

February 14, 2019

Shannon Christian, Director  
Office of Child Care  
Administration for Children and Families  
U.S. Department of Health and Human Services  
330 C Street SW  
Washington, DC 20201

Dear Director Christian,

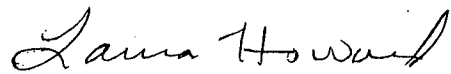
Attached please find our response regarding compliance with the required milestones and conditions for a time-limited waiver request for completion of the criminal background checks provisions in Section 5.4 of our state Child Care and Development Fund State plan. As of December 3, 2018, Kansas has met the milestones required to request the one-time waiver. Milestones met include compliance with the

- The national FBI fingerprint check; and,
- The three in-state background check provisions for the current state of residency:
  - state criminal registry or repository using fingerprints;
  - state sex offender registry or repository check; and
  - state-based child abuse and neglect registry and database.

Based upon this notification of our compliance with the required milestones for a one-time waiver request and conditional approval of our waiver request within your October 30, 2018 letter, we would request that your notification of intent to apply a penalty of five percent of the CCDF Discretionary Funds under 45 CFR 98.92(b)(4) be reversed.

If you have any questions regarding this letter and our attached explanation of compliance with these milestones, please contact Karen Beckerman at 785-296-4717 or [Karen.Beckerman@ks.gov](mailto:Karen.Beckerman@ks.gov)

Sincerely,

A handwritten signature in cursive script that reads "Laura Howard".

Laura Howard, Acting Secretary

Kansas Department for Children and Families

cc:

Karen Beckerman, CCDF State Administrator

Doris Hallford, Region VII Regional Program Manager, Office of Child Care

Division of Public Health  
Curtis State Office Building  
1000 SW Jackson St., Suite 300  
Topeka, KS 66612-1368



Phone: 785-296-1086  
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www.kdheks.gov

Lee A. Norman, M.D., Acting Secretary

Laura Kelly, Governor

February 12, 2019

RE: Criminal Background Check Provisions

Letters received October 30, 2018 & December 21, 2018 from Shannon Christian, Office of Child Care

To Whom It May Concern:

Pursuant to K.S.A. 65-516 no person shall knowingly maintain a child care facility if there resides, works or regularly volunteers any person who in this state or in other states or the federal government has:

- been convicted of a crime that is classified as a person felony under Kansas criminal code;
- been convicted of certain drug felonies;
- been convicted of other specific crimes that are enumerated in K.S.A. 65-516;
- been adjudicated a juvenile offender because of having committed an act that if done by an adult would constitute the commission of a felony and that is a crime against persons;
- been convicted or adjudicated of a crime that requires registration as a sex offender;
- committed an act of physical, mental or emotional abuse or neglect or sexual abuse and who is listed in the child abuse and neglect registry maintained by the Kansas department for children and families;
- had a child removed from home based on a court order;
- had parental rights terminated,
- has signed a diversion agreement involving a charge of child abuse or a sexual offense.

The comprehensive background check is required for any employee, unsupervised volunteer, unsupervised specialists, and any resident of a facility 18 years of age or older. Kansas criminal and the abuse and neglect registry name-based checks will continue to be ran for supervised volunteers, supervised specialists, and residents 10 year of age but under 18 years of age.

The background check fingerprinting requirement was implemented for Kansas licensed child care providers on December 3, 2018. The method of implementation followed the plan set forth in waiver requests, provisionally approved by the Office of Child Care in a letter received on October 30, 2018. Provisional approval permitted the State to allow facilities to complete the comprehensive background check requirement at the time of the license renewal beginning December 2018 and completing November 2019. Official denial of the waivers was received December 21, 2018. The following information details plans for completing comprehensive background checks for individuals affiliated with a facility after December 1, 2018, regardless of the facility renewal date.

Licensed child care facilities were notified by email on January 24, 2019, that effective immediately all new individuals submitted for a background check will be screened to determine if a comprehensive background check is required. Additional information will be sent by email or mail as needed for an individual to complete the fingerprint requirement.

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There were 128 new individuals affiliated with facilities between December 1, 2018, and January 24, 2019. The individuals were submitted for both name-based Kansas Criminal and Kansas DCF Abuse and Neglect Registry Checks but were not screened for the comprehensive background check. The facilities will be contacted during February 2019 and will receive the necessary information for each new individual requiring the comprehensive background check, so fingerprinting can be completed within 90 days (no later than April 30, 2019).

In order to meet the requirement for all existing facility affiliates to be fingerprinted by September 30, 2019, we will require October and November renewals to submit the facility affiliate list for the purpose of completing the comprehensive background check no later than September 30, 2019. Additionally, a review of affiliates associated with all facilities will be reviewed prior to September 30, 2019, to ensure all individuals have been submitted for the comprehensive background check no later than September 30, 2019.

Regards,

A handwritten signature in black ink that reads "L. Steelman".

Lorrena Steelman, Director of Child Care Licensing  
Kansas Department of Health and Environment

cc: Karen Beckerman, Strengthening Family Services Director  
Doris Hallford, Regional Program Manager, Office of Child Care Region VII