

Background Check FAQs

- **365 Day Form**

You may NOT use the 365-day form to meet the new fingerprinting requirements. To enroll in the federal rap-back, providers must get fingerprinted for both the state and federal background checks.

- **Authorization Numbers:**

Please see our website for the appropriate authorization number for your regional office - http://earlychildhood.marylandpublicschools.org/system/files/filedepot/3/criminal_background_requirements_and_process.pdf.

- **Do centers, LOCs, and large family child care homes need to put both the agency and center authorization number?**

Yes.

- **If you are charged twice because two authorization numbers are used is the State reimbursing for both?**

Yes. Although if this happens, please contact TJ Bennett immediately at tabatha.bennett@maryland.gov with the vendor name, the location of where you were printed, the name of the person who did the printing and when the printing was done. There should **NOT** be an extra charge for using two authorization numbers.

- **Do staff in child care centers/LOC's/large family child care homes get printed by their last name, or the facility name?**

Staff get printed under the facility name. Centers/LOCs/LFCCHs should hold their reimbursement requests until ALL staff are printed. You must submit the required documentation by the due dates indicated on the schedule. Once the reimbursement request is submitted, we will not accept another request from the same facility.

Clarification added 11/6/17 – We are accepting ONE invoice per Federal Tax ID or social security number.

Clarification added 12/6/17 regarding proper reimbursement submission:

- A. The W-9 is a requirement for everyone
- B. Staff roster including the position everyone holds. For family child care providers, list residents of the home, substitutes, etc.
- C. Receipts from the fingerprint vendor that lists the individual and the unique CJIS Reference Number or Tracking Number (or a copy of the fingerprint certificate. It also lists date printed, the CJIS Tracking Number and the individual's name).

- D. The invoice from the website, or one that contains all information required on the website form. Please note the word 'required'. If it's on there, we need the information.
- E. Every name must match. The name on the W-9 must be identical to the name on the invoice. We also have to check an internal payment screen to ensure the name associated with the FEIN/Social Security number matches the other documents. If all three screens do not match, we will have to return the packets for correction.

For family child care providers, this means that if you are using your social security number, the W-9 and the invoice must have your legal name. If you registered your business and are using the legally registered doing business as (DBA) name and a federal Tax ID then the W-9 should have your federal Tax ID number, your name and the legally registered DBA name. If you use a name such as "Jane Doe's Day Care" and that is not legally registered, do NOT put that name on the invoice or the W-9. We will have to return the package for correction.

For child care centers, you must use the legally registered name used when applying for the federal Tax ID. For example, if the FEIN is associated with an umbrella corporation (TJ's Flights of Fancy), but you operate under a different name (TJ's Dragon Cave) then you MUST use TJ's Flights of Fancy on all paperwork.

- **Program names that begin with 'The'.**

Drop 'The' from the program name. Follow the fingerprint schedule for the letter of the alphabet that corresponds with the first letter of the next word in the name. For example: *'The Best Child Care Place on Earth'* would get printed with the 'B' group.

- **International Fingerprinting Requirements**

People who have lived in a foreign country during the past five years are not required to check the international background records. They must still apply for Maryland state and federal background checks.

- **National Fingerprint File (NFF) participating States**

We determined that for States participating in the NFF program, an FBI fingerprint check satisfies the requirement to check both the FBI fingerprint database and the requirement to search the State's own criminal history record repository. For States participating in the NFF program, a separate search of the State criminal history record repository is not necessary as this type of search is performed prior to forwarding the fingerprints to the FBI as part of the NFF participation requirements.

The same is true for the interstate background check requirements: we have determined that an FBI fingerprint check also satisfies the requirement to perform an interstate check of another State's criminal history record repository **if** the responding State (where the child

care staff member has resided within the past five years) participates in the NFF program. It is unnecessary to conduct both the FBI fingerprint check and the search of an NFF State's criminal history record repository.

However, if a State does not participate in the NFF program, separate searches of both the FBI database and the State's criminal history record repository are required. For these non-NFF States, there is no measurement for the percent of duplication between the State and FBI databases, and therefore both are required, as indicated in the CCDBG Act. Additionally, searches of non-NFF State criminal history repositories are required if the individual has resided in a non-NFF State within the past five years.

Please visit <https://www.fbi.gov/services/cjis/compact-council/interstate-identification-index-iii-national-fingerprint-file-nff> to learn which states participate in the III/NFF PARTICIPATION. There are 20 states; Maryland is one of the 20.

- **Nursery school staff**

Must be printed. This applies to nursery schools even if the school is not required to be licensed and only holds a certificate of approval.

- **Non-paid substitutes**

Substitutes, whether paid or not, must be printed. Anyone who has unsupervised access to children is required to be fingerprinted. We will also reimburse the costs for these people to get printed.

- **Out-of-State Background Check Requirements**

Out-of-State residents are not ONLY seeking to obtain a criminal background check. They must ALSO obtain information on the State sex offender registry, and a child protective services check! See items i, ii, and iii, below.

People who live(d) outside of Maryland (currently or during the past 5 years) must contact the state where they live(d) to find out what that state requires to get the information to MSDE. Child Care Aware has developed a list of each state's fingerprinting and CPS agencies. <http://childcareaware.org>

Here is the actual language from the Rules:

... we are consolidating the list of required components in the regulations at § 98.43(b) to:

*1) A Federal Bureau of Investigation fingerprint check using Next Generation Identification;
2) A search of the National Crime Information Center's National Sex Offender Registry; and
3) A search of the following registries, repositories, or databases in the State where the child care staff member resides and each State where such staff member resided during the preceding 5 years:*

i. State criminal registry, or repository with the use of fingerprints being required in the State where the staff member resides, and optional in other States; (meaning a name-only check will do...but we'd prefer the fingerprint check when possible).

- ii. State sex offender registry or repository; and
- iii. State-based child abuse and neglect registry and database

The federal rule provides this guidance on how a closed-record state may submit the information to Maryland: *The closed-record State may give the background check results directly to the individual to relay to the requesting State. States are required to respond to other States' requests for background check requests, and when a State is giving the results directly to an individual, that State must have a process in place to inform the requesting State.*

As long as you live out-of-state and work in Maryland child care, you MUST repeat this procedure every FIVE (5) years to comply with the federal mandate!

- **Is MSDE reimbursing for the additional out-of-state prints?**
Yes.
- **If we ask a fingerprinting vendor to come to our facility to print staff and they charge an extra fee, will MSDE reimburse the fee?**
Yes. However, please contact TJ Bennett (tabatha.bennett@maryland.gov) immediately if you are quoted a price per person over \$75. We are not limiting the reimbursement amount per person, but we need to be aware if charges are that high. Please let us know who the vendor is and to whom you spoke when you contact us.
- **Payment**
Depending on the number of invoices requiring processing during any given period, providers can expect reimbursement within 45-90 days of a complete and correct reimbursement package. Reimbursement will be quicker for those who enroll with Maryland's Comptroller to accept electronic benefit transfers. The website for the Comptroller's office is:
http://comptroller.marylandtaxes.com/Vendor_Services/Accounting_Information/Electronic_Funds_Transfer/
- **W-9 Form**
You MUST submit the W-9 with your reimbursement package. Here is the link to the form:
<https://www.irs.gov/pub/irs-pdf/fw9.pdf>

Clarification added 11/6/17 – This form contains the exact information they need to enter a new vendor into the FMIS system. The information is not going to the IRS; we are using it for internal purposes only.

We cannot help you answer any of the questions on the W-9 form. When you applied for the federal Tax ID, you had to choose what type of organization you were going to be. Our best advice to you is to find your original paperwork from when you applied for the Tax ID or contact the IRS for assistance.

- **Staff lived in another state but did not work in child care**

These staff must still meet the requirements of the reauthorization. See out-of-state background check requirements section above.

- **Where can I get printed?**

See <http://dpscs.maryland.gov/publicservs/fingerprint.shtml>.

- **Who must be printed:**

The Act states that a child care staff member means an individual who is employed by a child care provider for compensation; **or** whose activities involve the care or supervision of children for a child care provider **or** unsupervised access to children who are cared for or supervised by a child care provider. This definition, like the definition of child care provider, is broad. It encompasses not only caregivers, teachers, or directors, but also janitors, cooks, and other employees of a child care provider who may not regularly engage with children, but whose placement at the facility gives them the opportunity for unsupervised access. Given that these individuals are employed by a child care provider, they are included in the statute's definition. Therefore, it is important that they also complete a comprehensive background check in order to ensure and protect children's safety.

- **Volunteers**

If a volunteer is on the staffing pattern, used to meet staff/child ratios, or is ever left alone unsupervised with children, they must be fingerprinted. The only exception is parents who are providing chaperone services on field trips.

- **Fingerprinting Schedule Problems**

If you attempt to schedule a fingerprinting session and find a vendor cannot accommodate you within the timeframe required by the rollout schedule, email TJ Bennett at tabatha.bennett@maryland.gov and explain the situation. She will decide where best to fit you in the schedule to allow for sufficient time for printing and invoice submission. This is especially important for those in the A-D group!

Remember, invoices **MUST** be submitted in the timeframe requested or they will not be processed. However, we are doing our best to make this as easy and non-aggravating as possible, so, when in doubt, contact TJ and explain the situation. She will make every attempt to accommodate reasonable requests.

11-2-17 Updates

Part-time residents of a family child care home

- **If a child of a provider is attending college out of state, do they need to be printed in that state?**

There are several issues to consider related to this question.

1. Does the provider claim the child on their income taxes? If yes, then no. The child is considered a Maryland resident.

2. What state is listed as the child's legal residence? If the legal residence is Maryland, then they need Maryland prints.

- **Does an 18-year-old need to be fingerprinted if they live in PA during the week but live at a Family Child Care home on the weekends?**

This question is similar to the one above and the answers are the same. If the child is claimed on the Maryland provider's taxes then yes, the child needs to be fingerprinted. If the child is listed on the provider's paperwork as a resident of the home, they must be printed.

11-8-17 Updates

- **Children under the age of 18**

If a child is a resident of a family child care home and is nearing the age of 18, or will turn 18 during the time when the provider has to submit their reimbursement package, will the State reimburse the cost of that child being printed?

We cannot "require" that the child be printed but if you voluntarily choose to have them printed, you will be reimbursed. Remember, you must meet the required deadline for reimbursement.

- **Federal Rap-Back Live or Not Live?**

The technical answer is that the federal rap-back program is not yet live in Maryland. However, because of our federal mandate to have everyone printed/re-printed, Maryland CJIS put procedures in place to allow us to start getting child care providers printed now. The easiest way to avoid this confusion is for providers to tell the fingerprint operators they are being printed for child care and not to mention the Rap-Back program at all.

- **Receipts**

Receipts must have a date no earlier than September 22, 2017 or we will not accept them for reimbursement. Please ensure the date is clearly legible before submitting it. If the date is not on the receipt, or is cut-off, ask the fingerprint operator to handwrite it on there and initial it.

- **May we submit reimbursement packages earlier than our deadline date if everyone is printed?**

Yes. You may always submit your reimbursement packages early. Just remember that once we process the package, you will not get a second opportunity to request additional reimbursements so be sure everyone is printed before you submit the documentation.

- **Rejected prints**

If you receive notification that your Livescan prints are rejected, you must contact the fingerprinting vendors to determine who can do an ink print and submit ink fingerprints. We know of two who can do this – there may be others. The Storefront location at 6776 Reisterstown Road, Baltimore, MD 21215 located near Vital Records and Safehire Solutions (240-375-7601) 180 Main Street in Prince Frederick.

Take the initial rejection letter with you to the vendor who is doing your ink prints. This will supply them with the tracking number they need. Anybody rejected for bad prints must be rejected TWO times under the same tracking number. After the second rejection we can do a name and date of birth search with the FBI.

If that second print is also rejected, you take the rejection letters to your physician and get a physician's note that indicates you are unable to comply with the fingerprinting requirement because of the quality of your fingerprints. You will have to renew the physicians note every **FIVE** years to comply with the federal statute.

- **How to correct the invoice in the authorization number column: (Thank you, Barbie Bennett!)**

The CJIS Reference Number column can come up with a dollar sign, commas, and .00 on the end. Please see below for the steps to take to correct the form:

- Highlight E 14-34
- Right click
- Click on Format Cells

Do the following edits

- Number- unclick "use 1000 separator"
- Currency- Click None
- Custom- Click 0
- Click Ok to save changes