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**Testimony to the Education and Cultural Affairs Committee
by Sue Powers
On Behalf of Maine Community Action Partnership
In Support of LD 2107, An Act Regarding Department of Education
Reliance on Criminal Background Checks Required by the
Department of Health and Human Services**

January 24, 2024

Representative Brennan, Representative Sampson and members of the Education and Cultural Affairs Committee, my name is Sue Powers, and today I am representing Maine Community Action Partnership in my role as an early childhood education consultant to Maine Head Start and Child Care programs. MeCAP is a network of ten Community Action Programs from across Maine, nine of which are federal Head Start grantees working in partnership with public school and child care across communities to meet the comprehensive needs of families.

I submit this testimony in support of LD 2107, An Act Regarding Department of Education Reliance on Criminal Background Checks Required by the Department of Health and Human Services. I want to thank Sen. Stewart for bringing forward this issue that is impacting the work of early childhood professionals and programs.

This bill allows for when a criminal history background check of a person is required for the issuance or renewal of a teaching or educational personnel credential, and that person was subject to a criminal history background check by the Department of Health and Human Services, the Commissioner of Education must rely on the criminal history background check information provided to the Department of Health and Human Services by the Maine Criminal Justice Information System and the Federal Bureau of Investigation.

LD 2107 will support a background check system that builds efficiency and eliminates duplication of efforts between Department of Health and Human Services (DHHS) and the Department of Education (DOE) while also ensuring the safety of children and the community. The bill asks the commissioner of DOE to accept DHHS fingerprinting and not require individuals to undergo a second background check/fingerprinting appointment. This unnecessary step that is currently required bogs down an already stressed system and is creating workforce challenges.

One may ask, why should DOE be required to accept the DHHS background check report and not the other way around. The answer is that the DHHS background check, which is set in Child Care Development Block Grant funding federal standard, requires additional checks not required by DOE. Those checks include sex offender registry, DHHS substantiated cases, and the same checks from any states the person has lived in for the last five years. These additional checks add to the level of depth to the background check, making it a more comprehensive background check.

In practice, this doubled up system creates barriers in this way: Head Start programs regularly partner with public schools in the provision of Public Pre-Kindergarten (Pre-K). These partnerships have many benefits and support high quality early education and comprehensive services in public school settings. In these partnerships, classroom and transportation staff from both partners must have the DHHS and DOE background checks to meet standards for DOE credentials, Head Start and child care licensing.

Requiring education staff to have both background checks also over-burdens the very limited contracted resource performing the background checks. For example, a new employee entering a partnership classroom must book two appointments for background checks, one each for DOE and DHHS, and both appointments require a set of fingerprints. This means that a new partnership classroom would reserve four appointments for two new staff to have background checks, and so on, clogging the system.

In Aroostook this past fall, there was another perfect example of how this misaligned system created unnecessary roadblocks to open a new after-school child care classroom. ACAP tried to open an after-school classroom to meet the community need following the closure of a large child care center in the community. The local school district provided space and DHHS prioritized licensing so the families in need would have care at the beginning of the school year. With a challenging workforce, the school district offered interested school ed techs the opportunity to work at the ACAP afterschool program. Upon finding that the DOE background checks did not meet the DHHS requirement, they tried to set up appointments for fingerprinting for the DHHS checks. Appointments were being booked five weeks out, causing a significant delay in opening the classroom. The delay was not the only concern, the difference in background checks also meant some staff might not pass the new set of requirements.

Background check requirements for DOE and DHHS lack alignment and therefore create disruptions and barriers in partnership work. We all want safe environments for our children including people who are deemed safe to work with them. One system could provide this for all of Maine's children. Can we examine why this has not happened in the past and eliminate the barriers that currently exist and are preventing it now? Alignment in these systems would support the development of public school partnerships, support the workforce and eliminate duplication of work, taking time away from the important work of educating young children.

Thank you for your consideration and for your commitment to serve the people of Maine.