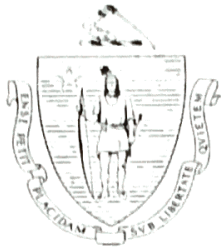


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OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE • BOSTON, MA 02133
(617) 725-4000

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

March 14, 2018

To the Honorable Senate and House of Representatives,

I am pleased to submit for your consideration “An Act to Enhance the Background Record Check Procedures of the Department of Early Education and Care.”

This legislation is necessary to meet new federal regulations governing the Commonwealth’s receipt of Child Care Development Block Grant (“CCDBG”) funding. The Department of Early Education and Care (“EEC”) receives approximately \$277 million annually in CCDBG funding for subsidized high-quality child care for low-income and at-risk families and related services. That amount constitutes more than one-half of EEC’s annual operating budget. To remain eligible for that funding, Massachusetts must update its background record check process relied upon by child care providers by September 30, 2018. A new IT system for EEC is near completion, streamlining business processes and increasing capacity to meet these additional requirements.

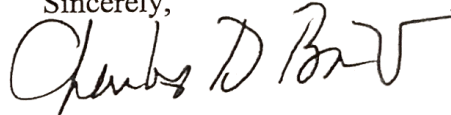
Under the existing framework, license-exempt programs and summer camps supported by CCDBG funding are not subject to EEC’s background record checks, and only individuals who have unsupervised contact with children in EEC-licensed programs must complete a background record check. This bill, to comply with the federal mandate, will expand the background record check processes to all licensed child care programs and programs that receive CCDBG funds, and to all individuals working and present in these programs regardless of whether they have unsupervised access to children.

According to current law, individuals who pass record checks of Massachusetts state criminal offender record information, Massachusetts state sex offender record information, and the Department of Children and Families Registry of Alleged Perpetrators can have unsupervised contact with children in a licensed EEC program while fingerprint-based checks of national and state criminal history databases are pending. This legislation permits supervised provisional employment only upon the completion of fingerprint-based checks, as required by CCDBG, and sex offender checks. EEC currently receives only Level 2 and Level 3 sex offender record information. Consistent with CCDBG authorization, this proposal grants EEC access also to Level 1 sex offender record information, providing an additional resource to protect children in child care programs.

To ensure consistent practices relating to the safety of the Commonwealth's children, this legislation allows for the extension of these federal safeguards beyond child care programs to EEC-licensed residential programs and adoption and foster placement agencies by September 30, 2020. It further permits EEC to delegate its responsibilities for processing certain background record checks *directly* to the adoption and foster placement agencies. EEC presently receives relevant information from the Department of Criminal Justice Information Services and, as permitted by statute, passes along that information to the placement agencies without additional review. This bill would eliminate that unnecessary intermediate step.

This legislation satisfies new federal mandates tied to critical funding and provides additional measures for protecting the Commonwealth's children in our state licensed and funded child care programs. I urge your prompt enactment.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles D. Baker". The signature is fluid and cursive, with a large initial "C" and a stylized "B".

Charles D. Baker
Governor