



HB635 and SB359: Child Care Facilities – Criminal History Records Check Requirements

February 18, 2026

Position: Letter of Information

The Arc Maryland is a statewide training, support, and advocacy organization that is dedicated to advancing and preserving the rights and quality of life of people with intellectual and developmental disabilities.

Two of our affiliate partners, The Arc Montgomery County and The Arc Prince George's County provide center-based child care to children with disabilities and this law would have impacts on their work to timely hire and retain qualified and safe workers.

Our understanding is that this bill would change the number of Deputy State Superintendents of Schools that can be appointed AND establishing a central unit to process and manage criminal background checks for people working with children. Furthermore, it would lower the age that triggers a background check from 3 to 2 years old.

Questions we have that we hope will be addressed, with assurances made include:

- Does the new centralization of background checks eliminate the need for multiple tests in one year (ie. Is the check still specific to a facility, if not and a person leaves a position after a month to move to another facility, do they need a new check?)
- How long will the background checks be stored in the system?
- We wonder why the school age minimum isn't removed entirely, so all employees working with children are subject to this requirement, as opposed to lowering it?
- Is there a mechanism to ensure timely results are provided, or a process through which employers can receive assistance if a background check is taking too long to process?

- If a potential or current employee has an issue flagged on their background check, and the employee believes the result is inaccurate, is there a process through which an appeal can be initiated?

While it appears that having a central repository for all of this information to be housed is good, we have questions on how it will operate and what oversight will be achieved. As this new repository will affect a person's employment, and there is the possibility of mistaken identity, there should be a clear appeals and oversight process. Additionally, it should be clearly defined how long these checks will be stored, and clarified whether a new check for each employer will still be required.

Thank you for the opportunity to comment.

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