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| ACF<br>Administration for Children and<br>Families | U.S. DEPARTMENT<br>OF HEALTH AND HUMAN SERVICES |                              |
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|  | 3. Originating Office: Office of Head Start     |                              |
|  | 4. Key Words: Criminal Record Checks            |                              |

**NOTE: This Instruction supersedes ACF-PI-HS-08-02**

**PROGRAM INSTRUCTION:**

**TO:** All Head Start Agencies

**SUBJECT:** Criminal Record Checks

**INSTRUCTION:**

Section 648A(g) of the Head Start Act, 42 U.S.C. 9843A (g), requires that before a Head Start agency employs an individual, the agency shall--

- (1) conduct an interview of such individual;
- (2) verify the personal and employment references provided by such individual; and
- (3) obtain--
  - (A) a State, Tribal, or Federal criminal record check covering all jurisdictions where the grantee provides Head Start services to children; **or**
  - (B) a State, Tribal, or Federal criminal record check as required by the law of the jurisdiction where the grantee provides Head Start services; **or**
  - (C) a criminal record check as otherwise required by Federal law.

Current Head Start regulations – found at 45 CFR Part 1301.31(b)(1)(iii) - allow Head Start programs to hire staff before completion of criminal record checks as long as such staff are not considered to be permanent employees. This provision has been superseded by Section 648A(g) of the Head Start Act. Under the amended statute, **no Head Start staff**, irrespective of whether such staff are considered temporary, on probation, or are in any other personnel category, can be employed in any capacity until the criminal record check for the individual has been completed.

Please direct any questions on this Program Instruction to your OHS Regional Office.

/Patricia E. Brown/

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