

Department of Legislative Services  
Maryland General Assembly  
2008 Session

FISCAL AND POLICY NOTE

House Bill 652 (Chair, Ways and Means Committee)  
(By Request – Departmental – Education)  
Ways and Means Education, Health, and Environmental  
Affairs

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Education - Public School Employees - Criminal Convictions

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This departmental bill prohibits a local board of education from knowingly hiring an individual who has been convicted of a crime of violence or a sex crime. The bill removes the requirement that the State Board of Education adopt regulations to prohibit a local board of education from knowingly hiring an individual for a noncertificated position who has been convicted of a violent or sexual crime.

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Fiscal Summary

**State Effect:** None. The bill is directed at local school systems.

**Local Effect:** None. The bill codifies current regulations and the standard practices of local school systems.

**Small Business Effect:** The Maryland State Department of Education has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment.

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Analysis

**Current Law:** The State Board of Education must adopt regulations to prohibit a local board of education from knowingly hiring, as a noncertificated employee, an individual who has been convicted of specified violent or sexual crimes.

By regulation, individuals who have been convicted of crimes 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 • pleads guilty or no contest with respect to a crime of violence or child abuse or neglect; or • is dismissed or resigns following allegations of sexual child abuse. A local superintendent must notify the State Superintendent about any charges against a certificate holder employed in the local school system. Pursuant to written notification by a local superintendent, the State Superintendent must revoke or suspend the certificate holder's certification after sending the certificate holder a copy of the charges and advising the certificate holder of the right to a hearing.

**Background:** The Maryland State Department of Education advises that this legislation is being proposed to strengthen the existing prohibition against hiring noncertificated school employees who have been convicted of certain crimes by clarifying the language and placing the prohibition in statute rather than regulations. Furthermore, although the prohibition on the hiring of certificated school employees who have been convicted of certain crimes is covered in regulations, there is nothing in statute that specifically prohibits the hiring of certificated employees with convictions. Finally, MSDE advises that the bill would align statutory language relating to public schools with the statutory requirements for nonpublic schools that were adopted by Chapter 235 of 2006. That law specifically prohibits private schools from knowingly hiring or retaining an individual convicted of certain crimes if the individual would have access to students at the schools.

Although current law requires the State Board of Education to adopt regulations to prohibit a local board of education from knowingly hiring an individual for a noncertificated position if the individual has been convicted of a violent or sexual crime, these regulations were never adopted.

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### **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 29, 2008  
mll/rhh

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