
TO: Senate Education, Energy, and Environment Committee

BILL: SB 359 - Child Care Facilities - Criminal History Records Check - Requirement

DATE: February 18, 2026

POSITION: Support with Amendments

The Maryland State Board of Education (State Board) and State Department of Education (MSDE) is providing this letter of support for SB 359 - Child Care Facilities - Criminal History Records Check - Requirement. This legislation proposes three important changes to strengthen Maryland's early childhood education system: (1) Repealing the limitation on the number of Deputy State Superintendents of Schools that the State Superintendent may appoint; (2) Establishing a centralized unit within the Department for processing and managing criminal history records checks; and (3) Altering the applicability of probationary employment qualifications for first-time center-based child care teachers to include preschool children who are at least two-years-old, rather than the current standard of three- years-old.

Elevating Early Childhood Leadership

Removing the cap on Deputy State Superintendent appointments allows MSDE to establish a deputy-level position that reports directly to the State Superintendent and is dedicated to early childhood education (ECE), elevating it not only within MSDE but across Maryland and its broader interest holder ecosystem. Reflecting a national trend to prioritize birth-to-age-eight ECE, this structure ensures that ECE perspectives are fully integrated into agency decision-making, shaping policy, funding, and strategic priorities. This leadership role is critical for aligning systems, strengthening cross-agency partnerships, and signaling that early childhood education is foundational to Maryland's educational and economic future. This change is budget-neutral and can be done within MSDE's current resources.

Centralized Criminal Background Unit (CCBU)

Child care centers experience high rates of staff turnover, and each staff person must undergo fingerprinting and background checks for their current employer. The MSDE Child Care Licensing Branch processes approximately 78,000 background checks annually, managed by licensing specialists on regional teams who currently balance these tasks with other critical responsibilities. Each specialist oversees an average of 70-80 cases, including child care centers, family child care homes, large family child care homes, and letter of compliance facilities. While the number of employees varies by type of setting and location, child care centers have an average of 10 employees per center, all of whom are subject to background check requirements. Processing background checks requires checking multiple data systems and accounts for a disproportionate amount of specialists' time, in addition to specialists' other licensing responsibilities that help ensure the health and safety of children in child care.

Establishing a Centralized Criminal Background Unit (CCBU) that allows licensing specialists to specialize in managing background checks has the following potential benefits:

- Increases efficiency by streamlining processing and reducing turnaround times, as centralization allows for

specialized staff and optimized workflows.

- Reduces administrative burden, allowing licensing specialists to focus on core duties.
- Improves accuracy and compliance, ensuring uniform application of regulatory requirements across regions, thus reducing errors and improving audit readiness.
- Generates cost savings by consolidating tasks and minimizing inefficiencies.
- Strengthens child safety as specialized staff ensure thorough and timely checks and improved tracking of renewals and out-of-state verifications.

Expanding Probationary Teacher Eligibility

The legislation also addresses workforce challenges by allowing probationary employment for teachers serving preschool children as young as two-years-old. Currently, probationary status applies only to classrooms with children aged three and older. This change will:

- Broaden the hiring pool, expanding access to qualified candidates.
- Align staffing with classroom demand for younger children, enabling child care centers to fill positions more quickly.
- Create accessible pathways for new hires, improving retention and continuity of care.
- Support program growth and meet family needs, ensuring equitable and consistent staffing policies across all age groups.

Implementation of the probationary teacher component will primarily involve updating the Code of Maryland Regulations (COMAR) for Child Care Centers (13A.16) and Large Family Child Care Homes (13A.18) to reflect the new age threshold.

Proposed Amendments

In partnership with the Department of Human Services (DHS) and bill sponsors, MSDE would like to offer a clarifying amendment that the centralized unit for processing criminal history record checks applies to child care facilities licensed under MSDE, ensuring the bill's intent is aligned with early childhood programs without inadvertently including DHS-licensed foster care homes.

P.2, lines 27-28, alter the definition of a child care facility to read as: "‘CHILD CARE FACILITY’ MEANS A CHILD CARE CENTER, FAMILY CHILD CARE HOME, OR LARGE FAMILY CHILD CARE HOME THAT IS LICENSED, REGISTERED, OR HOLDS A LETTER OF COMPLIANCE UNDER THIS SUBTITLE".

Additionally, MSDE proposes specifying a longer implementation timeline for the centralized unit provision to allow sufficient time to complete the reorganization and ensure a thoughtful, stable, and budget-neutral rollout.

The State Board and MSDE request that the Committee consider this support as it deliberates **SB 359**. Please contact Laurel Cratsley, Interim Executive Director of Government Affairs, at Laurel.cratsley@maryland.gov.