

Department of Legislative Services
 Maryland General Assembly
 2006 Session

FISCAL AND POLICY NOTE

Senate Bill 111 (Chairman, Education, Health and Environmental Affairs Committee)
 (By Request – Departmental – Education)

Education, Health, and Environmental Affairs

Ways and Means

Education - Nonpublic School Employees - Criminal Convictions

This departmental bill prohibits a nonpublic elementary or secondary school from knowingly hiring or retaining an individual who has been convicted of a violent or sexual offense for a job that involves working with students or access to students. The Maryland State Department of Education (MSDE) must revoke the approval of a school that violates the prohibition.

The bill takes effect July 1, 2006.

Fiscal Summary

State Effect: General fund expenditures would increase by an estimated \$123,200 in FY 2007 to hire additional personnel at MSDE to monitor nonpublic schools. Future year expenditure estimates reflect regular salary increases and inflation. Revenues would not be affected.

(in dollars)	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	123,200	116,900	123,800	131,100	139,000
Net Effect	(\$123,200)	(\$116,900)	(\$123,800)	(\$131,100)	(\$139,000)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: None.

Small Business Effect: MSDE has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment.

Analysis

Current Law: A nonpublic school must conduct a national and State criminal history records check for each of its employees; however, a nonpublic school is not prohibited from hiring an individual with a criminal record. A public school is barred from hiring an individual convicted of a violent or sexual offense.

With a few exceptions, elementary and secondary schools in the State may not operate without a certificate of approval from the State Board of Education. The State board must issue a certificate of approval to a nonpublic school if it finds that the facilities, conditions of entrance and scholarship, and educational qualifications and standards are adequate and appropriate.

Background: The hiring policies of private schools came under increased scrutiny in May 2005 when a teacher at a private Baltimore City school was charged with raping a 13-year-old girl and sexually assaulting two other teenage girls. Before being hired at the school the teacher had been convicted of second-degree murder. According to news reports at the time, the teacher was forthcoming about his conviction, which had occurred 10 years earlier, and the principal who hired the teacher had confirmed the conviction through a criminal background check. The reports indicated that the principal believed the teacher was not a risk to students.

State Expenditures: General fund expenditures could increase by an estimated \$123,174 in fiscal 2007, which assumes two new employees would be hired by the bill's July 1, 2006 effective date. The new positions, one education specialist and one office secretary, would be added to the Nonpublic Schools Approval Branch of MSDE in order to expand the scope of reviews of 691 private schools in Maryland. Salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses are included in the estimate.

	<u>FY 2007</u>	<u>FY 2008</u>
Salaries and Fringe Benefits	\$113,059	\$116,055
Start-up Equipment for New Positions	9,235	0
Other Operating Expenses	<u>880</u>	<u>889</u>
Total State Expenditures	\$123,174	\$116,944

Future year expenditures reflect: (1) full salaries with 4.6% annual increases and 3% employee turnover; and (2) 1% annual increases in ongoing operating expenses.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland State Department of Education, Department of Public Safety and Correctional Services, Department of Legislative Services

Fiscal Note History: First Reader - February 1, 2006

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Analysis by: Mark W. Collins

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