

Child Care Interstate Background Check (CC-IBaCs) Environmental Scan

**Formative Data Collections for ACF Research
OMB Information Collection Request
0970 - 0356**

Supporting Statement

Part A

February 2019

Submitted By:
Office of Planning, Research, and Evaluation
Administration for Children and Families
U.S. Department of Health and Human Services

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A1. Necessity for the Data Collection

Study Background

The Administration for Children and Families (ACF) at the U.S. Department of Health and Human Services (HHS) seeks approval to gather information about issues surrounding the implementation of the interstate background checks for child care facilities as mandated by the Child Care and Development Block Grant (CCDBG) Act of 2014. In the most recent Child Care and Development Fund (CCDF) State Plans submitted by the states and territories, only 2 of 56 states and territories described the programs they plan to administer over the next three years as being in compliance with all components of the child care worker background check requirements. The ability to conduct the interstate component of the background check requirements has been particularly difficult for states. This study will examine states' implementation challenges and identify promising practices and solutions for strengthening implementation. The study is necessary to better understand the state of implementation of interstate background checks, the factors that facilitate or impede implementation of CCDBG Act background check requirements, and how ACF can support states in strengthening implementation and improving compliance.

This proposed information collection meets the primary goal of ACF's generic clearance for formative data collections (0970-0356) to inform the provision of technical assistance.

Legal or Administrative Requirements that Necessitate the Collection

There are no legal or administrative requirements that necessitate the collection. ACF is undertaking the collection at the discretion of the agency.

A2. Purpose of Survey and Data Collection Procedures

Overview of Purpose and Approach

The purpose of this study is to provide ACF with detailed information on states' efforts to implement the interstate background check requirements of the CCDBG Act. The data collection will:

- Determine which components of the background check requirements have been most challenging for states to implement and why
- Identify promising practices and solutions that could be supported by the federal government to assist states in their implementation of the interstate background check requirement

Because the interstate components of the background check requirement are particularly challenging, the data collection will examine which components of the interstate background checks states have been unable to put in place and identify and discuss the barriers to full implementation. It will also highlight any strategies that states have developed to address challenges, exploring what solutions states have undertaken (or considered) to address implementation challenges and how these solutions might benefit from assistance from federal

resources. The data collection will inform technical assistance efforts to help states' implementation and compliance.

Research Questions

The research questions are intended to reflect and capture the diversity of implementation across state environments. The research questions also focus on the general implementation challenges of conducting interstate background checks and the challenges with access to and use of criminal history records, sex offender registries (SOR), and child abuse and neglect (CAN) registries across state lines. In addition, there are questions specific to the challenges associated with background checks of child care workers and the specific requirements under the CCDBG Act of 2014.

The study research questions are:

1. Which components of the interstate background check requirements have states encountered difficulty fully implementing?
2. How does each state implement the interstate and intrastate background check processes, including criminal history checks, CAN registry checks, and SOR checks?
3. What are the barriers to complete implementation of the CCDBG Act interstate background check requirements?
4. What solutions have states developed to overcome barriers to the implementation of CCDBG Act requirements?
5. What are the barriers to state participation in the National Fingerprint File (NFF)?
6. What support (e.g., financial support, legislative changes) from the federal government would assist states in overcoming implementation challenges?

Study Design

We will conduct data collection in two overlapping phases, which will use separate instruments and data collection approaches.

Phase 1: For the first phase, the Contractor will administer a web-based questionnaire using the online survey software Checkbox. Checkbox allows users to develop and deploy online questionnaires for personal computers (PCs), tablets, and smart phones. A link to the online survey will be sent to all CCDF lead agencies in the 50 states, the District of Columbia, Puerto Rico, and four territories (American Samoa, Northern Mariana Islands, Guam, and the U.S. Virgin Islands). We are including all states and territories because full background check implementation will be affected by the specific laws and processes of each state and territory. In order to provide technical assistance, it is necessary to understand the unique context of each state and territory. For more information, please see SSB, section B.1.

Phase 2: During the second phase, the Contractor will conduct in-depth telephone interviews using semi-structured interview guides with all state and territory CCDF lead agencies, as well as additional groups identified as central to the background check process. The Contractor will

customize the content of the interview guides to the role and knowledge of each category of respondent and the type of input that he or she can provide.

Universe of Data Collection Efforts

Web-based Survey (Appendix A)

The web-based survey instrument will provide two types of information for the study: 1) answers to specific (mostly closed-ended) questions related to the full scope of the state's background check processes and implementation efforts and 2) contact information for potential key informants to participate in the second phase of data collection. The web-based instrument will focus on questions related to preliminary research questions 2 and 3 (see above). The web-based survey questions will not duplicate information that can be obtained from the CCDF State Plans and will be structured as closed-ended wherever possible. The web-based survey will provide information on background check processes, allowing the interviews to focus more closely on barriers to implementation and potential solutions for achieving full compliance with program requirements. Answers to these questions will give analysts a picture of the extent to which background check processes differ across states and will allow interviewers to gain some understanding of a state's particular background check process before interviews are conducted.

Interviews (Appendices B – I)

During the second phase, the Contractor will conduct in-depth semi-structured telephone interviews with all state and territory CCDF lead agencies, as well as additional groups identified as central to the background check process. The interviews will allow the Contractor to probe deeply into the challenges that states have encountered while attempting to implement the requirements of the CCDBG Act. Through the interviews, the Contractor will collect more in-depth data on the approaches states have taken to address, or attempt to address, background check implementation challenges. These semi-structured interviews will provide critical information to address pertinent research questions regarding the implementation efforts or plans, processing methods, challenges and barriers, methods of overcoming challenges and barriers, and potential national solutions to interstate background check challenges.

Interviews will be conducted with 9 respondent types, which are listed in the table below. A separate interview guide has been developed for each. For the child care lead agencies, state criminal justice information service (CJIS) agencies, and state child abuse registry custodians we will interview respondents in all 56 states and territories. We expect that in most cases the CJIS agencies will also be responsible for the state SOR. However, we include 5 interviews with state SOR custodians in those states where SOR custodians are in a different agency than the CJIS. This ensures that the universe of SOR custodians are invited to participate. We will also invite a small number of other key informants identified by child care lead agencies or by other respondents as individuals who are actively engaged in the study issues in their state. We do not expect that large numbers of respondents will be identified in this way, but in states where they are identified their input will be important to obtaining a full understanding of the environment in which child care background checks are being implemented. Finally, we will interview 4

representatives from national organizations that work in areas relevant to study issues. **Types of Interview Respondents**

Group to be Interviewed	Number of proposed interviews	Appendix
Child care lead agencies	56 interviews - all leads	Appendix B
State CJIS agencies	56 interviews - all leads	Appendix C
State child abuse registry custodians	56 interviews - all leads	Appendix D
State SOR custodians (when these are different from CJIS)	5 interviews	Appendix E
Other state agencies/systems that have implemented interstate background checks, such as for purchase of firearms, long term care employees	5 interviews	Appendix F
Other state agencies/systems with an interest in CAN registry searches, such as education or foster care/adoption agencies, particularly those who are working towards implementing criminal history checks as required in the Family First Prevention Services Act	5 interviews	Appendix G
FBI CJIS for Next Generation Identification (NGI) and National Sex Offender Registry (NSOR) custodians	2 interviews	Appendices H.1 and H.3
National Law Enforcement Telecommunications System (Nlets) and National Electronic Interstate Compact Enterprise (NEICE) organization representatives	2 interviews	Appendices H.2 and H.4
State level non-governmental stakeholders (advocacy groups or industry representatives) identified as active stakeholders by the child care lead agency	10 interviews	Appendix I

A3. Improved Information Technology to Reduce Burden

Survey data will be collected via a web-based data collection instrument administered through CheckBox survey software. This method was chosen to reduce the overall burden on respondents by enhancing ease of completion through simple, but secure, access to the assessment tool and allowing for completion at a time convenient to the respondent. Data will also be collected through interviews, which will be conducted over the phone to maximize the convenience for respondents. The data collection instruments were designed to collect the minimum information necessary for the purposes of this project.

A4. Efforts to Identify Duplication

Efforts were made to identify duplication and use of similar information, including an in-depth synthesis and review of available research and information on interstate background checks. The information gathered through this data collection request is not available from other data sources or through other means nor does it duplicate any information currently being collected. The CCDF State Plans do not provide sufficient information to meet the data needs of this study. The most recently submitted State Plans indicate which components of background check requirements have been implemented and which have not, but they do not describe state background check processes, do not provide details about the challenges states face in implementation or describe successful efforts to implement, nor do they identify opportunities for technical assistance or other types of federal support.

No studies past or planned have examined how implementation of the interstate component of child care worker background check requirements as mandated by the CCDBG Act has varied across states, the reasons why, and how the federal government can provide support to the implementation process.

A5. Involvement of Small Organization

No small business will be involved in this information collection.

A6. Consequences of Less Frequent Data Collection

This request is for a one-time data collection. There are no legal obstacles to reduce the burden. If no data are collected, ACF will be unable to:

- Understand the barriers to complete implementation of the CCDBG Act interstate background check requirements that states are facing and what potential solutions exist to overcome these barriers.
- Determine the types of technical assistance and support that are necessary from the federal level to assist states in overcoming implementation challenges and to help them meet their compliance goals.

A7. Special Circumstances

These are no special circumstances for the proposed data collection efforts.

A8. Federal Register Notice and Consultation

Federal Register Notice and Comments

Formative Generic

In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13) and Office of Management and Budget (OMB) regulations at 5 CFR Part 1320 (60 FR 44978, August 29,

1995), ACF published a notice in the *Federal Register* announcing the agency's intention to request an OMB review of the overarching generic clearance for formative information collection. This notice was published on October 11, 2017, Volume 82, Number 195, page 47212, and provided a sixty-day period for public comment. During the notice and comment period, no substantive comments were received.

Consultation with Experts Outside of the Study

To inform the design and implementation of the study, the Contractor is consulting with a group of experts who have experience in the following areas relevant to the study:

- (1) Interstate background checks;
- (2) Criminal background checks;
- (3) Name and fingerprint-based checks;
- (4) Child abuse and neglect registries;
- (5) Child welfare systems;
- (6) Sex offender registries;
- (7) Sex offender policy formation;
- (8) Interagency and interstate data systems and sharing, particularly of sensitive and protected information, including personally identifiable information (PII);
- (9) Background checks in other industries/programs; and
- (10) State and federal legislation that governs these processes, including CCDF policies and policies of open versus closed record states.

Two expert panels have been convened to gather input on the design and implementation of the study.

A9. Incentives for Respondents

No incentives for respondents are proposed for this information collection.

A10. Privacy of Respondents

Information collected will be kept private to the extent permitted by law. Respondents will be informed of all planned uses of data, that their participation is voluntary, and that their individual responses will not be associated to them. Responses may be combined as a state and shared with ACF.

As specified in the contract, the Contractor shall protect respondent privacy to the extent permitted by law and will comply with all Federal and Departmental regulations for private information. The Contractor will develop a Data Safety and Monitoring Plan that assesses all protections of respondents' personally identifiable information. The Contractor shall ensure that all of its employees, subcontractors (at all tiers), and employees of each subcontractor, who perform work under this contract/subcontract, are trained on data privacy issues and comply with the above requirement.

As specified in the evaluator’s contract, the Contractor shall use Federal Information Processing Standard compliant encryption (Security Requirements for Cryptographic Module, as amended) to protect all instances of sensitive information during storage and transmission. The Contractor shall securely generate and manage encryption keys to prevent unauthorized decryption of information, in accordance with the Federal Processing Standard. The Contractor shall: ensure that this standard is incorporated into the Contractor’s property management/control system; establish a procedure to account for all laptop computers, desktop computers, and other mobile devices and portable media that store or process sensitive information. Any data stored electronically will be secured in accordance with the most current National Institute of Standards and Technology (NIST) requirements and other applicable Federal and Departmental regulations. In addition, the Contractor must submit a plan for minimizing to the extent possible the inclusion of sensitive information on paper records and for the protection of any paper records, field notes, or other documents that contain sensitive or personally identifiable information that ensures secure storage and limits on access.

Information will not be maintained in a paper or electronic system from which data are actually or directly retrieved by an individuals’ personal identifier.

The Contractor’s Institutional Review Board (IRB) has determined the proposed data collection to be **Exempt**, in accordance with 45 CFR 46.101(b)(2). (45 CFR 46.101(b)(2) refers to research involving the use of survey procedures in which the human subjects cannot be reasonably identified and any disclosure of the responses would not create any risk of civil or criminal liability to the respondents.)

A11. Sensitive Questions

There are no sensitive questions in this data collection.

A12. Estimation of Information Collection Burden

The estimates for burden hours for the survey is based on pilot tests. For information about these piloting efforts, see Supporting Statement B, section B4. The Contractor will schedule interviews for no more than 1 hour for the child care lead agency, CJIS/SOR, CAN, and SOR interview guides and schedule interviews for other respondent types for no more than 30 minutes. The Contractor will accommodate small group interviews with up to three respondents if an organization requests them. To estimate burden hours, the total number of respondents for the child care lead agency, CJIS/SOR, and CAN registry custodian interviews assumes that 10 percent of interviews with have 2 respondents and 5 percent will have three respondents. This results in a total number of 68 respondents for each of these respondent types. All other respondent types will complete interviews with a single respondent.

Total Burden Requested Under this Information Collection

Instrument	Total	Number of	Average	Annual	Average	Total
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	Number of Respondents	Responses Per Respondent	Burden Hours Per Response	Burden Hours	Hourly Wage	Annual Cost
Appendix A: Web-based survey	48	1	0.5	24	\$33.94	\$814.56
Appendix B: Child Care Lead Agency Interview Guide	58	1	1.0	58	\$33.94	\$1,968.52
Appendix C: CJIS/SOR Interview Guide	51	1	1.0	51	\$33.94	\$1,730.94
Appendix D: CAN Registry Custodian Interview Guide	51	1	1.0	51	\$33.94	\$1,730.94
Appendix E: SOR Custodian Interview Guide	4	1	1.0	4	\$33.94	\$135.76
Appendix H.3: FBI CJIS NGI Representative Interview Guide	1	1	0.5	0.5	\$33.94	\$16.97
Appendix H.1: FBI NSOR Representative Interview Guide	1	1	0.5	0.5	\$33.94	\$16.97
Appendix H.4: NEICE Representative Interview Guide	1	1	0.5	0.5	\$33.94	\$16.97
Appendix H.2: Nlets Representative Interview Guide	1	1	0.5	0.5	\$33.94	\$16.97
Appendix F: Other State Agencies with Background Check Programs Interview Guide	4	1	0.5	2	\$33.94	\$67.88
Appendix G: Other State Agencies with an Interest in CAN Registry Searches Interview Guide	4	1	0.5	2	\$33.94	\$67.88
Appendix I: State Level Non-Governmental Stakeholders Interview Guide	8	1	0.5	4	\$33.94	\$135.76
Estimated Annual Burden Total				198	\$33.94	\$6,720.12

Total Annual Cost

Estimates for the average hourly wage for respondents are based on the Department of Labor (DOL) Bureau of Labor Statistics for occupational employment **Administrative Services Managers** at state (<https://www.bls.gov/ncs/ocs/sp/nctb1480.pdf>) governments. Based on DOL data, a mean hourly wage of \$33.94 (State Administrative Services Managers) is estimated for the 232 respondents. The total annual cost of this data collection will be \$6,720.12.

A13. Cost Burden to Respondents or Record Keepers

There is no additional cost to respondents.

A14. Estimate of Cost to the Federal Government

The only cost to the federal government would be the salary and benefits of ACF staff and contractors to develop the data collection instrument, collect data, and perform data analysis.

Estimate of Cost to the Federal Government

	Hours	Costs
Contractor Staff Costs		
Development of Survey Instruments	123	\$ 11,971
Collection of Pilot Test Information	60	\$ 6,600
OMB Package Preparation	60	\$ 5,511
Data Collection	1,730	\$ 187,845
Data Analysis	369	\$ 56,228
ACF Staff Costs	100	\$ 4,801
Total	2,612	\$ 272,956

Notes: ACF hourly staff costs assume a GS-13, step 2 employee at \$48.01. Federal employee pay rates are based on the Office of Personnel Management’s (OPM) General Schedule Locality Pay Table for the Washington/Baltimore/ Arlington area for 2018.

The total estimated cost to the federal government is **\$272,956**.

A15. Change in Burden

This is for an individual information collection under the umbrella formative generic clearance for ACF research (0970-0356).

A16. Plan and Time Schedule for Information Collection, Tabulation and Publication

The Contractor will analyze the de-identified data collected through the survey and interviews through a mix of quantitative methods, including descriptive and statistical analysis, as appropriate, and qualitative methods and thematic analysis for interview questions. Based on the survey data, the Contractor will be able to determine how much variation there is in state background check processes and, in conjunction with interview responses from child care lead agencies, provide a general narrative description of the typical background check process used by states, along with major variations to the process.

The Contractor will analyze interview data using a qualitative coding process to determine common themes that emerge from and across the data. The coding process will be both deductive and inductive. It will be deductive in that the Contractor will develop an initial codebook with constructs of interest (e.g., challenges and barriers) and potential constructs of interest within overarching codes (e.g., challenges due to lack of funding, limited technology, or lack of interoperability between data systems). The Contractor analysts will summarize the results for a

final internal report. The report will include a narrative description of each coded theme within the overarching areas of implementation progress, barriers, implemented and potential solutions, and the types of support that state representatives and other indicated that they needed from the state and federal governments to strengthen implementation and overcome barriers. The report will also include an analysis of the challenges that must be overcome to implement solutions that respondents felt would be helpful. The report will be for internal purposes only and will not be publicly available.

Project Time Schedule

Project Milestone	Timeline
Conduct survey data collection	4 weeks
Conduct interviews	7 weeks
Conduct analysis of survey and interview data	5 weeks
Final internal report completed	Estimated October 2019

A17. Reasons Not to Display OMB Expiration Date

All instruments will display the expiration date for OMB approval.

A18. Exceptions to Certification for Paperwork Reduction Act Submission

No exceptions are necessary for this information collection.