

DELAWARE CRIMINAL BACKGROUND AND CHILD PROTECTION REGISTRY CHECKS TASK FORCE

July 17, 2014

9:00 a.m.

Senate Hearing Room, 2nd Floor, Legislative Hall, Dover, DE

MEETING MINUTES

In Attendance:

Deborah Bagatta-Bowles, YMCA of Delaware
Tania Culley, Office of the Child Advocate
Brendan Kennealey, DAIS
Ellen Levin, Child Protection Accountability Commission
Patricia Dailey Lewis, Department of Justice
The Honorable Ernesto Lopez, Senate
Cabinet Secretary Jennifer Ranji, DSCYF (Chair)
The Honorable Stephen Smyk, House of Representatives
The Honorable James T. Vaughn, Jr., Superior Court

Members of the Public:

Kathleen Amalfitano, Public Defenders Office
Beverly Flannigan, Legislative Aid for the Honorable Karen Peterson, Senate
Teresa Jones, Delaware State Police/SBI
Beth Kramer, DSCYF
Renee Rigby, Delaware State Police/SBI
Cara Sawyer, DSCYF
Kelly Schaffer, DSCYF (consultant)
Maria Schmittinger, Occupational Therapist
Kellie Turner, Prevent Child Abuse Delaware
Shana Young, DOE

1. Welcome and Introductions

Secretary Ranji welcomed members to the meeting. The Task Force reviewed minutes from the June 12, 2014 meeting. The minutes were approved. Secretary Ranji then reviewed the agenda for today's meeting.

2. Report Outs from June Task Force Meeting

Updates from DSCYF

Cara Sawyer provided an update on “ban the box” legislation, HB167. There have been a number of amendments to the bill. The bill makes it unlawful practice for the state to consider the criminal record of an applicant for employment prior to their first interview. After the first interview, if the applicant is qualified, the state may inquire into an applicant’s criminal record. This includes criminal history, credit score and credit history. The state can disqualify an applicant based on criminal record where the exclusion is job-related for the position in question and consistent with business necessity. The nature and gravity of an applicant’s offense, the amount of time that has passed since the offense/conduct, and the nature of the job being sought by the applicant are factors for the decision. Specific carve outs exist for anyone applying for police positions, those with the Department of Corrections, Department of Justice, Public Defenders Office or the Courts, as well as where any position where state or federal statute requires a criminal record be provided at application. The statute further requires the State to include language in all formal solicitations that lay out the information above and encourages vendors to follow the same procedures. The law does have some flexibility, so as not to be an unreasonable hard and fast rule against inquiring into criminal history, but rather allowing it when it is necessary.

Secretary Ranji noted there is a carve-out that says a criminal history is expressly permitted in certain situations. Going forward, the Task Force can consider the impact of any other exceptions. As we talk about recommendations, we can come back to the issue. There is a difference between an applicant’s criminal record having no relevance to a position, versus someone who could be applying for a job working directly with children.

Next, Cara Sawyer provided an update on foreign applicants. After the June meeting Wayne Smith reached out to Christiana Care to find out how foreign applicants' background checks are handled. A background check is run for any non-US citizens, which includes a check through US immigration. For temporary non-immigrants and permanent resident applicants, a background check is run through the Department of State Consular Lookout and Support System. Through the Consular System, database information ensures no convictions exist from another country. Additionally, the visa process itself includes certain checks, including requiring disclosure of prior arrests or convictions. The cost for running checks on a foreign applicant totals \$177.

A Task Force member asked what is the foreign country check. Ms. Sawyer responded that consulates perform a check, though she is not sure what it involves. The US gets clearance from the country where an applicant's visa is from.

Next, Secretary Ranji provided an update on summer camp background checks. The emergency regulation for summer camp checks ends in September. 1,188 checks have been run as of July 10, 2014. Seven ended up being people who had disqualifying criminal backgrounds. Beth Kramer's unit has been doing Child Protection Registry (CPR) checks, which are beginning to wind down. In the past, the Department has heard concerns from camps about the cost and time it takes to get fingerprinting done. For this process the Department took those barriers off of the table, and camps have had positive feedback about the process. Camps feel good about being able to do checks and not having to charge employees and volunteers. This doesn't mean other checks aren't important, and the Task Force will need to balance needs and priorities.

Finally, Secretary Ranji summarized next steps for upcoming Task Force meetings. At the next meeting DSCYF will share its decision-protocol matrix. The Task Force will also have a

discussion about consolidated background checks. At the September meeting we will also begin to talk about recommendations, and at the October meeting we will finish reviewing recommendations. At the November meeting the Task Force will review the draft report.

Private Schools' Background Checks Process

Brendan Kennealey provided an update on what the private schools are or are not doing related to background checks. He noted private schools operate independently and not as a group. After the last meeting, Mr. Kennealey conducted a survey with private schools to capture information relevant to the topics of the Task Force. He acknowledged he is representing the Delaware Association of Independent Schools (DAIS), but some schools surveyed, particularly those part of the Diocese, are not part of DAIS. It seemed helpful to include all of those Catholic schools in the data even though they may not be part of DAIS. 37 out of 40 schools requested for information responded to the survey. The 37 schools represent about 13,000 students. The information provided covers 92% of students in the group. The survey found virtually everyone is doing a Delaware background check. One school said they are not doing checks, and that school has fewer than 60 students. About half of schools surveyed responded that they use the Child Protection Registry as part of their background checks, though confusion between the Sex Offender Registry and the Child Protection Registry may have influenced those results. Salesianum uses the Sex Offender Registry, so they responded no to the question. Some schools may have answered one way or another based on their understanding and there may have been some confusion around the question being asked. Mr. Kennealey stated that the private schools need clarity on the types of checks available and what they are. Most schools use a case-by-case for disqualifying events and most do not have a set list of prohibitions. Most schools report running background checks once every 5 years. Secretary Ranji asked if schools are using

private companies to do the background checks. Mr. Kennealey responded yes. If a new employee is hired, many schools have an outsourced company do the check and then the company shares information back with the school. The company tells the school how the check is being done, but the school does not do it themselves. Cara Sawyer asked what it means if a respondent answered no. Mr. Kennealey responded it could mean a Human Resources person on staff takes care of it. Praesidium is the group that does checks for Salesianum. Secretary Ranji asked if background checks are done through the state process or through the private company. Mr. Kennealey responded that the company is coordinating the checks, but his understanding is the checks are through the state. Salesianum does not fingerprint applicants, but does state and national background checks.

A question was raised to Beth Kramer about whether private companies request CPR checks. Ms. Kramer responded the Department does not run checks on behalf of a third party. The Department tells the company the employer needs to make the request directly. Ms. Kramer noted private companies would charge the employer for CPR checks, when there is no cost charged by the Department to the employer. The way the statute is written, it leans toward the employer making the request. A question was raised about whether or not all private schools in the survey are using a private company. All but four schools surveyed are using a private company. Many are not getting checks through the CPR. DSCYF can search a database to determine who may be requesting checks through the Department. Ms. Kramer believes it may only be a handful. Private companies should be telling schools the CPR check exists and they can do it on their own.

A suggestion was made that private companies are provided information about what they need to do for CPR checks. Mr. Kennealey responded he believes there is confusion about CPR

and the Sex Offender Registry. There is a substantial need for clarification. Secretary Ranji asked if it would be helpful to have one or several of the private companies come talk about what they do for private schools and how. Task Force members commented it would be helpful. Fingerprinting is at the top of the list as being the most important. Secretary Ranji noted private companies' background check process will need to be part of the Task Force report, and it seems most fair to invite them to come in.

Secretary Ranji summarized two key points, the first being the importance of comprehensive background checks. The second is the need for education. We can be helpful to camps and others by providing education about what will have impacts on children's safety. For example, one on one time between a child and an adult (who is not a parent or guardian) should not happen. A second piece to education is informing people about performing background record checks and that hiring a company that says they do background checks is not enough. A comment was made about only tier 2 and tier 3 offenders appearing in the Sex Offender Registry. Tier 1's would not be displayed.

A follow up comment was made that private companies would probably like to have a seat at the table to discuss the issues. The group needs to stay focused on giving schools the opportunity to do background checks themselves.

Mr. Kennealey responded that as a business leader his preference is to hire someone to do something that he doesn't fully understand – for example, background checks. He doesn't want to lock out a private industry, because their services are needed. It is helpful for schools to be able to access experts.

Secretary Ranji made a distinction that it's one thing to say a school's human resources department isn't going to track background checks and is going to have a private company do

them. The second piece, which may be different, is what the private company is doing and who is running the checks. That's where the conversation about what private companies are offering gets more difficult.

A suggestion was made to provide schools a checklist of items they should have checked so they can assess if a vendor is doing what they need. When evaluating vendors, we want schools to know they are doing the right thing.

A question was raised about what schools are not included in the data. Mr. Kennealey responded that there are lots of small private schools. There are 18-20 schools in DAIS plus the Catholic schools. There are others but there is no way to know who they are. Mr. Kennealey noted when the survey was administered they said they would not share school-specific information with the group.

A question was raised about how many Diocese schools are outside the state of Delaware. Mr. Kennealey responded that those schools – schools on the eastern shore of Maryland, which are under the Diocese of Wilmington - were pulled out of the data. The Diocese does the same checks for all schools regardless of whether they are in Delaware or Maryland. A comment was made that DOE should have a list of all private schools, which we can cross reference to see how many schools may not be covered by DAIS.

Secretary Ranji asked how many kids are in private schools. Shana Young from DOE responded about 30,000 and about half are covered by DIAS and Catholic schools. Of school age children, about 30,000 are not in district or charter schools. Some go to schools in Maryland. Secretary Ranji noted we may be able to look at numbers of schools and kids in private schools in Delaware and compare to the list of schools on the DIAS website.

Cara Sawyer asked if questions in the survey were asked the way they are worded in the report. Mr. Kennealey responded yes.

Stewards of Children

Kellie Turner is representing Karen DeRasmo from Prevent Child Abuse Delaware to present about Stewards of Children. Kellie Turner provided an overview of Stewards of Children, a sexual abuse prevention initiative. The program is a collaborative project spearheaded by Prevent Child Abuse Delaware and YMCA of Delaware, with many other partners. Two partners are represented on the Task Force; DOJ and Office of the Child Advocate. Partners have allocated resources to help make the program successful. A Steering Committee oversees the project and there are 26 volunteer facilitators. Prevent Child Abuse Delaware charges \$10 for participants, which covers the cost of materials. The organization has heard positive feedback on the training. Trainees have raised questions about one-on-one time, diapering and other issues to be addressed at their sites. Churches have also asked for help with policies.

Prevent Child Abuse Delaware's goal is to reach 35,000 people by next year. The work started about 4 years ago, and currently 13,000 people have been trained. Most of the trainings have been in person, and the training is also available online. The organization received a grant to provide 10,000 training slots online. Online training may be helpful for schools or others who can't offer in-person training. Stewards was updated last year and the updated training rolled out in January. It is now a two-hour program instead of three. Three hours of training was a barrier, presenting challenges for some people attending. The training has the same content and is more concise. The training addresses three principles – the first being making choices, helping people and communities understand sexual abuse is a choice, and something we are allowing to happen. The training also talks about how important it is to keep children safe and how it is hard to take

risks, such as telling employees or babysitters they need checks. The third principle is to support each other, encouraging people to be comfortable saying their preferences. Once the three principals are addressed, the training talks about five steps to understand what is sexual abuse.

Ms. Turner noted sexual abuse now includes child pornography.

Ms. Turner provided statistics, stating 1 in 10 children are sexually abused by age 18. People we know, love and trust with our children commit 90% of child sexual abuse. Sex offenders are appealing and draw people in. The training also talks about minimizing opportunities, such as not leaving a child alone one-on-one with an adult. It is important to consider factors to make sure kids are safe, such as all interactions needing to be observable and able to be interrupted. Programs serving children should always have open drop in policies for parents as well.

Stewards of Children also helps people understand how to talk to kids about sexual abuse, including proper terminology and how to say no to touches. They help organizations think about policies they may implement. The more people talk about child sexual abuse openly, the more we can change the culture around sexual abuse. The training also teaches people to look for the signs of abuse and how to react responsibly. They talk about disclosure discovery, and what to do for mandatory reporting law. Ms. Turner stated it is eye opening how many people don't know they are mandatory reporters and what to do when there are suspicions. The training also addresses how to teach kids that it's okay to not have touches they don't want. An example was provided about not wanting to hug or kiss someone goodbye.

The Stewards of Children program is set up as a two-part video and discussion with a workbook. Trainees are encouraged to think about one thing they can do differently to protect the kids in their care. People leave feeling empowered. As part of participation, trainees

complete a survey three months after participation to see if there has been behavior change.

Trainees also have access to resources after they have participated in training.

A question was raised about the types of organizations that participate in the training. Ms. Turner responded most have been churches, child care centers, YMCA, camps and after school programs. Other concerned individuals also participate. Stewards of Children has been provided to a few schools but not as many as they would like. A question was raised about whether schools are doing another type of training. Ms. Turner responded there is one school in the state that is fully trained, New Castle County Vo-Tech, and other individual schools have had some training. At New Castle County Vo-Tech new employees get Stewards of Children training. Schools are supposed to be doing mandatory reporting training online, and Stewards may satisfy the mandatory reporting requirement. Heightened mandatory reporting has come out of Stewards. Part of the settlement with the Diocese will be requiring training on Stewards of Children.

A Task Force member asked if the entire Family Court has been trained. Pat Dailey Lewis responded yes. In their office, you cannot continue employment if training is not completed within 6 weeks.

A question was raised about Stewards not meeting mandatory training requirements for schools. Schools are saying if it met the training requirements they would be happy to do it. A follow up question was asked if it is a DOE policy. CPAC has designed mandatory training in conjunction with the DOJ and there are certain modules schools have to take. Statutes say training on mandatory reporting is required. They are also looking at advanced training, and can consider how Stewards might fit in. Statutes say training on mandatory reporting is required. A Task Force member commented the Bar Association has had the training numerous times.

A follow up comment was made that Stewards of Children funding streams end soon and they are looking at how it will be patched together. Secretary Ranji noted Stewards of Children can be integrated into Task Force recommendations, including whether it could be an advanced training and whether funding needs allocated for the program.

Representative Smyk commented this is the first he has heard of Stewards of Children. It sounds beneficial to children. He stated his concern with some of the information being available online. Ms. Turner responded they grapple with that issue. It is helpful to have people at a live training to answer questions. Representative Smyk stated it would be helpful to have a teacher to watch the class being trained. Pedophiles may be in the class. Ms. Turner responded that online training is better than not doing any training. Representative Smyk responded that the training could be an easy target for pedophile to learn more. A Task Force member responded that legislature could be trained. Kids Caucus has been trained and it was well received.

Tania Culley commented that even with all of the background checks, that is not enough. The Task Force report needs to be two-fold and show the background checks process is not enough. A comment was made that 70% of sex offenders don't have criminal history. Secretary Ranji agreed background checks are only small part of what will protect kids. We will also need to list the other things you should think about.

Ms. Turner stated Stewards of Children stresses the need to be vigilant. We need to be looking at each other and be comfortable citing policy. Another question Stewards gets is what if someone is wrong in their suspicions and offends someone. The question should instead be what if you're right.

A question was raised about what teachers are taught about how to report and what if they feel most comfortable coming to an administrator. Pat Dailey Lewis responded that for the State

Police training it is very clear that an individual must report to DFS. DFS makes a decision about whether the report goes to police agency for independent review or joint investigation. The training explains the law clearly and tells people if you have reasonable suspicion, there is an 800 number you must call.

Representative Smyk asked how CAC is involved. CAC sits on the Board and only takes referrals from the State Police. Secretary Ranji noted CAC does forensic interviews of kids. Kids are interviewed once and necessary partners can come observe the interview. Pat Dailey Lewis noted all CAC staff have been trained on Stewards of Children.

Ms. Turner next described the personal safety program for prekindergarten to fourth grade students. Most trainings include 2-3 sessions and all are age appropriate and child friendly. Prevent Child Abuse Delaware goes back to the school every year. Trainings talk to younger kids about feelings, good and bad touches, secrets, and safe people. With third and fourth graders they talk about child abuse and what it is. The importance of sharing feelings and identifying safe adults is stressed. A safe person is someone you see every day, for hours and hours. Someone on the internet is not someone you know. The message is say no, get away and tell someone. Oftentimes predators are people kids can't get away from. The training also talks about definitions of physical abuse and the difference between needs versus wants. Training is based on the belief it is the adult's responsibility to protect children, and children also need information. A perpetrator once shared that if you show him a child without education you have given him his next victim. Sex offenders look for easy targets. Children sometimes feel they can get away from older kids, so the focus is on sharing concerns and feelings with adults.

3. Overview and Discussion of Background Checks

Secretary Ranji introduced Renee Rigby to speak about background check costs. Ms. Rigby described the background check process. The part of having background checks done that takes the most time is processing the criminal history report once results are back. The initial part of the process is when customers come in for process/fingerprinting. That is the most public service at SBI. SBI does not know how many people will come in per day, or how much time each person will require based on the checks being requested. Many checks can be done, and it would be beneficial to have one type of check. The fingerprint process itself does not take long. When prints go through, they are then run through the system. Then, the prints are reviewed and matches are identified. From there, prints are submitted electronically to FBI. FBI then checks their database and sends information back to SBI with identification on the person. SBI makes sure everything looks the same; for example, no identity problems or name changes. Next, a technician runs the identity in the computer system and compares the federal record with Delaware. The purpose is to make sure all records match. They are verifying that FBI has the same charges listed as Delaware's record. If the information matches, the process is easy. Problems arise with old records, or when people have moved. In these instances the charges could appear different between FBI and Delaware, and then a technician has to review the charges. An example was provided of how in the past fingerprint cards were handled manually by officers who mailed the cards in with written charges. Once submitted to FBI, the charge could be different. When information comes back and Delaware and FBI show different information, staff must contact courts and review SBI records to try to determine the correct charge that should be on record. The technician has to decide what is accurate and then update charges on either the FBI side or in the Delaware files. This is the most time consuming part of

the process. SBI verifies state and federal match before sending records to an applicant. Ms. Rigby described that other states, such as Maryland, get their checks back to applicants faster. The reason is that Maryland runs the checks, gets FBI information back and then mails both sets of results to the requestor. They do not take the additional time to verify information matches as we do in Delaware.

Secretary Ranji asked if a significant percentage of records need corrected. Ms. Rigby responded the problem is mostly with older records. Information from the last ten years is generally good as there is now an automated warrant system. Normally it is the older records, before 2000, where the office spends a lot of time trying to determine charges.

Secretary Ranji asked who pays FBI for their checks. Ms. Rigby responded that the cost for background checks for child care providers is borne by the State. State agencies that pay for a state and federal background check are billed through I.V. The fee is \$69 for state and federal. FBI bills SBI monthly for all FBI submissions. Secretary Ranji asked which parts of process are impacted. Ms. Rigby responded that if a teacher comes in wanting a background record check, they know because of law that the person will get state and federal. However, if you come in and are going to work for different type of employer, the person may only receive a Delaware check. Fingerprinting still happens, but the difference is the office does not send the information to FBI. When the information comes back to the criminal history section, the person needs to understand only a Delaware check is being done. Secretary Ranji asked how the information is reported out. Ms. Rigby replied that for school districts the information goes back to the district. For DFS, the information goes back to their office. If receiving federal check information, statutes define whom federal criminal history can be shared with.

Secretary Ranji raised a question about how new checks required in legislation would impact how many people it would take to run checks or what the cost will be. Ms. Rigby responded that Gene Sharp, SBI's fiscal person, should be able to better answer the question. For every 10,000 applicants, 3 criminal history technicians are needed. SBI could probably work with OMB to determine more specific costs.

Representative Smyk asked what happens when SBI receives information from a check showing charges from another state. Ms. Rigby responded that when an FBI result come back and shows charges from another state, they aren't able to do anything to correct the information. If there are questions about the criminal history, normally a technician would contact courts from the state. SBI is only responsible for Delaware regardless of what information comes up from SBI. If charges in one state come from a state but they are not illegal in Delaware then a determination would be made by the employer or agency about how to move forward.

A question was raised about whether private contractors would take the same steps to gather information from other states. Ms. Rigby responded she is not sure. It is unclear what information private contracts are permitted to receive. If a third party calls SBI the office would not release Delaware information to them. Ms. Rigby stated she would assume that to be true for other states. States may refer to public information on their website, but other than that information may not be available.

A follow up question was asked about whether or not SBI deals with private contractors. Ms. Rigby responded that if a private contract handles fingerprinting she's not sure how it is happening. FBI will only release criminal history to you. People cannot send in their fingerprint cards and request the results be sent to a school district, for example. Feedback was voiced that this is another good reason to have private contractors come present to the group.

Feedback was provided that some people's experience has been that a letter can be included with the FBI background check request that specifies results can be sent back to a certain person/employer. Ms. Rigby responded that SBI has been told they cannot do the same. Individuals can get information back and give it to whomever they wish. A Task Force member noted that as a court employee she did not get information directly back herself, and instead the results were sent to Human Resources.

A Task Force member offered to share paperwork non-profits are giving to board members to facilitate background record checks. Secretary Ranji responded that would be helpful. Ms. Rigby stated they have been told by FBI they are only releasing information to the individual. Beth Kramer noted it was reiterated during an audit that information could not be shared unless it is with an authorized agency.

Representative Smyk asked if SBI staff will be able to keep up with the checks given recent legislation. Ms. Rigby responded no, they are short staffed. The legislation just passed with HB98 requires checks for additional medical professions. This change went into effect on July 1. SBI still does not have approval to submit information to FBI. SBI is doing a lot of work to satisfy the public in the meantime. They are manually ink printing and setting cards aside until they have approval from FBI to submit fingerprints. This will start putting SBI into more of a backlog, especially given the high demand from school districts at this time of year.

Secretary Ranji noted the impact is not just money and charging enough to cover the checks. The issue is also staff; having enough slots within the agencies to hire into, as government is getting leaner and leaner. Having positions available is difficult. To add capacity through contractor or casual/seasonal staff has been challenging. Ms. Rigby agreed staffing is an issue. Casual/seasonal staff may be with the agency for 2 years, which is a short time after investing in

hiring and training them. They are difficult to retain, and when staff turn-over they have to start the process over. A question was raised about whether or not SBI is still awaiting authorization from OMB. Ms. Rigby responded yes. Secretary Ranji noted casual/seasonal employees can be a good fit, as they were for getting through summer camp checks this summer.

Next, Beth Kramer described the process for checks through DSCYF. The Department has been doing checks for 8 years. The office started doing 700, and is now up to 7,500 per year of full background checks and 52,000 Child Protection Registry checks per year. The Department has developed effective policies and procedures. Anyone who needs a background record check goes through same process, including child care employees, foster care caregivers, residential staff, etc. Secretary Ranji clarified there are two categories of checks. One is only checking the CPR, which would show people found through civil process to have abused children who are in their care. These individuals may end up criminally convicted as well, or they may not; either way, they stay on the registry. For some groups of employees, the Registry check is the only one run by DSCYF, as the criminal side of the check is completed by SBI.

Ms. Kramer continued her presentation, noting full background checks would include fingerprinting, SBI and FBI checks, as well as the CPR. Individuals are required to complete a consent form. In some cases SBI has the form, and in others the applicant takes the form with them. SBI processes the application and sends results to DSCYF for determination of suitability. The information is then entered into the Department's database tracking system. The Department then processes an automated search of the CPR. Staff look for perpetrator flags – someone who has been substantiated as a perpetrator – and then enter them into the system to link them to the facility the check was requested for. Then if any subsequent requests come in, the Department knows where the person is.

Ms. Kramer described three outcomes that can come of the checks; no record, someone with significant concerns, and very significant concerns. The category a person falls into determines the amount of time spent. 52% of checks produce no records and these take about 15 minutes each to conduct. This includes entering information into the system and running the check. The second group, those with some record, make up about 40% and involves some type of further investigation. This level of check takes about one hour each, as staff investigate further and review Criminal Justice Information System (CJIS) information. If information is missing, they are researching incident reports, and they may also follow up about out of state offenses. Delaware has become much better with reporting disposition information. With other states the information is not always readily available. The third category is individuals requiring significant investigation, and each takes about 10 hours. These applicants represent about 8% the total, and 5% of them are found unsuitable or prohibited.

Ms. Kramer stated that for those getting only a CPR check the process is the same. A check is never conducted without a consent form. DSCYF gets the form back and enters information into the racking system to see if there is a match. 79% of the time there is no match. If the CPR check shows a possible match, the substantiation takes 30 minutes a piece. This represents about 20% of applicants. The system has a scoring methodology that will pick up on inconsistencies like name and social security number. It will then give you a percentage likelihood of match. Next, staff would go into CJIS to do comparisons for date of birth, name and social security number to see if it is the same person. Case notes will also be reviewed. A second review takes place at the supervisor level. In all cases, results are sent back to the employer by letter. A vast majority of letters are e-faxed. DHSS sends information through their own interface to employers. The third category, which represents about 1%, is when there is a CPR hit with

substantiation. These cases follow the same process, and it takes about 1-2 hours for review. Staff have to look at case notes, including modifications, for any related convictions. In order for the Criminal History Unit and DSCYF to do 6,000 CPR and full checks and 2,000 CPR checks for private schools, they would need 4 specialists and 1 supervisor. Ms. Kramer voiced similar concerns as Ms. Rigby related to casual/seasonal employees and the issues around turnover and training. There is a snowball effect when SBI and DSCYF are not fully staffed to support the work.

Secretary Ranji described the CPR, noting it is not a defined list. The Department instead has a database where notes are entered every day for cases. Staff have to search the database to find information. It's not the same thing as having someone search a list for name. She also noted there is growing knowledge about the existence of the CPR. DSCYF does not currently charge for any registry checks. They are run with state resources. For the Department to take on additional work we will have to look at the ability to cover costs.

Mr. Kennealey asked if private schools are allowed to send in applications for checks. Ms. Kramer responded that according to legislation, yes. Mr. Kennealey asked if the form can be shared. Secretary Ranji stated yes and the form will need completed for checks to take place. Ms. Kramer stated the Department has authority to charge a fee to private schools since the CPR check is not required. Mr. Kennealey questioned that legislation is written to protect certain kids but the checks would not be free for everyone. Tania Culley responded that the legislation is written in such a way because while they wanted to require private schools to get CPR checks, the private schools lobbied against making it mandatory. This allowed private schools to still access the checks should they want to do so. Pat Dailey Lewis responded that some schools fought hard against CPR checks and are seeking help because of changing circumstances. Mr.

Kennealey stated the issue of cost is interesting since CPR checks are available but not mandatory for private schools. Secretary Ranji stated the Department knows the level of staffing it will take to do mandatory checks. The Department can't staff to the level that would be required to do checks for everyone who is optional. To cover optional checks the Department would have to charge and use casual/seasonal employees or contractors.

Representative Smyk acknowledged OMB involvement in hiring may be a setback. He asked if needs have passed once approvals come and if something can be done through policy for OMB to do this in a timely fashion. Secretary Ranji responded she envisions not making significant changes until the Task Force recommendations are out. When we get to recommendations, the Task Force can think about what to prioritize because it may not be possible to do everything.

A question was raised about the fee for private schools to get CPR checks. Secretary Ranji responded there hasn't been a fee since not a lot of requests have come in. Eventually the Department will have to charge fee. The Task Force report will need to recommend a fee schedule. Ms. Kramer stated that CPR checks are required in legislation only for new hires. If staff have already been hired we cannot go back for checks. A question was raised about legislation for checks on existing employees. Ms. Culley responded that people who were already hired when the law was passed were exempt. For non-mandatory employees, checks could still be run. Ms. Dailey Lewis agreed there should be a fee schedule. Secretary Ranji stated the fee schedule does not get at the bigger issue, which is staffing.

4. Next Steps

Secretary Ranji noted the next meeting is in September. The agenda will include DSCYF's matrix, discussion of a consolidated background check unit as well as beginning discussions about Task Force recommendations.

5. Public Comment

None.

6. Adjournment

The next meeting date for the Task Force is Thursday, September 11, 2014. The meeting will be held 9:00-11:00am in the 2nd Floor Senate Hearing Room at Legislative Hall.