

SENATE BILL 359

F5

6lr2137
CF 6lr2800

By: **Senator Henson**

Introduced and read first time: January 23, 2026

Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

2 **Child Care Facilities – Criminal History Records Check – Requirement**

3 FOR the purpose of repealing the limitation on the number of Deputy State
4 Superintendents of Schools that the State Superintendent can appoint; requiring
5 individuals who will have direct contact with children in certain child care facilities
6 to submit to a criminal history records check; requiring the State Department of
7 Education to establish a centralized unit for the processing and management of
8 information about criminal history records checks; altering the applicability of
9 probationary employment qualifications for first-time child care teachers in certain
10 child care centers; and generally relating to a criminal history records check for
11 individuals who will have direct contact with children in child care facilities.

12 BY repealing and reenacting, with amendments,
13 Article – Education
14 Section 2–104(a)
15 Annotated Code of Maryland
16 (2025 Replacement Volume and 2025 Supplement)

17 BY adding to
18 Article – Education
19 Section 9.5–118
20 Annotated Code of Maryland
21 (2022 Replacement Volume and 2025 Supplement)

22 BY repealing and reenacting, without amendments,
23 Article – Education
24 Section 9.5–404(a)
25 Annotated Code of Maryland
26 (2022 Replacement Volume and 2025 Supplement)

27 BY repealing and reenacting, with amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Education
Section 9.5–404(b)(13)
Annotated Code of Maryland
(2022 Replacement Volume and 2025 Supplement)

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

Article – Education

2–104.

(a) The following employees shall be appointed to positions in the Department:

(1) [No more than three] **ANY** Deputy State Superintendents of Schools;

(2) Any assistant State superintendents and directors authorized by the
State Board and provided in the State budget; and

(3) Any other employees to fill positions authorized by the State Board and
provided in the State budget.

9.5–118.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
INDICATED.

(2) (I) “APPLICANT” MEANS AN INDIVIDUAL WHO IS APPLYING FOR
A POSITION INVOLVING DIRECT CONTACT WITH CHILDREN IN A CHILD CARE
FACILITY.

(II) “APPLICANT” INCLUDES A VOLUNTEER OR OTHER
INDIVIDUALS WHO MAY BE SUBJECT TO FEDERALLY REQUIRED BACKGROUND
CHECKS.

(3) “CENTRAL REPOSITORY” MEANS THE CRIMINAL JUSTICE
INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC
SAFETY AND CORRECTIONAL SERVICES.

(4) “CHILD CARE FACILITY” MEANS A CHILD CARE FACILITY
IDENTIFIED UNDER § 5–551 OF THE FAMILY LAW ARTICLE.

(B) AN APPLICANT WHO IS SEEKING A POSITION INVOLVING DIRECT
CONTACT WITH CHILDREN AT A CHILD CARE FACILITY SHALL SUBMIT TO A CRIMINAL
HISTORY RECORDS CHECK IN ACCORDANCE WITH § 5–555 OF THE FAMILY LAW

1 **ARTICLE.**

2 **(C) (1) (I) THE DEPARTMENT SHALL ESTABLISH A CENTRALIZED UNIT**
3 **FOR THE PROCESSING AND MANAGEMENT OF INFORMATION ABOUT CRIMINAL**
4 **HISTORY RECORDS CHECKS FOR APPLICANTS PROVIDING CHILD CARE SERVICES.**

5 **(II) THE CENTRALIZED UNIT MAY BE STAFFED BY LICENSING**
6 **SPECIALISTS IN THE REGIONAL CHILD CARE LICENSING OFFICES THROUGHOUT THE**
7 **STATE.**

8 **(2) THE CENTRALIZED UNIT SHALL NOTIFY AN APPLICANT FOR A**
9 **CRIMINAL HISTORY RECORDS CHECK:**

10 **(I) OF THE STATUS OF THE APPLICATION WITHIN 10 DAYS**
11 **AFTER SUBMISSION; AND**

12 **(II) SUBJECT TO THE RECEIPT OF THE CRIMINAL HISTORY**
13 **RECORD INFORMATION FROM THE CENTRAL REPOSITORY UNDER SUBSECTION (D)**
14 **OF THIS SECTION, WITHIN 45 DAYS AFTER SUBMISSION, OF THE APPLICANT'S**
15 **ELIGIBILITY TO PROVIDE CHILD CARE SERVICES IN A CHILD CARE FACILITY.**

16 **(D) (1) THE CENTRALIZED UNIT SHALL REVIEW AND MAINTAIN**
17 **BACKGROUND CHECKS COMPLETED IN ACCORDANCE WITH § 5-555 OF THE FAMILY**
18 **LAW ARTICLE.**

19 **(2) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY**
20 **UNDER THIS SECTION:**

21 **(I) IS CONFIDENTIAL;**

22 **(II) MAY NOT BE DISSEMINATED WITHOUT THE EXPRESS**
23 **PERMISSION OF THE APPLICANT; AND**

24 **(III) MAY BE USED ONLY FOR THE PURPOSES AUTHORIZED BY**
25 **THIS TITLE.**

26 **(E) (1) (I) THE CENTRALIZED UNIT MAY MAINTAIN A LIST OF**
27 **APPLICANTS WHO HAVE SUBMITTED A CRIMINAL HISTORY RECORDS CHECK IN**
28 **ACCORDANCE WITH THIS SECTION.**

29 **(II) THE CENTRALIZED UNIT MAY SHARE THE NAME AND**
30 **STATUS OF AN APPLICANT ON THE LIST WITH:**

1 **1. A CHILD CARE FACILITY AT WHICH THE APPLICANT**
2 **SEEKS TO BE EMPLOYED OR VOLUNTEER; AND**

3 **2. THE APPLICANT.**

4 **(2) ON REQUEST BY AN APPLICANT OR A CHILD CARE FACILITY, THE**
5 **CENTRALIZED UNIT MAY PROVIDE WRITTEN NOTICE TO THE APPLICANT OR THE**
6 **CHILD CARE FACILITY THAT AN APPLICANT WHO SEEKS TO BE EMPLOYED BY OR**
7 **VOLUNTEER WITH THE CHILD CARE FACILITY HAS A CRIMINAL HISTORY RECORDS**
8 **CHECK ON FILE WITH THE DEPARTMENT.**

9 9.5–404.

10 (a) The State Board shall adopt rules and regulations for licensing and operating
11 child care centers.

12 (b) These rules and regulations shall:

13 (13) Subject to subsection (c) of this section, establish probationary
14 employment qualifications for an individual who is applying for the first time to be a child
15 care teacher in a child care center in the State that serves preschool or school–age children
16 who are at least [3] 2 years old.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2026.