



Testimony of Rita Furlow
Maine Children's Alliance
Before the Joint Standing Committee on Education & Cultural Affairs
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

Senator Rafferty and Representative Brennan, and esteemed members of the Joint Standing Committee on Education and Cultural Affairs, my name is Rita Furlow. I am the Senior Policy Analyst at the Maine Children's Alliance. I am providing testimony in favor of LD 2107, *An Act Regarding Department of Education Reliance on Criminal Background Checks Required by the Department of Health and Human Services*. The Maine Children's Alliance is a statewide non-partisan, non-profit research and advocacy organization whose mission is to promote sound public policies to improve the lives of children, youth, and families in Maine.

It is our responsibility as adults to foster the healthy development of children. Maine's early childhood programs exist to provide children with the essential stable, nurturing relationships and experiences that build strong foundations for their growth. Primary to all of that is our children's health and safety. That is why background checks for individuals, particularly fingerprint background checks, are so important. They serve to filter out those individuals who should not be working with or caring for children.

In 2014, the federal Child Care Development Block Grant (CCDBG) was reauthorized by Congress and included significant new background check requirements for those providing child care services.¹ Following the promulgation of federal rules in 2016,² Maine passed legislation to comply with the federal law in 2016³ and 2018.⁴ Maine's Department of Health and Human Services issued final rules relating to the background checks in 2022.⁵

Funding from the block grant supports Maine's child care subsidy system, the state's licensing of child care facilities, and Maine Road to Quality, the state early childhood professional development system. Maine's Office of Child and Family Services within the Department of Health and Human Services is responsible for the implementation of the federal child care block grant. Maine utilizes funding from the block grant to pay the cost of the federal background checks requirements for child care staff.

¹ Child Care and Development Block Grant (CCDBG) Act of 2014 ([Pub. L. 113-186](#))

² Child Care and Development Fund (CCDF) Program ([5 CFR 98](#))

³ [PL 2015, c. 497](#).

⁴ [PL 2017, c. 457](#).

⁵ [10-148 C.M.R. ch. 34 \(effective May 12, 2022\)](#).

Maine's Child Care Provider Background Check Licensing Rule mandates that all staff meet the following requirements as part of the fingerprint background check:

- D. **Components of a comprehensive background check.** The following registries, repositories, and databases will be checked for each individual for whom a background check is requested, with the mandatory use of fingerprints as described below:
1. National Crime Information Center (NCIC) National Sex Offender Registry and Federal Bureau of Investigation (FBI) fingerprint check using Next Generation Identification.
 2. In the State where the individual resides: State Child Abuse and Neglect registry/ database, State Bureau of Identification (SBI) or comparable State agency's crime repository with fingerprints, and State Sex Offender Registry.
 3. In each State where the individual has resided for the previous five years: State Child Abuse and Neglect registry/ database, SBI or comparable State agency's crime repository with or without fingerprints, and State Sex Offender Registry.⁶

Unfortunately, for a number of staff of early care organizations that work across child care, Head Start, and public preschools, navigating the different background check requirements is difficult and time consuming. This is particularly true for those in more rural locations where accessing the fingerprint system requires long trips to other parts of the state.

Maine is facing a significant lack of available early care and education staff across the state to meet the needs of children and families. We believe it is important for our state systems to work together to improve coordination and align systems. For example, we want to encourage partnerships between organizations that provide child care, Head Start, public preschool, and Child Development Services. We would like to see programs where children can remain in one location to eliminate disruptive transitions. For this to work in a seamless way that benefits children, we need to improve system components such as fingerprinting.

We want to emphasize that we do not advocate for any changes to law or rules that would weaken protections for children. We recognize that streamlining the background check system is difficult because of conflicting statutory provisions and federal requirements. While we can't change federal law, we can examine state law and administrative requirements to improve alignment of systems, improve practices, and eliminate duplication.

⁶ [10-148 C.M.R. ch. 34, § 3\(D\) \(effective May 12, 2022\).](#)

We urge the committee to review a recent report from the Interagency Task Force for Child Safety that was created by Congress in 2021 as a result of the Child Care Protection Improvement Act (CCPIA), which was signed into law on December 31, 2020.⁷ The law required the U.S. Department of Health and Human Services to establish the Task Force to examine research regarding CCDBG's child care background checks and to identify, evaluate, and recommend best practices and technical assistance to support federal and state agencies in fully implementing the requirements of CCDBG.

The Task Force consulted with stakeholders to identify implementation challenges and potential solutions and submitted a report to Congress with findings and recommendations. This report provides an excellent history of the issues relating to the CCDBG background check process and examines issues facing states across the country, along with recommendations to states and Congress.

We urge the committee to examine solutions to improve the background check systems to better serve children, families, and the staff that support them. Thank you for your attention and consideration.

⁷ [Pub. L. 116-279](#)