

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1418
Ways and Means

(Delegate Arikan, *et al.*)

**Public and Nonpublic Schools - Employing Individuals Charged With Crimes -
Prohibition**

This bill expands the current prohibition against a public or nonpublic school hiring or retaining an employee who works with or has access to students and who the school knows has been convicted of specified crimes to also include individuals who have been *charged* with those crimes. The prohibition also applies to contractors or subcontractors working on school premises with direct, unsupervised, and uncontrolled access to children. Further, the bill expands the list of disqualifying crimes. A public or nonpublic school may hire or rehire an individual if the charge is disposed of by an acquittal, dismissal, or *nolle prosequi*. Employees charged with a covered crime must notify the school within two business days after receiving notice of the charge; an employee who fails to provide the notification may not be rehired for five years, as specified. **The bill takes effect July 1, 2026.**

Fiscal Summary

State Effect: None. The bill is directed at local school systems and nonpublic schools.

Local Effect: Local school system expenditures may increase due to increased administrative duties under the bill, as discussed below; however, it is assumed that these duties can be handled with existing resources. Revenues are not affected.

Small Business Effect: Potential minimal.

Analysis

Bill Summary: The list of disqualifying crimes is expanded to include:

- a crime of moral turpitude, or an offense under the laws of another state that would constitute a crime of moral turpitude if committed in this State;
- a distribution crime under the Maryland Controlled Dangerous Substances Act, or an offense under the laws of another state that would constitute a distribution crime under the Act if committed in this State;
- a federal crime involving the targeting of a school, including school students, personnel, property, or operations; and
- any felony not otherwise specified, or an offense under the laws of another state or the federal government that would constitute a felony in this State.

Current Law:

A local board of education (for public schools) and a nonpublic school may not knowingly hire or retain any employee who works with or has access to students if the school knows the individual has been convicted of:

- specific sexual offenses (under § 3-307 or § 3-308 of the Criminal Law Article), or an equivalent out-of-state offense.
- child sexual abuse (under § 3-602 of the Criminal Law Article), or an equivalent out-of-state offense.
- a crime of violence (as defined in § 14-101 of the Criminal Law Article), or an equivalent out-of-state offense.

Both local school system contracts and nonpublic school contracts must explicitly prohibit a contractor or subcontractor from knowingly assigning an employee to work on school premises with direct, unsupervised, and uncontrolled access to children if that employee has been convicted of any of the crimes listed above.

If a *nonpublic* school violates these provisions, the State Board of Education:

- *must* revoke the school's certificate of approval or letter of tentative approval if the school violates the direct hiring or retention prohibition; and
- *may* revoke the certificate of approval or letter of tentative approval if the school violates the contractor/subcontractor assignment provision.

Local Expenditures: Local school system expenditures may increase to the extent that they must update hiring procedures, employee policies, and contractor agreements to comply with the bill's expanded employment prohibitions. Local school systems may also incur administrative costs to monitor employee criminal charges, track compliance with the bill's two-business-day reporting requirement, and enforce the specified five-year rehire prohibition.

The Maryland State Department of Education advises that the bill may alter the process local school systems use to review criminal history information, including identifying employees charged with newly covered offenses and interpreting broadly defined categories such as “crimes of moral turpitude.” However, because local school systems already conduct criminal history background checks for school employees under existing law, any additional administrative responsibilities are assumed to be handled with existing resources.

Additional Comments: The bill also applies to nonpublic schools; therefore, their administrative expenditures may also increase, although any such impact is assumed to be handled with existing resources.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Maryland State Department of Education; Baltimore City Public Schools; Department of Legislative Services

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jg/mcr

Analysis by: Caroline L. Boice

Direct Inquiries to:
(410) 946-5510
(301) 970-5510