



Child Care
Services

Licensing Records Office

A Guide to Background Investigations





What is the purpose of the Licensing Records Office (LRO)?

The purpose of LRO is to have a centralized location for:

- State and national fingerprint results to be received
- Individuals and programs to submit criminal history review requests
- Consistent identification of criminal history prohibitions and restrictions

Effective Nov. 1, 2008, changes to the Oklahoma Child Care Facilities Licensing Act required a program's owner, director or primary caregiver to submit a Criminal History Review Request for Programs on form 07LC096E to LRO for background investigations.

Changes to the Licensing Act also require fingerprinting as part of the background investigation process, effective Nov. 1, 2013.





Background investigations are required per Section 401 et seq. of Title 10 of the Oklahoma Statutes (10 O.S. § 401 et seq.), Oklahoma Child Care Facilities Licensing Act.

When are background investigations, including fingerprinting, required?

Effective Nov. 1, 2013, all required individuals must complete the background investigations process including fingerprinting. However, any required individuals already associated with your program before Nov. 1, 2013, will have until Nov. 1, 2016, to be fingerprinted.

At the time a non-required individual becomes a required Individual, that person will need to be fingerprinted. Within seven calendar days of the personnel starting to work, the program submits to LRO a Criminal History Review Request for Programs form (07LC096E).

Refer to licensing requirements and the Overview of Fingerprinting: Processes and Procedures training video for additional information.

Background investigations are more than Federal Bureau of Investigation (FBI) and Oklahoma State Bureau of Investigation (OSBI) fingerprinting. The LRO conducts additional background investigation searches such as:

- Oklahoma State Courts Network (OSCN)
- On-Demand Court Records (ODCR)
- Oklahoma Department of Corrections (DOC): including Oklahoma Sex Offender and Oklahoma Violent Offender registries
- National Sex Offender
- Child Care Restricted Registry (CCRR)/Joshua's List

- Communication with district attorneys' offices, court clerks and local law enforcement

Who must have a background investigation?

1. Owners, prior to authorization to operate
2. Responsible entities, prior to authorization to operate and when there is a change in a responsible entity
3. Personnel applicants, prior to hire
 - The program may hire individuals who are only awaiting the national criminal history records search, based upon the submission of fingerprints, provided the:
 - a. Preliminary criminal history review results from LRO are received by the program; however, until complete results are received, the individual does not have unsupervised access to children
 - b. Completed criminal history review results from LRO are received by the program within 30 calendar days from submission of the fingerprints for employment to continue
 - Personnel who come from another licensed program owned by the same business entity are not required to repeat the background investigation process, with the exception of criminal history restriction waivers, provided there is no break in employment from the business entity
4. Individuals with unsupervised access to children, prior to having access to children, unless an exception per licensing requirements applies

5. Adults living in the facility, prior to authorization to operate or moving into the facility of an existing program; this includes children who turn 18 years of age while living in the facility, unless an exception per licensing requirements applies
6. Individuals who have access to or review of the fingerprint results, prior to access to or review of the results

Refer to the Individual Process section of this publication for foreign country criminal history records information.

Who is not required to have a background investigation?

Please refer to your specific licensing requirements for exceptions under certain circumstances such as:

- Volunteer drivers who transport children on an irregular basis
- Specialized service professionals
- Residents receiving services from programs licensed by Residential Child Care Facility licensing requirements



What is a Qualified Entity (QE)?

A QE meets the criteria and complies with state and federal laws and policies governing the security and confidentiality of national fingerprint results. These laws and policies are referred to as QE standards.

What are the QE criteria?

- A license number has been assigned (applicable to programs only)
- A QE Application and Agreement form (07LC112E) has been completed by the current owner or responsible entity and submitted to LRO
- The individual who signed the form and addendums must have completed the background investigation process, including fingerprinting for access and review, and obtained the LRO-approved access and review training by logging onto CECPD's website (cecpd.org)
- The QE status has not been terminated

When does my program or general administrative office need to become a QE?

Your program or the program's general administrative office must be a QE **before** receiving any fingerprint results from LRO for individuals **other than** the owner or responsible entity who signs the request for license.

How will compliance with QE standards be verified?

LRO will periodically audit QEs to verify compliance with QE standards. In addition, LRO will investigate any reports of QE standards violations.

Your QE may also be audited by the OSBI and/or FBI. QEs must cooperate with audits and investigations conducted by LRO, OSBI and FBI, and **must strictly comply with QE standards in order to maintain their QE status.**

What happens if my QE status is terminated?

Termination of your program's QE status means your program will no longer receive fingerprint results, which may impact your program's compliance with licensing requirements.

If the QE status of a business entity with a general administrative office is terminated, the QE status of all programs owned by the business entity may be terminated.



QE standards are the state and federal laws and policies governing the security and confidentiality of national fingerprint results, such as national Criminal History Record Information (CHRI), complete criminal history review results, dispute resolution documents, dissemination logs, and other documents with national fingerprint result information.

QE Standards Regarding Access and Review of National CHRI

The QE and individuals who have access and review of fingerprint results must:

- Safeguard confidential national fingerprint results from unauthorized use and individuals, including:
 - Physical access to the document
 - Information contained within the document
 - Knowledge of the presence or absence of national CHRI for an individual
- Only allow access to and review of national fingerprint results to a limited number of access and review individuals who:
 - Have been fingerprinted using the access and review fingerprint reason code (74 O.S. § 150.9); the reason code is only used when the individual will be or is likely to be a designated access and review individual
 - Are associated with the QE
 - Are designated by the owner/responsible entity as an access and review individual
 - Have obtained the LRO-approved access and review training

- Inform access and review individuals of QE standards and criminal penalties for some violations, such as:
 - Willful unauthorized disclosure of national CHRI (28 USC § 534; Pub. L. 92-544; and 28 CFR 20.33)
 - Individuals who knowingly procure, utter or offer any false, forged or materially altered CHRI are guilty of a felony, and, upon conviction, are punished by imprisonment in the custody of the Department of Corrections for a period not to exceed five years or by fine not to exceed \$5,000, or by both (74 O.S. §150.9.D)
- Maintain an access and review log that contains:
 - Names of designated access and review individuals, including QE contacts
 - Date the fingerprint results, with the access and review fingerprint reason code indicated, were received by the QE for the access and review individual
 - Date the access and review individual was designated as such, informed of QE standards, and criminal penalties for some violations
 - Date the access and review individual obtained the LRO approved access and review training
 - Signature and date when the access and review individual agreed to:
 - i. Strictly comply with the QE standards
 - ii. The information provided in the log
 - Date the access and review individual was no longer designated as such or when the individual was no longer associated with the program

QE Standards Regarding Request and Use of National CHRI

The QE and individuals who have access and review of fingerprint results must:

- Request and use national CHRI from LRO only for screening individuals for Oklahoma child care purposes
- Verify individual's Social Security number, name, address and birth date when the individual signs the consent on the Criminal History Review Request for Programs form (07LC096E) for the QE to request and receive the individual's national CHRI – this includes:
 - o Comparing provided information to a current, valid, unexpired and unaltered picture identification, such as a driver's license, state identification or other official document (18 U.S.C. section 1028)
 - o Contacting law enforcement, when possible fraud is involved
- Submit the Criminal History Review Request for Programs form (07LC096E) to LRO only for individuals who have signed the consent
- Make final determinations, based upon national CHRI, only after individuals have been given a reasonable time to dispute their national CHRI or have declined to do so; however, during this time temporary actions may be taken to protect children until a final determination may be made
- Make final determinations only after considering any dispute resolution documents received from LRO

QE Standards Regarding Informing Individuals of Their Rights

The QE and individuals who have access and review of fingerprint results must inform individuals of their right to:

- Obtain a copy from the QE of the individual's OSBI and national CHRI, if any
- Dispute the completeness and accuracy of information contained in their OSBI or national CHRI (28 CFR 16.34 and OAC 375:9-1-3.1). In addition, the QE provides the individual with disputing procedures
- Have a final determination (based upon national CHRI) by the QE only after the individual has been given a reasonable time to dispute their national CHRI or the individual has declined to do so; in addition, the QE informs the individual that until a final determination is made:
 - o Unsupervised access to children is prohibited
 - o Temporary actions may be taken to protect children

QE Standards Regarding Dissemination of National CHRI

The QE and individuals who have access and review of fingerprint results must:

- Disseminate national CHRI only to:
 - o The individual whom the information regards, and who has signed a consent (Criminal History Review Request for Programs 07LC096E) for the QE to provide the national CHRI to the individual
 - o The program's general administrative office that is a QE
 - o A program, owned by the general administrative office, where the individual is associated and consent has been specifically given

- Maintain a dissemination log in a secure manner that contains:
 - Statutory authority for dissemination (NCPA/VCA)
 - Date of dissemination
 - Name of the authorized recipient (this is the individual the information is regarding or designated access and review individual)
 - Social Security number or other LRO-approved unique identifier of the authorized recipient
 - Which CHRI was disseminated
 - Means of dissemination, such as in-person or by mail
 - Signed consent (Criminal History Review Request for Programs-07LC096E) from the individual for the QE to provide the national CHRI to the individual

QE Standards Regarding Record Retention

The QE and individuals who have access and review of fingerprint results must retain all records necessary for a QE audit or investigation for the amount of time specified.

Records are kept current and include:

- Signed QE Application and Agreement form (07LC112E), including addendums; retain past QE Contact Addendums for at least 12 months
- Access and review log; retain logs of past access and review individuals for at least 12 months
- Original consents; retain for as long as the individual is associated with the QE or for at least 60 months, whichever is longer

- National CHRI and other documents with national fingerprint results information or notification that an individual does not have a national CHRI as indicated on criminal history review results from LRO; retain for as long as required by the program's applicable licensing requirements
- Any internal policies and procedures regarding physical security of CHRI and confidentiality of CHRI information; written policies and procedures are recommended but not required
- Dissemination log; retain logs of any disseminations for at least 12 months

QE Standards Regarding Storage of National CHRI

The QE and individuals who have access and review of fingerprint results must store national CHRI and other national fingerprint results documents:

- Separately from other records, with the exception of OSBI CHRI, regardless whether the other records are confidential or public
- In a secure records environment, such as a locked file cabinet with only access and review individuals having access to the key
 - o Electronic storage must comply with FBI Criminal Justice Information Services (CJIS) standards
 - o The important factor is ensuring limited and controlled access to national fingerprint results documents by only access and review individuals

QE Standards Regarding Destruction of National CHRI

The QE and individuals who have access and review of fingerprint results must:

- Destroy national fingerprint results documents logs in a manner that ensures any and all confidential or identifying information cannot be retrieved, such as shredding or burning
- Ensure destruction is completed:
 - a. In-house by an access and review individual
 - b. By an authorized outsourcing agency that meets FBI outsourcing standards





Step 1 - Fingerprint Instructions

Obtain and follow fingerprint instructions from okdhs.org/childcare or LRO

Step 2 - National and state criminal history records electronic or law enforcement

The individual submits fingerprints with consent to release results to LRO at an LRO-approved fingerprint submission location, using the correct:

- o Originating Agency Identification (ORI) number
- o Reason code
 - Child Care
 - Child Care/Access and Review
 - Child Care/ Access and Review/School District Employment
 - Child Care/School District Employment or
 - Child Care Volunteer

Fingerprint rejections may require the individual resubmit fingerprints, including submitting fingerprints at OSBI headquarters in Oklahoma City.

When low-quality fingerprints, as determined by OSBI and FBI, make it impossible for the national crime information databases to provide results, a name-based search may be authorized.

Please note: the fingerprint submission locations and the ink card submissions greatly impact the likelihood of rejected fingerprints.

Fingerprint exceptions may be requested in writing and submitted to LRO by individuals who have a severe physical condition that prevents the individual from being fingerprinted. A name-based search may be authorized. Contact LRO for additional instructions.

Step 3 - Foreign country criminal history records (when applicable)

When an individual has lived outside the United States within the last three years, the individual submits to LRO the foreign country's criminal history records from an authorized source identified by LRO.

Programs will not receive any criminal history results until foreign country records are received by LRO.

Step 4 - Dispute of criminal history records (when applicable)

The individual has the right to dispute the completeness and accuracy of their fingerprint results. LRO will send any received national fingerprint results to the individual, along with dispute procedures.

In addition, the individual may request from the program all LRO-obtained criminal history records.

The individual disputes directly with the arresting state's authorized agency such as OSBI.

Step 5 - Criminal History Records Dispute Resolution Documents form (when applicable)

The individual submits the Criminal History Records Dispute Resolution Documents form (07LC111E) to LRO, along with certified dispute resolution documents updating the completeness or accuracy of the criminal history records.

LRO provides the dispute resolution documents to programs listed on the form and future programs requesting the individual's criminal history review.

Reasons for re-fingerprinting/repeating background investigation process

The individual may need to complete part or all of the process again if the:

- LRO is no longer receiving OSBI RAP Back (notifications of subsequent Oklahoma arrests) because the individual:
 - o Was ineligible to be associated with any program
 - o Has not been associated with a program for two years or more
- Individual was previously fingerprinted under a different reason code not specific to:
 - o Child care
 - o Access and review, when applicable
- Individual moves to a foreign country and returns
- If the individual was fingerprinted under a different (ORI)



Once the program (general administrative office when applicable) is a QE and has identified and trained QE contacts and individuals with access and review, the program will follow these six steps:

Step 1 - Child Care Restricted Registry (CCRR)

Check the CCRR to ensure the individual is not a registrant and prohibited from child care.

Step 2 - Assist individual with successful completion of fingerprinting process

Ensure the individual obtains and understands the importance of following the criminal history review packet. Inform the individual whether they need to indicate the access and review reason code.

Step 3 - Criminal history review requests

The program submits to LRO a Criminal History Review Request for Programs form (07LC096E) that:

- Gives signed consent from the individual for the program to request and receive state and national fingerprint results
- Requests LRO conduct additional background investigation searches, as identified in the Background Investigations tab

Step 4 - Criminal history review results

Upon receipt of complete requests from the program, LRO provides one of two results:

1. **Preliminary** results only apply to personnel applicants. Please refer to the Background Investigations tab for important information regarding limitations.

2. **Complete** criminal history review results contain both the additional background investigation searches **and** fingerprint results.

Remember: Individuals who have *access* to or *review* of fingerprint results must have completed the LRO-Approved Access and Review training.

Upon receipt of the criminal history review results, the program determines what action the program will take, including whether to request a criminal history restriction waiver.

When the results include national fingerprint results, the program:

- Informs the individual of their right to dispute the completeness and accuracy of the national fingerprint results, when the criminal history review results indicate the individual has not previously been informed of their rights; also, the program provides the individual the dispute procedures, which are outlined in the Criminal History Records Dispute Resolution Documents form (07LC111E)
- Does not make a final determination based upon the national fingerprint results until the individual has been given a reasonable time to dispute
 - o Reasonable time is determined by the program and is based upon when the individual was first notified of their rights
 - o A temporary action may be taken to protect children until a final determination may be made
- Considers any dispute resolution documents received from LRO

It is very important to remember that only QEs receive **fingerprint results from the LRO for individuals other than the owner or responsible entity who signs the request for license.**

Step 5 - Criminal History Restriction Waiver Request (when applicable)

When an individual has criminal history restrictions as indicated in licensing requirements, the individual is prohibited from child care, unless a criminal history restriction waiver is granted.

The program may request a restriction waiver by submitting a Criminal History Restriction Waiver Request form (07LC089E) to the LRO.

Step 6 - RAP Back

Record of Arrest and Prosecution (RAP) Back is notification of subsequent Oklahoma arrests received by OSBI on individuals who were previously fingerprinted.

Upon receipt of RAP Back, the program acts to protect children when the individual has criminal history prohibitions or restrictions.

Business entity with more than one program

When personnel come from another licensed program owned by the same business entity, the personnel may start working without repeating this background investigation process. However, if the individual had a criminal history restriction waiver at the previous program, the restriction waiver process must be completed by the new program prior to the personnel working.

Within seven calendar days of the personnel starting to work, the program submits to LRO a Criminal History Review Request for Programs form (07LC096E).



What is the Child Care Restricted Registry (CCRR)?

The CCRR is an online database maintained by DHS. The purpose is to protect Oklahoma children by prohibiting registrants from child care.

What is a registrant?

A registrant is an individual who is recorded on the CCRR.

Who may be recorded on the CCRR?

An individual who has a:

- Finding of abuse or neglect, as defined in Section 1-1-105 of Title 10A of the Oklahoma Statutes when the abuse or neglect occurred to a child while in the care of a licensed child care program
- Denied or revoked child care program license
- Specified criminal history as defined by DHS policy

What is a registrant prohibited from doing?

Registrants are prohibited from:

- Being the owner or responsible entity of a child care program
- Employment in a child care program
- Living in a facility
- Unsupervised access to children



Resources

For more information regarding background investigations, go to the DHS website at www.OKDHS.ORG/CHILDCARE and select the link to the Licensing Records Office.

Other links located on the DHS website:

- Child Care Restricted Registry (CCRR) (Joshua's List)
- Federal Bureau of Investigation (FBI)
- Oklahoma State Bureau of Investigation (OSBI)

Forms and tools located on the DHS website:

- Licensing Requirements
- Foreign Country Criminal History Record Authorized Sources
- Criminal History Review Request for Programs (07LC096E)
- Criminal History Restriction Waiver Request (07LC089E)
- Criminal History Restriction Waiver Reference (07LC090E)
- Qualified Entity Application and Agreement (07LC112E)

Background Investigations/Fingerprinting (access and review) training:

CECPD.org (Background Investigations/Fingerprinting)

Contact information:

Licensing Records Office

P.O. Box 258834

Oklahoma City, OK 73125

405-521-2355 or toll free 1-800-347-2276

405-522-4167 (fax)

OCCSbackground@okdhs.org





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