

Big Sandy Area C.A.P., Inc. - HEAD START
Program Policies and Procedures

SUBJECT:

Background Checks and Selection Procedures

POLICY:

Head Start will comply with required background checks and procedures for selection of staff.

- *This policy relates to [Head Start Performance Standards 45 CFR Part 1302.90](#)*
- A. The program will ensure that before a person is hired, directly or through contract, including transportation staff and contractors, an interview is conducted, references are verified, a sex offender registry check is conducted and one of the following is obtained:
1. State criminal history records, including fingerprint checks; or
 2. Federal Bureau of Investigation criminal history records, including fingerprint checks.
- B. The program will ensure that the background check process is completed no more than 90 days after an employee is hired by obtaining:
1. Whichever check listed in section A above was not obtained prior to date of hire; and
 2. Child abuse and neglect state registry check, if available.
- C. The program will ensure that the information found in each employment application and complete background check is reviewed to assess the relevancy of any issue uncovered by the complete background check including any arrest, pending criminal charge, or conviction and that Child Care and Development Fund (CCDF) disqualification factors described in 42 U.S.C. 9858f(c) (1)(D) and 42 U.S.C.9858f(h)(1) are used to determine whether the prospective employee can be hired or the current employee must be terminated.

- D. The program will ensure a newly hired employee, consultant, or contractor does not have unsupervised access to children until the complete background check process described in sections A through C above is complete.
- E. The program will ensure that the complete background check for each employee, consultant, or contractor is conducted at least once every five years which must include each of the four checks listed in section A & B above, unless the program can demonstrate to the responsible HHS official that it has a more stringent system in place that will ensure child safety.

REFERENCE:

- A. Child Care and Development Fund (CCDF) disqualification factors described in:

- 1. Title 42 United States Code (U.S.C.) 9858f(c) (1)(D)

Has been convicted of a felony consisting of-

- a. Murder, as described in section 1111 of title 18;
- b. Child abuse or neglect;
- c. A crime against children, including child pornography;
- d. Spousal abuse;
- e. A crime involving rape or sexual assault;
- f. Kidnapping;
- g. Arson;
- h. Physical assault or battery; or
- i. Subject to subsection (e)(4), a drug-related offense committed during the preceding 5 years;

- 1) Subsection (e)(4) – Review

Should the Commonwealth of Kentucky allow for a review process, the Commonwealth may determine that a child care staff member (including a prospective child care staff member) disqualified for a drug-related offense committed during the preceding 5 years is eligible for employment, notwithstanding any other disqualification factors. The review process shall be consistent with Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.).

2. Title 42 United States Code (U.S.C.) 9858f (h)(1)

a. Disqualification for other crimes

- 1) Nothing in this section shall be construed to prevent the Commonwealth of Kentucky from disqualifying individuals as child care staff members based on their convictions for crimes not specifically listed in this section that bear fitness of an individual to provide care for and have responsibility for the safety and well-being of children.

Approved by the Policy Council – February 2017