
By: **Delegates Rzepkowski and Genn, Genn, Hixson, and Cryor**

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CHAPTER _____

1 AN ACT concerning

2 **County Boards of Education Education - Noncertificated Employees -**
3 **Prohibitions on Hiring**

4 FOR the purpose of ~~prohibiting a county board of education from hiring an individual~~
5 ~~to work in a public school in the county under certain circumstances that effect~~
6 ~~the safety of children or reflect on the honesty of the individual; making certain~~
7 ~~stylistic changes; requiring the county board State Board of Education to adopt~~
8 ~~certain rules and regulations; and generally relating to hiring of public school~~
9 ~~employees by a county board of education. requiring the State Board of~~
10 ~~Education to adopt regulations that prohibit the hiring, by county boards of~~
11 ~~education, of noncertificated employees who have been convicted of certain~~
12 ~~crimes; providing for the application of this Act; and generally relating to the~~
13 ~~hiring of noncertificated employees by county boards of education.~~

14 BY ~~repealing and reenacting, with amendments, adding to~~
15 Article - Education
16 Section ~~6-201~~ 6-113
17 Annotated Code of Maryland
18 (1997 Replacement Volume and 1997 Supplement)

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

1 Article - Education

2 ~~6-201.~~3 (a) The county board shall employ individuals in the positions that the county
4 board considers necessary for the operation of the public schools in the county.5 (B) (I) ~~THE COUNTY BOARD MAY NOT EMPLOY HIRE AN INDIVIDUAL TO~~
6 ~~WORK IN A PUBLIC SCHOOL IN THE COUNTY IF THE INDIVIDUAL:~~7 (I) ~~HAS PLED GUILTY OR NOLO CONTENDERE WITH RESPECT TO;~~
8 ~~RECEIVED PROBATION BEFORE JUDGMENT WITH RESPECT TO, OR HAS BEEN~~
9 ~~CONVICTED OF A CRIME INVOLVING:~~10 1. ~~AN OFFENSE UNDER ARTICLE 27, §§ 277 THROUGH 301 AND~~
11 ~~301A UNLAWFUL MANUFACTURE, DISTRIBUTION, OR DISPENSING OF CONTROLLED~~
12 ~~DANGEROUS SUBSTANCES UNDER ARTICLE 27, § 286, § 286C, § 286D, § 287(D), § 288, §~~
13 ~~289, § 290, OR § 301A OF THE CODE;~~14 2. ~~AN OFFENSE UNDER ARTICLE 27, § 464B, OR § 464C OF THE~~
15 ~~CODE;~~16 3. ~~CHILD ABUSE AS DEFINED IN ARTICLE 27, § 35C OF THE~~
17 ~~CODE, OR A COMPARABLE CRIME IN ANOTHER STATE AN OFFENSE UNDER THE LAWS~~
18 ~~OF ANOTHER STATE THAT WOULD BE A VIOLATION OF ARTICLE 27, § 35C OF THE~~
19 ~~CODE IF COMMITTED IN THIS STATE; OR~~20 4. ~~A CRIME OF VIOLENCE AS DEFINED IN ARTICLE 27, § 643B~~
21 ~~OF THE CODE, OR A COMPARABLE CRIME IN ANOTHER STATE AN OFFENSE UNDER~~
22 ~~THE LAWS OF ANOTHER STATE THAT WOULD BE A VIOLATION OF ARTICLE 27, § 643B~~
23 ~~OF THE CODE IF COMMITTED IN THIS STATE;~~24 (II) ~~WILLFULLY AND KNOWINGLY:~~25 1. ~~MADE A MATERIAL MISREPRESENTATION OR~~
26 ~~CONCEALMENT OF FACT IN THE APPLICATION FOR EMPLOYMENT THAT RELATES TO~~
27 ~~THE CRIMINAL RECORD OF THE INDIVIDUAL; OR~~28 2. ~~FILED A FALSE REPORT OR RECORD ABOUT A MATERIAL~~
29 ~~MATTER IN THE APPLICATION FOR EMPLOYMENT;~~30 (III) ~~HAS BEEN DISMISSED OR HAS RESIGNED FROM OTHER~~
31 ~~ELEMENTARY OR SECONDARY SCHOOL EMPLOYMENT AFTER NOTICE OF AN~~
32 ~~ALLEGATION OF SEXUAL CHILD ABUSE, MISCONDUCT INVOLVING A STUDENT, OR~~
33 ~~OTHER MISCONDUCT INVOLVING ANY CAUSE FOR DENIAL OF EMPLOYMENT UNDER~~
34 ~~THIS SUBSECTION; OR~~35 (IV) ~~HAS BEEN DENIED EMPLOYMENT IN ANOTHER STATE FOR A~~
36 ~~CAUSE THAT WOULD BE GROUNDS FOR DENIAL OF EMPLOYMENT UNDER THIS~~
37 ~~SUBSECTION.~~

1 (2) ~~THE COUNTY STATE BOARD SHALL ADOPT RULES AND REGULATIONS~~
2 ~~IN CONFORMITY WITH THIS SUBSECTION.~~

3 ~~[(b)]~~ (C) (1) The county superintendent shall nominate for appointment by
4 ~~the county board:~~

5 (i) All professional assistants of the office of county
6 ~~superintendent; and~~

7 (ii) All principals, teachers, and other certificated personnel.

8 (2) As to these personnel, the county superintendent shall:

9 (i) Assign them to their positions in the schools;

10 (ii) Transfer them as the needs of the schools require;

11 (iii) Recommend them for promotion; and

12 (iv) Suspend them for cause and recommend them for dismissal in
13 ~~accordance with § 6-202 of this article.~~

14 ~~[(e)]~~ (D) (1) Except in Worcester County and Baltimore City, the county
15 ~~superintendent shall appoint clerical and other nonprofessional personnel.~~

16 (2) In Worcester County, the County Superintendent shall appoint
17 ~~clerical and other nonprofessional personnel with the advice and consent of the~~
18 ~~County Board.~~

19 (3) Notwithstanding any provision of local law, in Baltimore City, the
20 ~~appointment, tenure, and compensation of clerical and other nonprofessional~~
21 ~~personnel shall be determined in accordance with the personnel system established~~
22 ~~by the New Baltimore City Board of School Commissioners under § 4-313 of this~~
23 ~~article.~~

24 ~~[(d)]~~ (E) (1) Supervisory and administrative personnel shall be appointed in
25 ~~each county in accordance with ratios established by the rules and regulations of the~~
26 ~~State Board and within the ratio established under § 2-205(m) of this article.~~

27 (2) These personnel shall include:

28 (i) Supervising or helping teachers;

29 (ii) Supervisors of pupil personnel I;

30 (iii) Supervisors of pupil personnel II; and

31 (iv) Visiting teachers.

32 ~~[(e)]~~ (F) An individual may not be appointed as a professional assistant or to
33 ~~any position listed in subsection [(d)] (E) of this section unless [he] THE INDIVIDUAL~~

1 holds the appropriate certificate from the State Superintendent issued in accordance
2 with the rules and regulations of the State Board.

3 ~~[(f)]~~ (G) Subject to the provisions of this article, the qualifications, tenure,
4 and compensation of each appointee shall be determined by the county board.

5 ~~[(g)]~~ (H) The county superintendent shall see that each regular appointee of
6 the county board devotes ~~[his]~~ THE APPOINTEE'S entire time to ~~[his]~~ THE
7 APPOINTEE'S duties.

8 6-113.

9 THE STATE BOARD SHALL ADOPT REGULATIONS THAT WILL PROHIBIT A
10 COUNTY BOARD FROM HIRING, AS A NONCERTIFICATED EMPLOYEE, ANY
11 INDIVIDUAL WHO HAS BEEN CONVICTED OF A CRIME INVOLVING:

12 (1) UNLAWFUL MANUFACTURE, DISTRIBUTION, OR DISPENSING OF
13 CONTROLLED DANGEROUS SUBSTANCES UNDER ARTICLE 27, § 286, § 286C, § 286D, §
14 287(D), § 288, § 289, § 290, OR § 301A OF THE CODE;

15 (2) AN OFFENSE UNDER ARTICLE 27, § 464B OF THE CODE;

16 (3) CHILD SEXUAL ABUSE AS DEFINED IN ARTICLE 27, § 35C(A)(2)(II) AND
17 (6) OF THE CODE, OR AN OFFENSE UNDER THE LAWS OF ANOTHER STATE THAT
18 WOULD CONSTITUTE CHILD SEXUAL ABUSE AS DEFINED IN ARTICLE 27, § 35C(A)(2)(II)
19 AND (6) OF THE CODE IF COMMITTED IN THIS STATE; OR

20 (4) A CRIME OF VIOLENCE AS DEFINED IN ARTICLE 27, § 643B OF THE
21 CODE, OR AN OFFENSE UNDER THE LAWS OF ANOTHER STATE THAT WOULD BE A
22 VIOLATION OF ARTICLE 27, § 643B OF THE CODE IF COMMITTED IN THIS STATE.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act applies only to
24 individuals applying for employment after the effective date of this Act.

25 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 July 1, 1998.