

SENATE BILL 359

F5

(6lr2137)

ENROLLED BILL

— *Education, Energy, and the Environment/Ways and Means* —

Introduced by **Senator Henson**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Child Care Facilities – Criminal History Records Check – Requirement**

3 FOR the purpose of repealing the limitation on the number of Deputy State
4 Superintendents of Schools that the State Superintendent can appoint; requiring
5 individuals who will have direct contact with children in certain child care facilities
6 to submit to a criminal history records check; requiring the State Department of
7 Education to establish a centralized unit for the processing and management of
8 information about criminal history records checks on or before a certain date;
9 altering the applicability of probationary employment qualifications for first-time
10 child care teachers in certain child care centers; *requiring the Department to review*
11 *a certain process and submit a certain report on or before a certain date*; and generally
12 relating to a criminal history records check for individuals who will have direct
13 contact with children in child care facilities.

14 BY repealing and reenacting, with amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 Article – Education
2 Section 2–104(a)
3 Annotated Code of Maryland
4 (2025 Replacement Volume and 2025 Supplement)

5 BY adding to
6 Article – Education
7 Section 9.5–118
8 Annotated Code of Maryland
9 (2022 Replacement Volume and 2025 Supplement)

10 BY repealing and reenacting, without amendments,
11 Article – Education
12 Section 9.5–404(a)
13 Annotated Code of Maryland
14 (2022 Replacement Volume and 2025 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Education
17 Section 9.5–404(b)(13)
18 Annotated Code of Maryland
19 (2022 Replacement Volume and 2025 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
21 That the Laws of Maryland read as follows:

22 **Article – Education**

23 2–104.

24 (a) The following employees shall be appointed to positions in the Department:

25 (1) [No more than three] **ANY** Deputy State Superintendents of Schools;

26 (2) Any assistant State superintendents and directors authorized by the
27 State Board and provided in the State budget; and

28 (3) Any other employees to fill positions authorized by the State Board and
29 provided in the State budget.

30 **9.5–118.**

31 (A) (1) **IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
32 **INDICATED.**

1 (2) (I) “APPLICANT” MEANS AN INDIVIDUAL WHO IS APPLYING FOR
2 A POSITION INVOLVING DIRECT CONTACT WITH CHILDREN IN A CHILD CARE
3 FACILITY.

4 (II) “APPLICANT” INCLUDES A VOLUNTEER OR OTHER
5 INDIVIDUALS WHO MAY BE SUBJECT TO FEDERALLY REQUIRED BACKGROUND
6 CHECKS.

7 (3) “CENTRAL REPOSITORY” MEANS THE CRIMINAL JUSTICE
8 INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC
9 SAFETY AND CORRECTIONAL SERVICES.

10 (4) “CHILD CARE FACILITY” MEANS A ~~CHILD CARE FACILITY~~
11 ~~IDENTIFIED UNDER § 5-551 OF THE FAMILY LAW ARTICLE AND REQUIRED TO BE~~
12 ~~LICENSED BY OR REGISTERED WITH THE DEPARTMENT UNDER THIS TITLE~~
13 REGISTERED FAMILY CHILD CARE HOME, A REGISTERED LARGE FAMILY CHILD CARE
14 HOME, A LICENSED CHILD CARE CENTER, OR A CHILD CARE CENTER THAT HOLDS A
15 LETTER OF COMPLIANCE.

16 (B) AN APPLICANT WHO IS SEEKING A POSITION INVOLVING DIRECT
17 CONTACT WITH CHILDREN AT A CHILD CARE FACILITY SHALL SUBMIT TO A CRIMINAL
18 HISTORY RECORDS CHECK IN ACCORDANCE WITH § 5-555 OF THE FAMILY LAW
19 ARTICLE.

20 (C) (1) (I) ~~THE~~ ON OR BEFORE JUNE 30, 2027, THE DEPARTMENT
21 SHALL ESTABLISH A CENTRALIZED UNIT FOR THE PROCESSING AND MANAGEMENT
22 OF INFORMATION ABOUT CRIMINAL HISTORY RECORDS CHECKS FOR APPLICANTS
23 PROVIDING CHILD CARE SERVICES.

24 (II) THE CENTRALIZED UNIT MAY BE STAFFED BY LICENSING
25 SPECIALISTS IN THE REGIONAL CHILD CARE LICENSING OFFICES THROUGHOUT THE
26 STATE.

27 (2) THE CENTRALIZED UNIT SHALL NOTIFY AN APPLICANT FOR A
28 CRIMINAL HISTORY RECORDS CHECK:

29 (I) OF THE STATUS OF THE APPLICATION WITHIN 10 DAYS
30 AFTER SUBMISSION; AND

31 (II) SUBJECT TO THE RECEIPT OF THE CRIMINAL HISTORY
32 RECORD INFORMATION FROM THE CENTRAL REPOSITORY UNDER SUBSECTION (D)
33 OF THIS SECTION, WITHIN ~~45 DAYS AFTER SUBMISSION~~ THE TIME FRAME REQUIRED

1 **UNDER FEDERAL LAW, OF THE APPLICANT'S ELIGIBILITY TO PROVIDE CHILD CARE**
2 **SERVICES IN A CHILD CARE FACILITY.**

3 (D) (1) THE CENTRALIZED UNIT SHALL REVIEW AND MAINTAIN
4 BACKGROUND CHECKS COMPLETED IN ACCORDANCE WITH § 5-555 OF THE FAMILY
5 LAW ARTICLE.

6 (2) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY
7 UNDER THIS SECTION:

8 (I) IS CONFIDENTIAL;

9 (II) MAY NOT BE DISSEMINATED WITHOUT THE EXPRESS
10 PERMISSION OF THE APPLICANT; AND

11 (III) MAY BE USED ONLY FOR THE PURPOSES AUTHORIZED BY
12 THIS TITLE.

13 (E) (1) (I) THE CENTRALIZED UNIT MAY MAINTAIN A LIST OF
14 APPLICANTS WHO HAVE SUBMITTED A CRIMINAL HISTORY RECORDS CHECK IN
15 ACCORDANCE WITH THIS SECTION.

16 (II) THE CENTRALIZED UNIT MAY SHARE THE NAME AND
17 STATUS OF AN APPLICANT ON THE LIST WITH:

18 1. A CHILD CARE FACILITY AT WHICH THE APPLICANT
19 SEEKS TO BE EMPLOYED OR VOLUNTEER; AND

20 2. THE APPLICANT.

21 (2) ON REQUEST BY AN APPLICANT OR A CHILD CARE FACILITY, THE
22 CENTRALIZED UNIT MAY PROVIDE WRITTEN NOTICE TO THE APPLICANT OR THE
23 CHILD CARE FACILITY THAT AN APPLICANT WHO SEEKS TO BE EMPLOYED BY OR
24 VOLUNTEER WITH THE CHILD CARE FACILITY HAS A CRIMINAL HISTORY RECORDS
25 CHECK ON FILE WITH THE DEPARTMENT.

26 9.5-404.

27 (a) The State Board shall adopt rules and regulations for licensing and operating
28 child care centers.

29 (b) These rules and regulations shall:

1 (13) Subject to subsection (c) of this section, establish probationary
2 employment qualifications for an individual who is applying for the first time to be a child
3 care teacher in a child care center in the State that serves preschool or school-age children
4 who are at least [3] 2 years old.

5 SECTION 2. AND BE IT FURTHER ENACTED, That:

6 (a) The State Department of Education shall review the process for background
7 checks established under § 9.5–118 of the Education Article, as enacted by Section 1 of this
8 Act, to evaluate the efficiency and timeliness of processing applications and to identify
9 opportunities for improvement while maintaining safety and compliance with State and
10 federal law.

11 (b) The review required under subsection (a) of this section shall include an
12 examination of:

13 (1) regulations;

14 (2) policies;

15 (3) procedures; and

16 (4) interagency coordination of background checks.

17 (c) On or before October 1, 2028, the Department shall report, in accordance with
18 § 2–1257 of the State Government Article, to the General Assembly the results of the review
19 required under subsection (a) of this section, including:

20 (1) the number of background check applications;

21 (2) data on background check processing times;

22 (3) any delays or barriers to the process; and

23 (4) any recommendations for changing State law or administrative
24 procedures.

25 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2026.