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**WRITTEN TESTIMONY**

**House Bill 1254 – Child Care Providers – Criminal History Records Checks and Abuse and Neglect Clearances – Requirements**

**Education, Energy and the Environment Committee**

**March 27, 2024**

**Oppose as Amended**

**MEMBER ORGANIZATIONS**

Adat Chaim Congregation  
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 Americans for Peace Now  
 Baltimore Chapter  
 American Israel Public Affairs Committee  
 American Red Magen David for Israel  
 American Zionist Movement  
 Amit Women  
 Association of Reform Zionists of America  
 Baltimore Board of Rabbis  
 Baltimore Hebrew Congregation  
 Baltimore Jewish Green and Just Alliance  
 Baltimore Men's ORT  
 Baltimore Zionist District  
 Beth Am Congregation  
 Beth El Congregation  
 Beth Israel Congregation  
 Beth Shalom Congregation of  
 Howard County  
 Beth Tfiloh Congregation  
 B'nai B'rith, Chesapeake Bay Region  
 B'nai Israel Congregation  
 B'nai Jacob Shaarei Zion Congregation  
 Bolton Street Synagogue  
 Chevra Ahavas Chesed, Inc.  
 Chevrei Tzedek Congregation  
 Chizuk Amuno Congregation  
 Congregation Beit Tikvah  
 Congregation Tiferes Yisroel  
 Federation of Jewish Women's  
 Organizations of Maryland  
 Hadassah  
 Har Sinai - Oheb Shalom Congregation  
 J Street  
 Jewish Federation of Howard County  
 Jewish Labor Committee  
 Jewish War Veterans  
 Jewish War Veterans, Ladies Auxiliary  
 Jewish Women International  
 Jews For Judaism  
 Moses Montefiore Anshe Emunah  
 Hebrew Congregation  
 National Council of Jewish Women  
 Ner Tamid Congregation  
 Rabbinical Council of America  
 Religious Zionists of America  
 Shaarei Tfiloh Congregation  
 Shomrei Emunah Congregation  
 Suburban Orthodox Congregation  
 Temple Beth Shalom  
 Temple Isaiah  
 Zionist Organization of America  
 Baltimore District

The Baltimore Jewish Council Represents the Associated Jewish Community Federation of Baltimore and all its agencies, as well as the organized Jewish community of Greater Baltimore. The Associated's Jewish Community Center's (JCC'S) operate Early Childhood Learning Centers (ECLC) and there are several other Jewish childcare centers in our area. We understand the positive intent of the unamended bill and were originally supportive with amendments (not included in the passed amended version) but we must oppose the bill as amended. The House passed version of the bill goes against the original intent of the bill, creating a law that allows MSDE and the Department of Human Services to ignore federal requirements, ultimately harming all childcare centers in Maryland.

Currently it is standard practice that larger ECLC's independently fingerprint and run that information through CJIS, generally receiving those results in 24-48 hours, enabling them to hire staff while they wait for Department of Human Service's and MSDE's clearance. However, we understand that due to a change in Federal law, private entities will no longer have access to FBI CJIS results which are needed to approve a job application for a childcare instructor.

HB1254 in its original posture gave up to 45 days for the Department and MSDE to let childcare centers know whether a person is eligible for employment and 10 days for an applicant to know the status of their application. This is language taken from the Federal requirements which state that;

**“Background check results. (1) The State, Territory, or Tribe shall carry out the request of a child care provider for a criminal background check as expeditiously as possible, but not to exceed 45 days after the date on which the provider submitted the request, and shall provide the results of the criminal background check to such provider and to the current or prospective staff member.”<sup>1</sup>**

We understand currently that MSDE and the Department of Human Services do not always get that information to ECLC's and other childcare centers within that timeframe, which is the reason for this bill. However, 45 days would mean childcare centers having to shut down classrooms, leaving both the childcare centers and parents in a bind if there is a staff turnover. During a time when over 700 childcare centers closed during covid in Maryland, where we have childcare staffing crisis, 45 days is far too many.

<sup>1</sup> <https://www.govinfo.gov/content/pkg/CFR-2023-title45-vol1/pdf/CFR-2023-title45-vol1-sec98-43.pdf>

A similar bill (SB708 2023) was introduced and passed last year around camp counselors.<sup>2</sup> We were able to work with the Department of Health and amend the bill to require a 3-business day turn-around period to notify the entity if a staffer was approved and passed their background check.

We had asked that HB1254 be similarly amended, with the understanding that childcare centers require more background checks. We asked to amend the 10-day status notice to 5-business days and the 45-day clearance notification to 7-business days. While this would still be burdensome, it is more reasonable and would be less detrimental to childcare centers and families that rely on them throughout the state. However, these amendments were not added to the bill.

Instead, HB1254, as amended in the House, puts into statute that the State can negate federal requirements by codifying that the MSDE and the Department of Human Services do not need to meet the 45-day rule if they do not have enough staff/ and/or resources. This not only goes against the intent of the original bill, it codifies the problem the bill aimed to address by giving MSDE and the Department of Human Services a legal out for the 45-day requirement.

For these reasons we ask for an unfavorable report on HB1254 as amended.

*The Baltimore Jewish Council, a coalition of central Maryland Jewish organizations and congregations, advocates at all levels of government, on a variety of social welfare, economic and religious concerns, to protect and promote the interests of the Associated Jewish Federation of Baltimore, its agencies and the Greater Baltimore Jewish community.*

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<sup>2</sup> [https://mgaleg.maryland.gov/2023RS/chapters\\_noln/Ch\\_226\\_sb0708T.pdf](https://mgaleg.maryland.gov/2023RS/chapters_noln/Ch_226_sb0708T.pdf)