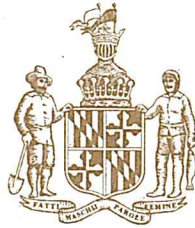


# **JacksonSB817Testimony.pdf**

Uploaded by: Michael Jackson

Position: FAV

**MICHAEL A. JACKSON**  
*Legislative District 27*  
Calvert, Charles and  
Prince George's Counties



*Annapolis Office*  
Miller Senate Office Building  
11 Bladen Street, Suite 3 West  
Annapolis, Maryland 21401  
410-841-3700 · 301-858-3700  
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Michael.Jackson@senate.state.md.us

Budget and Taxation Committee  
*Subcommittees*  
Pensions  
Public Safety, Transportation, and  
Environment

*District Office*  
250 Merrimac Court  
Prince Frederick, Maryland 20678

**THE SENATE OF MARYLAND**  
ANNAPOLIS, MARYLAND 21401

***TESTIMONY - SENATE BILL 817***

***EMPLOYMENT OF PREVIOUSLY CONVICTED INDIVIDUALS –  
STATE AGENCIES AND YOUTH CAMPS***

***JUDICIAL PROCEEDINGS COMMITTEE***

***MARCH 15, 2022***

Chair Smith, Vice Chair Waldstreicher, and Committee Members:

Senate Bill 817 is a very straightforward bill that simply creates a clear process for youth camps (such as the ones operated by Boys and Girls Clubs) to better vet potential employees who have direct access to children.

The bill would create a mechanism for the Maryland Department of Health to review the criminal background check information of those applying to work with children at youth camps. The Department of Health would be tasked with issuing related determinations to youth camp operators as to whether or not the results of said background checks would be prohibitive to hiring applicants.

The aim of this legislation is just to make certain that if a job applicant has a criminal record, that there is no direct relationship between their conviction and their potential job duties. The legislation is simply a safeguard to ensure the health and welfare of the children and staff at privately-operated youth camps in Maryland.

**For the reasons listed above, I ask for a favorable report of Senate Bill 817.**

# **FED CHRI CUT OFF LETTER - non government - Coming**

Uploaded by: Moira Cyphers

Position: FAV



## Department of Public Safety and Correctional Services

### Information Technology & Communications Division

Post Office Box 5743 • Pikesville, Maryland 21282-5743  
(410) 585-3100 • FAX (410) 764-4035 • [www.dpscs.maryland.gov](http://www.dpscs.maryland.gov)

STATE OF MARYLAND

LARRY HOGAN  
GOVERNOR

BOYD K. RUTHERFORD  
LT. GOVERNOR

ROBERT L. GREEN  
SECRETARY

RACHEL SESSA  
CHIEF OF STAFF

CHRISTOPHER McCULLY  
DEPUTY SECRETARY  
ADMINISTRATION

WAYNE HILL  
ACTING  
DEPUTY SECRETARY  
OPERATIONS

CAROLYN J. SCRUGGS  
ASSISTANT SECRETARY

GARY W. McLHINNEY  
ASSISTANT SECRETARY

September 7, 2021

To: Criminal History Record Recipient

Ref: Federal Criminal History Record Cut-off Notification

The Maryland Department of Public Safety and Correctional Services, Criminal Justice Information System (CJIS) regularly audits the records of agencies that receive federal and/or state criminal history record information for employment and/or licensing purposes. Upon review of these records and with input from the Federal Bureau of Investigation, it has been determined that CJIS disseminated federal criminal history record information in a manner that conflicts with current federal laws and regulations.

Pursuant to Public Law 92-544, federal criminal history record information is prohibited from being disseminated to a non-governmental agency. As such, if your agency does not have legislative authority pursuant to Public Law 92-544, your agency will only receive State of Maryland criminal history record information.

**This action is anticipated to occur fall 2021. Another letter will be sent to inform you of the actual date, once it is known.**

If you are a child care agency that is currently licensed by the Maryland State Department of Education, Office of Child Care (OCC), the federal criminal history record information required for your agency's employees will be received and vetted by the OCC. Questions related to the vetting of your agency's employees by the OCC should be directed to your OCC licensing specialist.

If you have questions relevant to your agency's legal authority to receive federal criminal history record information, please contact the CJIS Background Check Services Unit at 410-764-4501.

Sincerely,

Stanley Lofton, Chief Information Officer  
Cc: Donna Rowlette, CJIS

# **Letter to Boys and Girls Clubs MSDE Exemption.pdf**

Uploaded by: Moira Cyphers

Position: FAV



**Karen B. Salmon, Ph.D.**  
State Superintendent of Schools

March 29, 2021

Moira R. Cyphers  
Partner, Compass Government Relations Partners  
48 Maryland Ave  
Suite 4th Floor  
Annapolis, MD 21401

RE: Licensure Requirements for Boys and Girls Clubs of Maryland

Dear Ms. Cyphers,

The Boys and Girls Clubs of America are required to hold a child care license only if the programs offer child care services. Child care is defined in COMAR 13A.16.01.02 (B)(14) (a) as the care or supervision of a child when the child's parent has given the child's care over to another for some portion of a 24-hour day as a supplement to the parent's primary care of the child. However, child care is not a before-school or after-school activity conducted or sponsored by a public or nonpublic school that is approved or exempt from approval by the Maryland State Department of Education. Scouting, sports, or youth club activities are not considered child care. COMAR 13A.02(B)(14)(b)(i)&(ii). Custodial supervision means parentally authorized oversight of a child by an individual other than the child's parent or guardian. Custodial supervision includes responsibility for: (i) The well-being and the whereabouts of the child for a given period of time; and (ii) Direct transfer of the custody of the child from and to an authorized person. COMAR 13A.16.01.02 (B)(20).

Over the past year, we have helped many youth-serving organizations successfully complete the process of securing a license to provide child care services. We would be happy to provide any technical assistance needed for other clubs or chapters of your organization needing support.

The Boys and Girls Clubs traditionally operate during the school year as after-school activity facilities which include specialized club activities for youth. **When operating solely in that manner, licensure is not required.** See COMAR 13A.14.01.02 B (14) (b). In determining whether a program requires licensure, the OCC evaluates the program's primary purpose and to further determine whether that primary purpose is "custodial supervision". Like with child care, custodial supervision does not include the oversight of a child who is participating in a specific activity, such as scouting, sports, or youth clubs. COMAR 13A.16.01.02 (B)(20)(c).

I wanted to make you aware that it is our intention to continue to support the Boys and Girls Clubs in operating under their approved exempt specialized club status, as they did prior to the current state of emergency, when they offer only specialized club activities for youth. We are happy to work with the Boys and Girls Clubs in meeting the needs of their communities. Please let me know if you have any questions. You may contact me at [steven.hicks@maryland.gov](mailto:steven.hicks@maryland.gov).

Best Regards,

Steven R. Hicks  
Assistant State Superintendent  
Division of Early Childhood

**SB 817 - SUPPORT.pdf**

Uploaded by: Moira Cyphers

Position: FAV



March 14, 2022

**RE: Senate Bill 817 – SUPPORT**

Dear Chairman Smith, Vice Chair Waldstreicher, and members of the Senate Judicial Proceedings Committee:

In September 2021, the Maryland Alliance of Boys & Girls Clubs was notified by the State of Maryland that their current system of providing federal background checks results directly to employers was in violation of federal law. The purpose of Senate Bill 817 is to direct the Maryland Department of Health to receive and review federal criminal background check data as part of our hiring process.

In the initial letter from the Department of Public Safety and Correctional Services, they advised that the Office of Childcare within the Maryland State Department of Education (MSDE) would be the home for federal background checks for child care providers. Child care providers in Maryland are licensed by the Office of Child Care within MSDE. Child care providers typically care for children aged 0-5 and are subject to appropriate safety, staffing, and health guidelines that are closely and effectively enforced by the Office of Child Care.

Like many after school programs, the Maryland Alliance of Boy & Girls Clubs do not provide day care services associated with child care providers. The Boys & Girls Clubs and many other out of school time or after school providers fall under a different umbrella due to the population of youth they serve, and the programs provided. Out of school time activities include before and after school programs and summer camps youth ages 6 and up. Since our clubs qualify for the “youth club” exemption in the child care licensing code, MSDE has declined to perform the necessary federal criminal background checks as required by our national, Congressionally-chartered organization.

The state agency with licensing authority over the Maryland Alliance of Boys & Girls Clubs is the Maryland Department of Health – they are responsible for all summer camp licensure and Child Protective Services checks. Federal criminal background checks are an important part of ensuring the safety of our kids. We understand the state can no longer directly provide this information and believe that the Maryland Department of Health is the appropriate place for the Criminal Justice Information System disclosures. MOST, the Maryland Out of School Time Network has submitted testimony requesting expansion of this service to all non-childcare

We respectfully request the strong support of the Judicial Proceedings Committee. The Maryland Alliance of Boys & Girls Clubs need this information to ensure their well-qualified staff are providing great futures for Maryland kids.

Sincerely,

Vanessa Lyon  
Executive Director & Lead Administrator  
Maryland Alliance of Boys & Girls Clubs  
150 South Street, Suite 103  
Annapolis, MD 21401  
vlyon@bgcmaryland.org





**BOYS & GIRLS CLUBS**  
MARYLAND ALLIANCE

M: 667.309.5564

**MOST\_SUPPORT\_SB817.pdf**

Uploaded by: Ellie Mitchell

Position: FWA



March 15, 2022, 1 p.m. Judicial Proceedings Committee

**SB817**—Employment of Previously Convicted Individuals – State Agencies and YouthCamps

**Favorable with Amendment**

Dear Chair Smith, Vice-Chair Waldstreicher, and Members of the Judicial Proceedings Committee,

The Maryland Out of School Time Network (MOST) is a statewide organization dedicated to closing opportunity gaps by expanding the quantity and quality of afterschool and summer learning opportunities for school-aged young people. MOST is one of the fifty statewide networks supported by the Charles Stewart Mott Foundation and serves as Maryland’s affiliate to the National Afterschool Association.

A change in federal law now requires a state agency to serve as an intermediary to receive results from federal background checks. Previously, many non-profit youth-serving organizations like the Girl Scouts, Boys & Girls Clubs, and others could directly request and receive background check information for their new hires and volunteers. Therefore, a new system must be established to provide timely federal background check information to organizations outside of the purview of the Maryland State Department Childcare Licensing Division. Since the Maryland Department of Health (MDH) already provides this service for youth summer camps, expanding their services to non-childcare, youth serving organizations year-round will allow no disruption in this critical flow of information.

We support SB817 with amended language to include a wider variety of youth-serving organizations that do not fall under child-care licensing. For this purpose and with this addition, we encourage the committee to move forward the legislation with a favorable report.

Ellie Mitchell

Director, Maryland Out of School Time Network

[emitchell@mostnetwork.org](mailto:emitchell@mostnetwork.org)

410-370-7498

**Maryland Out of School Time Network**

1500 Union Ave / Suite 2300

Baltimore MD 21211 / 410 374-7692

[www.mostnetwork.org](http://www.mostnetwork.org)