

BILL: House Bill (HB) 1254 **DATE:** February 26, 2024

SUBJECT: Child Care Providers - Criminal History Records Checks and Abuse and Neglect Clearances - Requirements **COMMITTEE:** Ways and Means

POSITION: No Position

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EXPLANATION:

The Maryland State Department of Education (MSDE) is providing information for consideration regarding House Bill (HB) 1254 - Child Care Providers - Criminal History Records Checks and Abuse and Neglect Clearances – Requirements.

Currently, the Office of Child Care’s (OCC) regional licensing staff review and process in-state and out-of-state criminal background clearances and child abuse and neglect records for all providers, adult residents, child care staff, and associated parties. For the 2022 calendar year, there were more than 75,000 associated parties in the child care database and 101,776 in state criminal background clearances that were received and processed. The processes for receiving, reviewing, and investigating the in-state background checks are determined based on the Federal mandates of the Criminal Justice Information System (CJIS) and Child Care and Development Block Grant (CCDBG). Any operational changes to the processing of the in-state criminal background clearances would need to be in alignment with federal requirements and approved by CJIS.

Under current procedures, if the Agency receives an “alert” (for prospective staff) and/or a “hit” (for employed staff) in regard to a criminal charge, the OCC is required to obtain court records regarding the incident and determine whether it took place in-state or out of state, which involves further engagement with the courts and law enforcement agencies involved. The OCC also partners with the local Department of Human Services (DHS) Child Protection Services (CPS) offices to review initial child abuse and neglect records for providers, adult residents, child care staff, and associated parties and every two years thereafter. In some cases, the OCC must request additional records from DHS to determine the suitability of employment. As part of this process, the OCC may be required to obtain additional CPS records and has no control over the time frame for obtaining this information.

HB 1254 would require the CPS record clearances on a five-year basis, as opposed to the current requirement of submitting release forms every two years. During that time frame, if CPS fails to notify the OCC of a pending CPS investigation or finding, the OCC would not be able to determine suitability of employment for an individual until the next clearance is completed. Unlike the CJIS system for fingerprinting personnel, the CPS clearance process is not automated. The change in the CPS background check timeframe creates a serious risk to child safety.

Lastly, HB1254 recommends that a Credentialing Specialist in the regional licensing offices process the background checks. OCC does not have any Credentialing Specialist positions. As mentioned, the current licensing staff are tasked with obtaining the clearances. Given the timeframes specified in the bill, which may not be attainable due to the timeframes of outside agencies, it would be imperative that licensing staff receive overtime compensation in order to meet the requirement of HB 1254. The OCC recently filled the 126 licensing positions to maintain manageable caseloads in accordance with the federal CCDBG standards, and the additional responsibilities of this bill raise capacity concerns for these individuals.

In summary, MSDE is always in support of any guidelines and initiatives intended to keep children safe; however, the Agency cannot guarantee the timeframes specified for the clearances, considering that the criminal background clearances and child abuse and neglect records come from other agencies such as the Department of Human Services (DHS) and Criminal Justice Information System (CJIS). Nonetheless, given that existing MSDE personnel currently do not have the capacity to absorb the additional work as outlined in HB 1254, MSDE suggests that a reasonable alternative to requiring licensing staff to carry out the requirements set in the bill, would be to provide the Agency with funding to hire a designated team of individuals to carry out the requirements set forth. The designated team of individuals would not only provide additional support to licensing staff, but also would lay the foundation for providing much-needed consistency with clearance procedures and processes across the State.

We respectfully request that you consider this information as you deliberate HB 1254. For further information, please contact Dr. Akilah Alleyne at 410-767-0504, or Akilah.alleyne@maryland.gov.