

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE

Senate Bill 667 (Senators McFadden and Pugh)
Education, Health, and Environmental Affairs

Education - Personnel - Criminal Convictions

This bill requires the State Board of Education to adopt regulations that prohibit a local board of education from knowingly hiring certificated personnel who have been convicted of a crime of violence, third degree sexual assault, or child sexual abuse. The bill also requires local boards of education to dismiss professional school personnel who have been convicted of these crimes.

Fiscal Summary

State Effect: The State Board of Education could adopt any additional regulations needed to comply with the bill with existing budgeted resources.

Local Effect: None. The bill essentially codifies existing practice for local school systems.

Small Business Effect: None.

Analysis

Current Law: By regulation, individuals who have been convicted of a crime of violence, specified sex offenses, or child sexual abuse are not eligible for certification by the State Board of Education. The State Superintendent of Schools must revoke the certification of an individual who (1) pleads guilty or no contest with respect to a crime of violence, or child abuse or neglect; or (2) is dismissed or resigns following allegations of sexual child abuse. A local superintendent of schools must notify the State Superintendent of Schools about any charges against a certificate holder employed in the local school system.

Background: In a June 2006 audit of the Maryland State Department of Education (MSDE), the Office of Legislative Audits found that MSDE did not terminate the teacher certifications of 11 convicted sex offenders. The audit claims that MSDE was never notified by local school systems of convictions for seven of the offenders and that MSDE did not immediately terminate the certifications for the other four individuals, even after notification from local school systems. The report also found that MSDE “had not established sufficient procedures, controls, and regulations for ensuring that Maryland schools did not employ individuals convicted of qualifying crimes.”

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland State Department of Education, Department of Legislative Services

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