

SENATE BILL 359

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6lr2137
CF HB 635

By: **Senator Henson**

Introduced and read first time: January 23, 2026

Assigned to: Education, Energy, and the Environment

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 25, 2026

CHAPTER _____

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 on or before a certain date;
9 altering the applicability of probationary employment qualifications for first-time
10 child care teachers in certain child care centers; and generally relating to a criminal
11 history records check for individuals who will have direct contact with children in
12 child care facilities.

13 BY repealing and reenacting, with amendments,
14 Article – Education
15 Section 2–104(a)
16 Annotated Code of Maryland
17 (2025 Replacement Volume and 2025 Supplement)

18 BY adding to
19 Article – Education
20 Section 9.5–118
21 Annotated Code of Maryland
22 (2022 Replacement Volume and 2025 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY repealing and reenacting, without amendments,
2 Article – Education
3 Section 9.5–404(a)
4 Annotated Code of Maryland
5 (2022 Replacement Volume and 2025 Supplement)

6 BY repealing and reenacting, with amendments,
7 Article – Education
8 Section 9.5–404(b)(13)
9 Annotated Code of Maryland
10 (2022 Replacement Volume and 2025 Supplement)

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

13 **Article – Education**

14 2–104.

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

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

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

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

21 **9.5–118.**

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

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

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

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

1 (4) “CHILD CARE FACILITY” MEANS A CHILD CARE FACILITY
2 IDENTIFIED UNDER § 5-551 OF THE FAMILY LAW ARTICLE AND REQUIRED TO BE
3 LICENSED BY OR REGISTERED WITH THE DEPARTMENT UNDER THIS TITLE.

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

8 (C) (1) (I) ~~THE~~ ON OR BEFORE JUNE 30, 2027, THE DEPARTMENT
9 SHALL ESTABLISH A CENTRALIZED UNIT FOR THE PROCESSING AND MANAGEMENT
10 OF INFORMATION ABOUT CRIMINAL HISTORY RECORDS CHECKS FOR APPLICANTS
11 PROVIDING CHILD CARE SERVICES.

12 (II) THE CENTRALIZED UNIT MAY BE STAFFED BY LICENSING
13 SPECIALISTS IN THE REGIONAL CHILD CARE LICENSING OFFICES THROUGHOUT THE
14 STATE.

15 (2) THE CENTRALIZED UNIT SHALL NOTIFY AN APPLICANT FOR A
16 CRIMINAL HISTORY RECORDS CHECK:

17 (I) OF THE STATUS OF THE APPLICATION WITHIN 10 DAYS
18 AFTER SUBMISSION; AND

19 (II) SUBJECT TO THE RECEIPT OF THE CRIMINAL HISTORY
20 RECORD INFORMATION FROM THE CENTRAL REPOSITORY UNDER SUBSECTION (D)
21 OF THIS SECTION, WITHIN 45 DAYS AFTER SUBMISSION, OF THE APPLICANT’S
22 ELIGIBILITY TO PROVIDE CHILD CARE SERVICES IN A CHILD CARE FACILITY.

23 (D) (1) THE CENTRALIZED UNIT SHALL REVIEW AND MAINTAIN
24 BACKGROUND CHECKS COMPLETED IN ACCORDANCE WITH § 5-555 OF THE FAMILY
25 LAW ARTICLE.

26 (2) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY
27 UNDER THIS SECTION:

28 (I) IS CONFIDENTIAL;

29 (II) MAY NOT BE DISSEMINATED WITHOUT THE EXPRESS
30 PERMISSION OF THE APPLICANT; AND

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

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

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

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

10 **2. THE APPLICANT.**

11 **(2) ON REQUEST BY AN APPLICANT OR A CHILD CARE FACILITY, THE**
12 **CENTRALIZED UNIT MAY PROVIDE WRITTEN NOTICE TO THE APPLICANT OR THE**
13 **CHILD CARE FACILITY THAT AN APPLICANT WHO SEEKS TO BE EMPLOYED BY OR**
14 **VOLUNTEER WITH THE CHILD CARE FACILITY HAS A CRIMINAL HISTORY RECORDS**
15 **CHECK ON FILE WITH THE DEPARTMENT.**

16 9.5–404.

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

19 (b) These rules and regulations shall:

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

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