance on  
Criminal Background Checks Required by the  
Department of Health and Human Services"**

**Joint Standing Committee on Education and Cultural Affairs  
January 24, 2024**

Senator Rafferty, Representative Brennan and Distinguished Members of the Joint Standing Committee on Education and Cultural Affairs:

I am Trey Stewart and I represent Senate District 2, which includes several communities in Aroostook and Penobscot Counties. I am here today to present LD 2107, "*An Act Regarding Department of Education Reliance on Criminal Background Checks Required by the Department of Health and Human Services.*"

I was approached by folks in my district who shared with me their frustrations with people who work with public schools and, say, after school child care and their challenge with simultaneously obtaining credentials to work with the children. I understand that two different checks are required and oftentimes there is great lag time between both checks being completed so employees can get to work.

This measure before you would require that when a background check must be obtained for the issuance or renewal through the Department of Education (DOE) and the same person needs to have a background check through the Department of Health and Human Services (DHHS), the DOE Commissioner must rely on the background check information obtained by DHHS.

It's my understanding that sharing data among different agencies is prohibited by the Federal Bureau of Investigation; however, I would ask this Committee to explore ways to somehow coordinate the efforts – both from a workforce perspective as well as a cost savings.

Duplicating these background and fingerprint checks is very costly to individuals working in licensed child care programs having to pay for a second round of background checks. The fee for this duplication is a \$55 processing fee per person. Licensed child care programs operate on very thin business margins and duplicating background checks creates an unnecessary financial hardship if they are to help their staff with the expense. Child care teachers in Maine average around \$15 per hour in wages and passing on this duplicative expense can be a hardship to the individual. DHHS background checks for licensed child care staff are funded through the federal

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Child Care and Development Block Grant. DOE background checks are paid for by the individual staff or the program if they choose to incur the expense.

Approximately 24% of Maine's public preschools are in partnership with a Head Start agency, local child care or private preschool program. These partnerships already meet the background and fingerprint requirements of the Department of Health and Human Services, which exceed the requirements of the Department of Education. It seems to me to make common sense that these checks could work in concert with each other. My challenge to you would be to implement a solution.

I believe other folks who will offer testimony will be able to share with you their personal experiences of obtaining both DOE and DHHS criminal background checks. This will provide you with an understanding of why I submitted this bill and why a solution is needed.

Thank you for your time and consideration.