

SB0770 Applicants for Positions Involving Direct C

Uploaded by: Alison D'Alessandro

Position: FAV



SB0770 – Applicants for Positions Involving Direct Contact with Minors – Required Information, Review Process, and Reporting - Alterations
Education, Energy, and the Environment Committee
February 21, 2025

Position: SUPPORT

Center for Hope, LifeBridge Health **strongly supports SB0770 – Applicants for Positions Involving Direct Contact with Minors – Required Information, Review Process, and Reporting – Alterations.**

Center for Hope, a subsidiary of the regional medical system LifeBridge Health, includes the third oldest nationally accredited child advocacy center in the nation and the first in Maryland. Since 2010, Center for Hope has trained professionals, youth-serving organizations, community members, and many others on violence intervention and prevention and how to protect the vulnerable. With pioneering approaches to preventing the abuse of children and youth, and youth-serving organizational policy development, Center for Hope's experts indirectly improve the lives of tens of thousands of people across the country each year. Center for Hope has studied the repeated failures of mandatory reporters and youth-serving organizations and understands the extent to which appropriate policies and education can improve outcomes for children and youth. Center for Hope has collaboratively assessed, designed, and assisted with the implementation of child and youth protection policies as well as training for institutions and organizations throughout the nation.

SB0770 enhances and expands systems to protect children from sexual abuse and sexual misconduct through several modifications to bills passed in 2018 (HB 1072) and 2019 (HB 486). These bills required Maryland public and private schools to train staff about sexual abuse and sexual misconduct, develop a code of conduct for school staff, and conduct pre-employment screening for acts of sexual abuse or misconduct during prior employment.

SB0770 improves the 2018 and 2019 legislation by:

1. Expanding current training, code of conduct, and background check requirements to include child care centers and youth-serving organizations;
2. Including definitions of boundary-violating behavior and youth serving organizations;
3. Requiring schools, child care centers, and youth-serving organizations to request Child Protective Services (CPS) background clearances from the Department of Human Services prior to employment;
4. Requiring County Boards of Education to submit an annual report to the Maryland State Department of Education delineating the training developed and implemented, and the policies and procedures for screening applicants; and
5. Requiring County Boards of Education to share with MSDE the employee codes of conduct for the county board and each non-public school and contracting agency in the county.

Centers for Disease Control (CDC) states screening for child sexual abuse prevention should be integrated into the general screening and selection process that organizations already employ to choose the best possible candidates for positions. Youth-serving organizations need to know about an applicant's previous boundary issues, criminal histories of sexual offenses, violence against youth, and other violent criminal offenses. Youth-serving organizations must be able to assess the background and interests of applicants as early and as fully as possible. It must be determined if adults have clear boundaries and ethical standards for their conduct with youth.

The organization's inquiry or request for a background check screening demonstrates the organization's seriousness about protecting children and youth and will discourage applicants at risk for perpetrating child sexual abuse. Research shows that a significant percentage of all cases of child sexual abuse occur through organizations that serve children and youth, including schools, child care centers, churches, sports clubs, and other youth-serving organizations. Perpetrators may seek employment with these organizations because they recognize the opportunity to be with children and to find a place to groom possible victims.

SB0770 establishes multiple layers of protection to prevent children from being sexually abused:

Background checks: Schools, child care centers and youth serving organizations will be required to complete several different background checks for prospective employees, which each capture different information:

- **Criminal Background Checks:** All currently conduct criminal background checks. However, most instances of child sexual abuse do not result in a criminal conviction.
- **CPS background checks:** Will help identify confirmed instances of abuse that may not have led to a criminal prosecution or conviction.
- **Prior Employment Checks on Sexual Abuse, Misconduct, and Boundary-Violating Behavior:** This will alert prospective employers about behavior that is exploitative, inappropriate, harmful, and/or unwanted, which may not meet the legal definition of abuse, but serves as a red flag for possible future abusive behavior.

Hampered by inadequate access to complete employee background information, child care centers and youth-serving organizations unwittingly hire staff accused of boundary issues or inappropriate behavior with children and youth. In some situations, employees who have been accused of boundary-violating behavior with children or youth are dismissed and the employer is not able to alert future employers.

Education and Clear Policies on Interactions with Children: Staff who interact with children will receive training about interactions with children that may violate boundaries, enabling them to identify potential grooming behavior in others and address it before a child is abused. Clear policies set a standard for appropriate behavior and for potential disciplinary action.

Monitoring and Compliance: Ensures that schools, child care centers and child serving organizations are following the law and doing what they need to do to protect children.

SB0770 would prevent employees of child care centers and youth-serving organizations with a track record of disregarding laws, policies, and codes of conduct related to boundary issues with children and youth from moving from one organization to another without consequence or question. If we hope to end child sexual abuse, we need to engage all organizations who serve children and youth as leaders in the prevention effort, to help them become places where perpetrators cannot work, and where policies and practices at every level better protect children and youth in their care.

For all the above stated reasons, we request a favorable report for SB0770.

For more information, please contact:

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SB0770_Applicants_for_Positions_Involving_Direct_C

Uploaded by: Cecilia Plante

Position: FAV



TESTIMONY FOR SB0770

Applicants for Positions Involving Direct Contact With Minors – Required Information, Review Process, and Reporting - Alterations

Bill Sponsor: Senator Gile

Committee: Education, Energy, and the Environment

Organization Submitting: Maryland Legislative Coalition

Person Submitting: Cecilia Plante, co-chair

Position: FAVORABLE

I am submitting this testimony in favor of SB0770 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists, and our Coalition supports well over 30,000 members.

This bill will expand the number of places that must require applicants to submit a release of records from prior employers to include child care centers and youth-serving organizations, such as summer camps, and recreational sports teams. The applicants must not only submit information about previous sexual abuse or neglect or boundary-violating behavior a written statement that they have never engaged in sexual abuse, neglect or boundary-violating behavior.

Our members believe that you can never be too careful in vetting the people who we trust our children to. We strongly support this bill and recommend a **FAVORABLE** report in committee

Carrington 2025 SB770 Applicants Schools Required

Uploaded by: Darrell Carrington

Position: FAV



CARRINGTON & ASSOCIATES, LLC

Integrity.Passion.Results

Since 2005

**Position Statement in Support of Senate Bill 770
Applicants for Positions Involving Direct Contact With Minors – Required
Information, Review Process, and Reporting – Alterations
Submitted by Carrington & Associates, LLC**

Carrington & Associates, LLC supports Senate Bill 770, which enhances the safety and well-being of Maryland's youth by strengthening the hiring and screening processes for individuals applying for positions that involve direct contact with minors.

As a firm dedicated to advancing policies that promote community well-being and responsible governance, we recognize the critical need for standardized, thorough, and transparent procedures to prevent individuals with a history of boundary-violating behavior from working with children. SB770 addresses this issue by ensuring that child care centers, youth-serving organizations, county boards of education, nonpublic schools, and contracting agencies implement comprehensive background assessments and establish clear reporting obligations when concerning information arises.

By requiring consistency in reviewing applicant histories and mandating reporting procedures, SB770 provides a necessary safeguard to protect Maryland's youth from potential harm. This legislation is a proactive measure that aligns with best practices in child protection and strengthens institutional accountability in hiring decisions.

Carrington & Associates, LLC respectfully requests a favorable report for SB770, ensuring that those entrusted with the care and development of our children are subject to a rigorous and responsible vetting process. We stand ready to support this effort and work collaboratively with policymakers, community organizations, and stakeholders to uphold the highest standards of child safety.

**Respectfully submitted,
Carrington & Associates, LLC**

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SB0770 CPCM FAV.pdf

Uploaded by: Diana Philip

Position: FAV

THE COALITION TO PROTECT MARYLAND'S CHILDREN

Our Mission: To combine and amplify the power of organizations and citizens working together to keep children safe from abuse and neglect. We strive to secure budgetary and public policy resources to make meaningful and measurable improvements in safety, permanence, and wellbeing.



SB0770 – Applicants for Positions Involving Direct Contact with Minors – Required Information, Review Process, and Reporting - Alterations
Senate Education, Energy, and the Environment Committee
February 21, 2025

Position: SUPPORT

The Coalition to Protect Maryland's Children is a consortium of organizations and individuals formed in 1996 who are concerned about the care of Maryland's most vulnerable children and work together to promote meaningful child welfare reform. **CPMC urges a favorable report on SB0770 - Applicants for Positions Involving Direct Contact with Minors – Required Information, Review Process, and Reporting - Alterations.**¹

SB770 enhances and expands systems to protect children from sexual abuse and sexual misconduct through several modifications to legislation passed in 2018 (HB1072) and 2019 (HB0486). These bills required Maryland public and private schools to train staff about sexual abuse and sexual misconduct, develop a code of conduct for school staff, and conduct pre-employment screening for acts of sexual abuse or misconduct during prior employment.

SB0770 improves the 2018 and 2019 legislation by:

- (1) Expanding current training, code of conduct, and background check requirements to include childcare centers and youth-serving organizations;
- (2) Including definitions of boundary-violating behavior and youth serving organizations;
- (3) Requiring schools, childcare centers, and youth-serving organizations to request Child Protective Services (CPS) background clearances from the Department of Human Services prior to employment; and
- (4) Requiring County Boards of Education to submit an annual report to the Maryland State Department of Education delineating the training developed and implemented, and the policies and procedures for screening applicants.

It also requires County Boards of Education to share with MSDE the employee codes of conduct for the county board and each non-public school and contracting agency in the county.

¹ Members of CPMC represented by this written testimony include Catholic Charities of Baltimore, Center for Hope, Child Justice, Citizens Review Board for Children, Court Appointed Special Advocates (MD CASA), Court Appointed Special Advocates (Baltimore County), Everstand, The Family Tree, MD Chapter - American Academy of Pediatrics, Maryland Association of Resources for Families and Youth (MARFY), Maryland Children's Alliance, Maryland Coalition Against Sexual Assault, Maryland Network Against Domestic Violence, National Association of Social Workers – MD, and State Council on Child Abuse & Neglect (SCCAN)

Child sexual abuse is, unfortunately, extremely common in our society, with approximately 27% of girls and 5% of boys acknowledging abuse by age 17 via anonymous survey.² Child sexual abuse can have significant negative effects during childhood and through adulthood. For children and teenagers, these effects include physical problems such as bedwetting, somatic complaints (physical complaint without known biologic cause - e.g. chronic abdominal or pelvic pain), weight gain and obesity; academic problems such as poor academic performance, school failure, and psychological problems such as depression, suicide, self-injury, eating disorders, and aggressive or withdrawn behavior.³ Teenage girls who have been sexually abused have twice the likelihood of teen pregnancy,⁴ while teenage boys are nearly 5 times more likely to get someone pregnant.⁵ Adults who have been sexually abused have twice the likelihood of suicide.⁶ Women with a history of sexual abuse spend more on healthcare costs, even after adjusting for mental health costs, have more doctor visits, more surgical procedures, and more hospitalizations.

In addition to some of the effects noted above, children, families, and communities may experience a profound loss of trust when institutions such as schools, childcare centers, and recreation centers, which are supposed to keep our children safe, fail to do so.

Multiple episodes of sexual abuse in Maryland schools^{7,8,9} as well as incidents where incomplete background checks put children at risk¹⁰ spurred action. The Maryland State Council on Child Abuse and Neglect (SCCAN) along with partners including The Family Tree, The Coalition to Protect Maryland's Children, the Maryland Chapter of the American Academy of Pediatrics, and others pushed for legislation to prevent these incidents in schools. HB1072 (2018) and HB0486 (2019) were a direct result of these advocacy efforts, and the requirements are summarized at the end of this testimony.

² Finkelhor D, Shattuck A, Turner HA, Hamby SL. The lifetime prevalence of child sexual abuse and sexual assault assessed in late adolescence. *Journal of Adolescent Health*. 2014; 55:329-333.

³ Trickett PK, McBride-Chang C. The developmental impact of different forms of child abuse and neglect. *Developmental Review*. 1995; 15:311-337. & Drossman DA. Abuse, trauma, and GI illness: Is there a link? *Am J Gastroenterol*. 2011; 106:14-25 & Wonderlich SA, Wilsnack RW, Wilsnack SC, Harris TR. Child sexual abuse and bulimic behavior in a nationally representative sample. *American Journal of Public Health*. 1996;86(8):1082-1086. & Mills R, Scott J, Alati R, O'Callaghan M, Najman JM, Strathearn L. Child maltreatment and adolescent mental health problems in a large birth cohort. *Child Abuse & Neglect*. 2013; 37:292-302.

⁴ Noll JG, Shenk CE, Putnam FW. Childhood sexual abuse and adolescent pregnancy: a meta-analytic update. *Journal of Pediatric Psychology*. 2009;34(4):366-378.

⁵ Homma Y, Wang N, Saewyc E, Kishor N. The relationship between sexual abuse and risky sexual behavior among adolescent boys: A meta-analysis. *Journal of Adolescent Health*. 2012; 51:18-24.

⁶ ACE Studies - <https://www.cdc.gov/violenceprevention/acestudy/about.html> & Dube SR, Anda RF, Whitfield CL, Brown DW, Felitti VJ, Dong M, Giles WH. Long-term consequences of childhood sexual abuse by gender of victim. *AJPH*. 2005;28(5):430-438.

⁷ https://www.washingtonpost.com/local/education/he-was-warned-about-getting-too-close-to-students-but-this-maryland-teacher-was-allowed-to-stay-in-the-classroom/2017/08/25/5ac2ad76-7bbe-11e7-a669-b400c5c7e1cc_story.html?utm_term=.0e6df6531ae9

⁸ https://www.washingtonpost.com/local/education/for-years-pr-georges-didnt-strengthen-school-sex-abuse-policies/2016/03/31/03367b88-db32-11e5-81ae-7491b9b9e7df_story.html?utm_term=.8fa3e5820290

⁹ https://www.nbcwashington.com/investigations/Teacher-Sexually-Assaulted-Student-Maryland-After-Prior-Guilty-Plea-Virginia-397830541.html?_osource=SocialFlowFB_DCBrand

¹⁰ <https://www.nbcwashington.com/investigations/Teacher-Who-Lost-License-in-Fla-Went-on-to-Teach-in-Two-Md-Districts-474223053.html>

In 2023, SCCAN completed a search of board of education websites for all 24 Maryland jurisdictions and then attempted to contact staff in every jurisdiction to determine what had been done to comply with HB1072 and HB0486. In addition, while not part of HB1072 or HB0486, SCCAN asked whether boards of education routinely complete CPS background checks when hiring new employees. SCCAN found that it was sometimes challenging to identify the appropriate point of contact, particularly in larger jurisdictions. All jurisdictions indicated that they had developed the Codes of Conduct, though only 16/24 (67%) indicated that their Code of Conduct specifically addressed appropriate staff-student boundaries. Only 12/24 (50%) of jurisdictions were requiring CPS background checks prior to hiring.

Through the work of SCCAN and other child serving organizations, it became clear that the legislation as written was missing a number of protections, including:

- (1) A requirement for monitoring of implementation and compliance.
- (2) A requirement for CPS background checks to determine whether prospective employees had been investigated by Child Protective Services and had been found responsible for abuse or neglect of a child.
- (3) A mandate that other child serving organizations such as after school programs or childcare sites follow these same protections.
- (4) A clear definition of boundary violating behavior.

SB0770 addresses each of these deficiencies and establishes multiple layers of protection to prevent children from being sexually abused:

Background checks: Schools, childcare centers and youth serving organizations will be required to complete several different background checks for prospective employees, which each capture different information:

- **Criminal Background Checks:** All currently conduct criminal background checks. However, most instances of child sexual abuse do not result in a criminal conviction.
- **CPS background checks:** Will help identify confirmed instances of abuse that may not have led to a criminal prosecution or conviction.
- **Prior Employment Checks on Sexual Abuse, Misconduct, and Boundary-Violating Behavior:** This will alert prospective employers about behavior that is exploitative, inappropriate, harmful, and/or unwanted, which may not meet the legal definition of abuse, but serves as a red flag for possible future abusive behavior.

Education and Clear Policies on Interactions with Children: Staff who interact with children will receive training about interactions with children that may violate boundaries, enabling them to identify potential grooming behavior in others, and address it before a child is abused. Clear policies set a standard for appropriate behavior and for potential disciplinary action.

Monitoring and Compliance: Ensures that schools, childcare centers, and child serving organizations are following the law and doing what they need to do to protect children. Unfortunately, instances of child sexual abuse Clearly, primary prevention (i.e. before sexual abuse occurs) of child sexual abuse is badly needed.

The negative effects of child sexual abuse can be enormous, and prevention is possible. We should be doing all that we can to prevent children from being sexually abused in schools and programs that are responsible for keeping children safe.

It is for these reasons that the Coalition to Protect Maryland's Children **urges a favorable report on SB0770** - Applicants for Positions Involving Direct Contact with Minors – Required Information, Review Process, and Reporting – Alterations.

Prior Maryland Legislation to Prevent Child Sexual Abuse in Schools

2018's HB1072 – Child Sexual Abuse Prevention – Instruction and Training

- Required each county board of education or non-public school that receives state funds to require annual instruction of all school employees on the prevention, identification, and reporting of sexual abuse and misconduct. The training must include:
 - Recognition of sexual misconduct in adults;
 - Recognition, and appropriate response to sexually inappropriate, coercive, or abusive behaviors among minors;
 - Recognition of behaviors and verbal cues that could indicate a minor has been a victim of child sexual abuse;
 - Responding to disclosures by minors or their parents or guardians of child sexual abuse or reports of boundary-violating behaviors of adults or minors in a supportive and appropriate manner that meets mandatory reporting requirements under state law.
- Required each county board to establish and implement policies that support the prevention of child sexual abuse through ongoing training of staff on behavior that constitutes adult perpetration; reporting obligations and procedures; and for staff involved in hiring: comprehensive screening of prospective employees.
- Required each county board to develop an Employee Code of Conduct that addresses appropriate contact between staff and students.
- Beginning in the 2019-2020 school year, required that each county board develop policies and procedures on the use and modification of physical facilities and spaces to reduce opportunity for child sexual abuse. SCCAN worked with the Interagency Commission on School Construction to draft the “Guidelines and Best Practices for the Assessment and Modification of Physical Facilities and Spaces to Reduce Opportunities for Child Sexual Abuse” which were approved by both groups.

2019's HB0486: Education – Personnel Matters – Child Sexual Abuse and Sexual Misconduct Prevention

- For new employees who will have direct contact with minors, it requires schools to gather information about applicants' prior employment and consent to contact prior employers. Requires schools to request prior employers about past sexual misconduct or abuse investigation.

DG Written Testimony_SB0770.docx.pdf

Uploaded by: Senator Gile

Position: FAV

DAWN D. GILE
Legislative District 33
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Chair

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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Testimony in Support of SB0770 - Applicants for Positions Involving Direct Contact With Minors - Required Information, Review Process, and Reporting - Alterations

Mr. Chair, Madame Vice Chair, and members of the Senate Education, Energy, and the Environment Committee:

Protecting the most vulnerable members of our communities—especially our children—remains one of my highest priorities as a Maryland state senator. That’s why I am introducing SB0700, a bill designed to strengthen child sexual abuse prevention by enhancing oversight, improving background checks, and expanding safeguards across all child-serving organizations. This legislation builds on previous efforts, closing existing gaps to ensure we are doing everything possible to keep children safe.

The need for this bill became clear after concerns from parents and community members about how schools handle allegations of child sexual abuse. Although legal proceedings in a recent case are still ongoing, it underscored the urgent need for stronger policies that prioritize student safety. I know that the parents of victims in this case would want nothing more than to be here to share their stories and advocate for change. However, out of respect for the ongoing criminal investigation and to avoid jeopardizing the case, they are unable to provide public testimony at this time. Their voices, though absent today, have been a driving force behind this legislation.

Schools and other child-serving organizations must have clear, effective safeguards to minimize risks and ensure that every employee meets the highest standards of trust and integrity. Every child deserves a safe and nurturing environment where their well-being is paramount.

In 2018 and 2019, Maryland made important strides in preventing child sexual abuse with the passage of House Bill 1072 and House Bill 486, which introduced mandatory training, codes of conduct, and employee screening in schools. However, without robust oversight and enforcement, even the strongest policies can fall short.

SB0700 addresses this gap by amending these earlier laws to require the Maryland State Department of Education (MSDE) to actively oversee their implementation. Each jurisdiction will now be required to submit its training programs, codes of conduct, and staff screening policies to MSDE annually. In turn, MSDE will compile this information and provide regular reports to the Maryland General Assembly on the progress and compliance of these programs.

This added layer of accountability ensures that safety policies are not just written but enforced and continuously improved.

While current law requires criminal background checks for employees in Maryland's schools and child-serving institutions, this step alone isn't enough. Criminal checks often fail to identify individuals who have been found responsible for child maltreatment but haven't been criminally convicted. To close this gap, SB0700 will mandate Child Protective Services (CPS) background checks before hiring new employees. CPS checks are crucial in identifying individuals who pose a risk to children, even if they have no criminal record, providing a stronger safety net for our kids.

But the responsibility to protect children shouldn't stop at the school gates. Child predators often seek employment in other child-serving environments like day care centers, after-school programs, and youth sports leagues. This bill expands the requirements established by HB1072 and HB486 to all child-serving organizations, ensuring consistent safeguards wherever children are present. By standardizing these protections, we prevent individuals who pose a risk from simply moving between organizations undetected.

Every child deserves a safe space to learn, play, and grow. SB0700 represents a vital step forward in safeguarding our children by giving schools and child-serving organizations the tools, oversight, and accountability they need to prevent abuse.

My heart breaks for every child who has endured the trauma of sexual abuse. No child should ever face that pain, and it is our moral obligation to do everything in our power to protect them. We cannot wait—we must act now to strengthen our safeguards and ensure that child predators never gain access to the most vulnerable among us.

SB 770 - MML - FWA.pdf

Uploaded by: Bill Jorch

Position: FWA



Maryland Municipal League
The Association of Maryland's Cities and Towns

TESTIMONY

February 21, 2025

Committee: Senate Education, Energy, and the Environment Committee

Bill: SB 770 - Applicants for Positions Involving Direct Contact With Minors - Required Information, Review Process, and Reporting - Alterations

Position: Favorable with Amendments

Reason for Position:

The Maryland Municipal League (MML) supports Senate Bill 770, with amendments. The bill adds a definition which includes new entities that will be subject to existing provisions that place requirements on job applicants and employers for positions with direct contact with minors.

Instituting policies that aim to promote the safety of children while interacting with an authority figure are of utmost importance and municipal governments practice such policies. The hiring process in municipal parks and recreation departments is already quite rigorous as they understand the importance of vetting candidates for jobs that involve programs geared toward children; background checks and employer references are already standard practice. The new definition of “youth-serving organization” captures municipal parks and recreation departments which would subject them to the provisions of the bill. There are concerns that the provisions of this bill are redundant to existing practice in municipal parks and recreation departments and may shrink the pool of eligible applicants by placing more burden on the application process.

It is unclear if a municipal staff person reviewing applications who makes an honest mistake is considered an act that is covered under the Local Government Tort Claims Act, thus limiting governmental liability. Additionally, there are instances where a local government is involved in the youth-serving program but does not operate it; for instance, a youth soccer league that has a separate organizing entity but rents fields at a municipal park. Would the municipal government need to follow the provisions of the bill for employees of another organization that just use the municipal facilities?

MML recommends amendments that clarify the liability and rental agreement questions or remove municipal park and recreation departments from the bill as they already follow strict hiring practices.

For these reasons, the Maryland Municipal League respectfully requests a favorable report with the above amendments on Senate Bill 770. For more information, please contact Bill Jorch, Director, Public Policy and Research at billj@mdmunicipal.org. Thank you in advance for your consideration.

SB 770 final testimony Feb 21 2025 MSCCA amendment

Uploaded by: Christina Peusch

Position: FWA

Maryland State Child Care Association

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Caring For Maryland's Most Important Natural Resource™

The Maryland State Child Care Association (MSCCA) is a non-profit, statewide, professional association incorporated in 1984 to promote the growth and development of child care and learning centers in Maryland. MSCCA has over 5500 members working in the field of child care/early childhood education. We believe children are our most important natural resource and work hard to advocate for children, families and for professionalism within the early childhood community.

Testimony: SB 770: Applicants for Positions Involving Direct Contact With Minors-Required Information, Review Process, and Reporting -Alterations

Submitted to: Education, Energy, and Environment Committee

Feb 21, 2025

Maryland State Child care Association supports with **amendments** SB 770.

MSCCA understands and appreciates the intent of SB 770 to ensure safe environments for children and agree that all those working with children complete necessary criminal background checks and training.

MSCCA recommends the following friendly amendments in order to avoid duplicity, avoid undue burden, and include all licensed child care providers in the legislation:

1. Maryland has some of the strictest regulations in the country for licensed child care. SB 770 is duplicative based on the fact that all the criminal background checks required in this bill, including Federal/National FBI, state background notarized child abuse and neglect checks, sex offenders registry check – all eight levels and the rap back program are already required for everyone working in child care settings before they are hired and are completed for staff every five years (in some sections, every two years). The background checks are submitted to the licensing authority for child care, which is Maryland State Department of Education, therefore this component of the bill is unnecessary and we do not want to add undue burden or use multiple agencies in this process as we need parents to work and must not hold up the system to hire. **We ask to eliminate child care in SB 770 related to criminal background checks, as it is unnecessary and duplicative.**

Federal and state laws require child care providers in Maryland to perform background checks on their staff. These checks include criminal history checks, sex offender registry checks, and child abuse and neglect registry checks. Child care providers must perform background checks on all staff members. Background checks must be performed at least every five years. Background checks must include an FBI criminal history check and an NCIC National Sex Offender Registry check.

Additionally, Maryland has its own rap-back program that sends electronic notifications to the Office of Child Care when a triggering event occurs. Maryland requires fingerprints to be submitted electronically using approved live scan fingerprinting units. Maryland may require a shorter period for some checks, such as child protective services clearances every two years.

https://earlychildhood.marylandpublicschools.org/system/files/filedepot/3/occ_1260releaseinformationall-112015.pdf

2. **MSCCA recommends amendment to add the “ Boundary-Violating Behavior” description and information as part of the required, pre-service, online basic health and safety training in regulation for all working in child care, including the 4,500 Family Child Care Providers and Child Care Centers, as SB 770 does not include all licensed child care, which lacks the intended equity and safety necessary for children.**

MSCCA requests favorable with **amendments** in testimony.

SB0770-EEE_MACo_SWA.pdf

Uploaded by: Sarah Sample

Position: FWA



Senate Bill 770

Applicants for Positions Involving Direct Contact With Minors - Required Information, Review Process, and Reporting - Alterations

MACo Position: **SUPPORT**
WITH AMENDMENTS

To: Education, Energy, and the Environment
Committee

Date: February 21, 2025

From: Sarah Sample

The Maryland Association of Counties (MACo) **SUPPORTS SB 770 WITH AMENDMENTS**. This bill expands the employee application and review procedures required for school systems, child care centers, and youth-serving organizations. For counties, this means extending these requirements to include recreational programs, summer camps, and recreational sports programs and teams.

Counties appreciate the interest in making sure all employees who interact with children in the local parks and recreation divisions are appropriately vetted. Current procedures already reflect that intent and are often a combination of criminal background checks, drug testing, fingerprinting, and child protective services clearances. These standards are reinforced by both county attorneys and risk managers, who help establish sensible practices in these and other operations. Further, recent statutory changes related to increased liability for county employees who supervise those who interact with children have necessitated even greater scrutiny for vetting and monitoring anyone who is intended to interact with children in a county role.

Counties believe current standards, outlined above, substantially protect children who might be interacting with adults during certain programming and would request an amendment to SB 770 to exclude local parks and recreation divisions. These departments can continue upholding clear and necessary standards for hiring practices, while not taking on an additional burden that is specifically designed for the hiring of school-based employees.

To illustrate county concerns, the circumstances for these types of hires in parks and recreation divisions are vastly different than those employed by the school systems. Education-based positions often have a longer lead time as well as a longer tenure of employment. Those employees are also interacting with children most days for extended periods of time throughout the year. In contrast, parks and recreation divisions, each year, are regularly hiring short-term, seasonal employees based on periodic programming, therefore the lead time is shorter than that of a school system, and their interaction times with children are a fraction of the time a teacher or school official would see.

Additionally, many such local hires are short-time staff: high-school- and college-aged applicants, teachers picking up extra seasonal work, parents looking to spend more time as a part of their kids' activities, and the like. The interest in these types of roles is often situational, based on the conclusion of

other obligations. The extended time required for the detailed provisions under SB 770 could leave these otherwise qualified candidates excluded, simply due to extended time demands, and leave seasonal and short-term roles unfillable.

Counties are good partners in establishing strong standards when vetting all employees who would interact with children. With amendments to the bill, this effort can be maintained without adding additional burdens to the hiring process. Accordingly, MACo would urge a **FAVORABLE WITH AMENDMENTS** report on SB 770.

Applicants for Positions with Direct Contact with

Uploaded by: Akilah Alleyne

Position: INFO

TO: Senate Committee on Energy, Education, and the Environment

BILL: Senate Bill 0770- Applicants for Positions Involving Direct Contact With Minors - Required Information, Review Process, and Reporting – Alterations

DATE: February 21, 2025

Position: Information

The Maryland State Department of Education (MSDE) is providing information for your consideration regarding Senate Bill (SB) 0770 *Applicants for Positions Involving Direct Contact With Minors - Required Information, Review Process, and Reporting – Alterations*.

Md Code, Education Article §6-113.2 establishes a process to screen public school, nonpublic school, and contracting agency applicants for employment who would have direct contact with minors. This procedure requires prospective employers to request and obtain specific documentation from an applicant’s current employer and specified former employers as to whether the applicant has ever been disciplined for allegations of “child sexual abuse” or “sexual misconduct.” This is referred to as an “employment history review.” The implementation regulations are codified in the Code of Maryland Regulations (COMAR) 13A.07.14.

How does SB0770 alter the existing law?

SB0770 expands the requirements of §6-113.2 to all child care centers as defined in Education Article §9.5-101 and “youth-serving organizations,” defined as “an institution, an agency, a government program, a community group, or any other entity that is responsible for the care, supervision, guidance, education, development, or training of minors, including after school programs, mentor programs, summer camps, and recreational sports leagues and teams.” Additionally, SB0770 expands the questions that employers are required to ask of previous employers and applicants when conducting the employment history review during the application process. Specifically, the bill introduces the concept of allegations of “boundary-violating behavior,” which is defined as an adult behaving in a manner that:

- (i) compromises the safety and well-being of a minor;
- (ii) is exploitative or harmful to a minor; or
- (iii) is otherwise inappropriate, including unwanted physical contact, emotional manipulation or abuse, or sharing inappropriate information.

Further, SB0770 requires applicants to electronically submit a notarized Child Protective Services (CPS) background clearance form to their prospective employer through the Department of Human Services (DHS) myDHR Web Portal. Prospective employers must similarly request this CPS background clearance from DHS to determine whether the applicant has been identified as responsible for abuse or neglect of a child in any record maintained by DHS, CPS, or any local department of social services.

Finally, SB0770 requires all Maryland county boards to provide a report to MSDE by September 1, 2025, and annually thereafter by September 1, that includes: (1) the annual training and instruction developed and implemented for employees to implement §6-113.2; (2) the policies and procedures to screen applicants; and (3) the employee code of conduct for the county board and each nonpublic school and contracting agency in that county. The bill requires MSDE to compile a report from the information provided and submit it to the General Assembly by December 1, 2025, and annually thereafter by December 1.

Impact on the Maryland State Department of Education

Educ. §6-113.2 requires the Maryland State Department of Education (MSDE) to provide a report as to whether the applicant holds an active and valid certificate and has ever been the subject of professional discipline related to child sexual abuse or sexual misconduct. Currently, MSDE must provide this report for every applicant who will have direct contact with minors for the State's nonpublic schools (861 schools), public schools (1400 schools), and contracting agencies placing employees in Maryland schools (number unknown). MSDE provides training to employees in each of the local education agencies on how to review the State educator licensure system to determine whether the applicant is credentialed and whether disciplinary action has ever been taken against the applicant's educator credential; however, all reports to nonpublic schools and contracting agencies are completed by MSDE. In 2024, MSDE received an average of 570 report requests per month from nonpublic schools and contracting agencies.

SB0770 expands the requirements of the law to childcare providers and youth-serving organizations. There are approximately 6,700 childcare providers in Maryland that employ approximately 70,000 people. The addition of childcare providers is estimated to increase the number of reports required to be completed by MSDE by 775% (861 nonpublic school employers plus 7,560 childcare employers).

MSDE cannot estimate how many youth-serving organizations exist in Maryland given the broad definition in SB0770. For every additional employer, MSDE will be responsible for providing the certification information required in the law.

Additionally, §6-113.2 requires all prospective employers (county boards, nonpublic schools, contracting agencies) to report to MSDE any employer that fails to complete the employment history review form within 20 days. MSDE reviews each complaint and issues a violation letter to every employer that does not meet the requirements of the law. In the calendar year 2024, MSDE received 1,267 employer reports. With the expansion of employers required to conduct the employment history review, MSDE anticipates a significant increase in the number of employer reports received should SB0770 be adopted.

Since the establishment of §6-113.2 in 2019, MSDE modified two existing positions to carve out job responsibilities to focus on this law. One position spends 15% of its time delegated to this work and the other is currently spending 80% of its time completing tasks associated with the law. **To accommodate the expected increase in work should SB0770 pass, MSDE would need to employ two additional full-time administrative assistants to process requests for certification and disciplinary action status and review and process employer complaints.** MSDE does not currently have the capacity to



Carey M. Wright, Ed.D.
State Superintendent of Schools

Joshua L. Michael, Ph.D.
President, State Board of Education

take on the additional responsibilities associated with SB0770. Funds have not been included in MSDE's proposed operating/capital budget in anticipation of this legislation; thus, the MSDE does anticipate a change in the operating/capital budget as a result of SB0770.

Impact on Childcare Providers and Youth-Serving Organizations

When §6-113.2 was enacted in 2019, it required local school systems, nonpublic schools, and contracting agencies to adjust their hiring practices, including extending the time it takes to hire an applicant for a minimum of an additional 20 days to receive the employment history review forms from previous employers. While some employers hired additional staff to handle the work associated with the law, some contracted with vendors to complete this work on their behalf. Both solutions have a fiscal impact.

Childcare providers and youth-serving organizations may not have the resources to modify their hiring practices and/or the time to extend the application process by at least 20 days. This may exacerbate the shortage in childcare and lead to a reduction of youth-serving organizations if those organizations are unable to fill positions or conduct the required review. Although the law allows employers to hire "emergent employees" while the employment history review is conducted, many if not most employers can't provide the supervision required for emergent employees.

We respectfully request that you consider this information as you deliberate SB0770. Please contact Akilah Alleyne, Ph.D. (Executive Director of Government Affairs) akilah.alleyne@maryland.gov for any additional information.

FINAL SENATE Postion Statement SB 770_HB 1105 Appl

Uploaded by: Jordan BaucumColbert

Position: INFO



POSITION STATEMENT

Bill: SB 770 / HB 1105 Applicants for Positions Involving Direct Contact With Minors - Required Information, Review Process, and Reporting - Alterations

Position: Informational

Date: February 21, 2025

Contact: Debra Borden, General Counsel

Jordan Baucum Colbert, Government Affairs Liaison

Dear: Chair Brian Feldman,

The Maryland-National Capital Park and Planning Commission (“M-NCPPC” or the “Commission”) has not taken a position on this bill. However, staff have prepared informational comments for clarification purposes.

What this Bill Does. This bill requires childcare centers and youth-serving organizations to require applicants for positions involving direct contact with minors to submit certain information, requiring county boards of education, nonpublic schools, and contracting agencies to require applicants for positions involving direct contact with minors to submit certain information relating to certain boundary-violating behavior. This bill also requires childcare centers and youth-serving organizations to follow certain procedures when hiring applicants for positions involving direct contact with minors, requiring each county board of education to report certain information to the State Department of Education each year and requiring the Department to compile the information and report to the General Assembly each year.

A) Notice and Consent Requirements

- Under this provision, the Commission will have to amend its online application to include the notices and required consents. There are some concerns regarding how we would verify if the applicant failed to disclose a previous employer (either deliberately or oversight.) Also, in many instances, the prior point of contact may no longer be valid or available.

B). Applicants would have to provide a Child Protective Services Background Clearance Form, signed and notarized and submitted to the MD Dept of Human Services WebPortal.

- There are logistical issues both internally and at the State level.
- We currently require background checks during the hiring process for all Commission employees including personnel working at our summer camps and youth programs, but only day care center personnel are currently subject to CPS background clearance. Subjecting all of our youth-serving personnel to a CPS clearance will result in 1000 to 1500 clearance requests in a 12-month cycle.
- The return of findings by CPS is often delayed. **In many cases we do not get clearance from CPS for several weeks, which will be a big problem for summer employment and short-term youth programming instructors (6 to 8 weeks typically).**

C). The Commission would be required to contact the former employers listed by the applicant and ask whether the person had been subject to any investigation, discipline or charges for sex abuse, sexual misconduct or boundary-violating behavior.

- Further guidance on how this process will work is necessary. This would be a significant administrative burden involving time and effort by our human resources teams. There may be significant privacy issues to be considered. This could add significant time to the hiring process. It is unclear what our response should be if former employers decline to answer our questions.

SB 770 - EEE - MDH - LOI.docx (1).pdf

Uploaded by: Meghan Lynch

Position: INFO



Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Secretary

February 21, 2025

The Honorable Brian J. Feldman
Chair, Education, Energy, and the Environment Committee
2 West Miller Senate Office Building
Annapolis, MD 21401-1991

RE: Senate Bill (SB) 770 – Applicants for Positions Involving Direct Contact With Minors - Required Information, Review Process, and Reporting - Alterations - Letter of Information

Dear Chair Feldman and Committee members:

The Maryland Department of Health (the Department) respectfully submits this letter of information for Senate Bill (SB) 770 – Applicants for Positions Involving Direct Contact With Minors - Required Information, Review Process, and Reporting - Alterations. SB 770 mandates child care centers and youth-serving organizations to: a) require applicants for positions involving direct contact with minors to submit certain information relating to “certain boundary-violating behaviors,” b) follow certain procedures when hiring applications for positions involving direct contact with minors.

The bill defines “youth-serving organization” as including “summer camps.” While “summer camps” is not defined in the current text, the Department interprets this to potentially apply to youth camps, which are regulated by the Department under §14-403 (et seq.) of the Health-General Article. The Department supports the goal of SB 770 to improve the safety of Maryland’s youth from abuse from adults. However, a similar system of safeguards as proposed by this bill already exists for youth camps, and the overlapping requirements of this bill may cause many unintended issues.

Youth camps operate seasonally and almost all employees and volunteers work for only a handful of months or weeks out of the year; returning employees and volunteers must reapply for employment again in subsequent years. Currently, if a prospective youth camp employee or volunteer will have access to a minor, the applicant must undergo the same criminal history records check and child protective services background clearance required by this bill.

The Department is concerned most regarding language used to define “boundary-violating behavior,” which includes “unwanted physical contact, emotional manipulation or abuse, or sharing inappropriate information.” The bill requires employers to contact all employment references to certify that an applicant has not been accused or disciplined for such behavior.

However, the provided definition of “boundary-violating behavior” may be interpreted counter to intended meaning by individuals, businesses and agencies. The Department applauds and agrees with including “unwanted physical contact” and “sharing inappropriate information” as needed for higher scrutiny, but is concerned that these terms could unintentionally cover legitimate and necessary actions.

The seasonal nature, stringent regulatory requirements already in place under the authority of the Health-General Article, and significant operating costs of youth camps make hiring challenging for the industry. The Department believes that requiring youth camp employers to contact an applicant’s prior employers annually may place a large burden on the already-strained industry. If you would like to discuss this further, please do not hesitate to contact Sarah Case-Herron, Director of Governmental Affairs at sarah.case-herron@maryland.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Laura Herrera Scott". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Laura Herrera Scott, M.D., M.P.H.
Secretary