

## Chapter 361

**(Senate Bill 359)**

AN ACT concerning

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

FOR the purpose of repealing the limitation on the number of Deputy State Superintendents of Schools that the State Superintendent can appoint; requiring individuals who will have direct contact with children in certain child care facilities to submit to a criminal history records check; requiring the State Department of Education to establish a centralized unit for the processing and management of information about criminal history records checks on or before a certain date; altering the applicability of probationary employment qualifications for first-time child care teachers in certain child care centers; *requiring the Department to review a certain process and submit a certain report on or before a certain date*; and generally relating to a criminal history records check for individuals who will have direct contact with children in child care facilities.

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

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

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

BY repealing and reenacting, with amendments,  
 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 AND REQUIRED TO BE LICENSED BY OR REGISTERED WITH THE DEPARTMENT UNDER THIS TITLE REGISTERED FAMILY CHILD CARE HOME, A REGISTERED LARGE FAMILY CHILD CARE HOME, A LICENSED CHILD CARE CENTER, OR A CHILD CARE CENTER THAT HOLDS A LETTER OF COMPLIANCE.~~**

**(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 ARTICLE.**

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

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

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

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

(II) SUBJECT TO THE RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION FROM THE CENTRAL REPOSITORY UNDER SUBSECTION (D) OF THIS SECTION, WITHIN ~~45 DAYS AFTER SUBMISSION~~ THE TIME FRAME REQUIRED UNDER FEDERAL LAW, OF THE APPLICANT'S ELIGIBILITY TO PROVIDE CHILD CARE SERVICES IN A CHILD CARE FACILITY.

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

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

(I) IS CONFIDENTIAL;

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

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

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

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

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

**2. THE APPLICANT.**

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

9.5–404.

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

(b) These rules and regulations shall:

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

**SECTION 2. AND BE IT FURTHER ENACTED, That:**

**(a) The State Department of Education shall review the process for background checks established under § 9.5–118 of the Education Article, as enacted by Section 1 of this Act, to evaluate the efficiency and timeliness of processing applications and to identify opportunities for improvement while maintaining safety and compliance with State and federal law.**

**(b) The review required under subsection (a) of this section shall include an examination of:**

**(1) regulations;**

**(2) policies;**

**(3) procedures; and**

**(4) interagency coordination of background checks.**

**(c) On or before October 1, 2028, the Department shall report, in accordance with § 2–1257 of the State Government Article, to the General Assembly the results of the review required under subsection (a) of this section, including:**

- (1) the number of background check applications;
- (2) data on background check processing times;
- (3) any delays or barriers to the process; and
- (4) any recommendations for changing State law or administrative procedures.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2026.

**Approved by the Governor, May 12, 2026.**