
TO: House Judiciary Committee

BILL: House Bill (HB) 281 – Family Law – Child Care Providers – Criminal Background Investigations

DATE: February 5, 2026

POSITION: Letter of Information

The Maryland State Department of Education (MSDE) submits this letter of information regarding **House Bill (HB) 281, Family Law – Child Care Providers – Criminal Background Investigations**. MSDE appreciates the General Assembly’s continued commitment to student safety and shares the goal of ensuring that all individuals working with children are subject to thorough and reliable criminal background checks.

While we support strong safeguards for students, we respectfully wish to outline the significant financial, operational, and timeline considerations that would accompany implementation of HB 281.

Background Check Process and Operational Impact

HB 281 would modify Family Law §5-555 to limit access to national criminal history record information (federal results) to authorized agencies to bring the State of Maryland into compliance with federal distribution requirements. Under this change, MSDE would become the sole recipient of federal background check results for all nonpublic school employees statewide. This is a shift from current practice, wherein nonpublic schools receive federal results directly and conduct background checks at hiring.

As of January 2026, Maryland has 857 nonpublic schools, including approved private pay schools, publicly funded nonpublic schools, and registered church-exempt schools. MSDE would be required to receive, review, and respond to federal criminal history records for all prospective nonpublic school employees, as well as manage ongoing Rap Back alerts (FBI notifications of new arrest or prosecution information received after an employee’s initial fingerprint-based background check) for existing employees. This would require MSDE staff to review each result, determine employment eligibility under State law, and provide timely written confirmation to school employers.

Based on available data, there are at least 14,340 nonpublic school teachers in Maryland. When accounting for additional staff necessary to operate schools, such as administrators, support personnel, and student services staff, a conservative estimate places the total nonpublic school workforce at approximately 22,910 employees. All of these individuals are required by law to complete a national criminal history records check before or on the first day of employment.

In regard to public schools, Annotated Code of Maryland, Education Article §4–101 states that “educational matters that affect the counties shall be under the control of a county board of education in each county.” Annotated Code of Maryland, Education Article §4–108 expands on the responsibilities of each county board, which includes “Maintain throughout its county a reasonably uniform system of public schools that

is designed to provide quality education and equal educational opportunity for all children.” Therefore, with the clear statutory mandates outlined by Annotated Code of Maryland, Education Article §4–101 and §4–108, county boards of education remain the “authorized agencies required to license, register, approve, or certify” each public school within the jurisdiction of each county board. As such, MSDE is interpreting HB0281 to allow county boards to continue receiving national criminal history records for their employees.

If HB0281 is interpreted to prevent county boards from receiving national criminal history records, the operational and fiscal impact will increase exponentially for MSDE. For this reason, the fiscal impact will be calculated under the assumption that MSDE will be responsible for vetting the national criminal history records for both public and nonpublic schools.

Staffing Capacity and Fiscal Impact

MSDE currently employs four staff members to provide statewide oversight of nonpublic schools. This staffing level is not sufficient to absorb the additional responsibilities that HB 281 would impose. To meet statutory requirements and ensure timely processing, MSDE would need to hire additional personnel, including management associates and managers of investigations dedicated to criminal history record reviews and employment exclusion determinations.

For nonpublic schools alone, MSDE estimates that additional staffing and operating costs would exceed \$460,000 annually. For MSDE to complete criminal history records checks for both nonpublic schools and public LEAs, the annual cost for salaries, wages, and fringe benefits for sixteen positions is estimated at \$1,063,819 for FY27.

In addition, MSDE does not currently have a database or case management system capable of securely receiving, tracking, reviewing, and documenting criminal history record checks and related due process actions at this scale. Developing and maintaining such a system would require significant upfront and ongoing investment, including specialized project management, system development, and expanded digital storage capacity. The total cost for the first year for the development of the system is estimated at \$900,000 for FY27.

In total, staffing and database system costs are estimated at \$2,110,071 for FY27, \$1,468,850 for FY28, \$1,535,168 for FY29, and \$1,602,221 for FY30, should MSDE be responsible for completing criminal history records checks for both nonpublic schools and LEAs. These costs are not included in MSDE’s current operating or capital budget.

Timeline Concerns and Hiring Impacts

Standing up a new statewide background check review system would take considerable time. System development, staff hiring and training, policy development, and interagency coordination would likely extend into the 2026–27 school year before the process could be fully operational. During this period, delays in reviewing and clearing background checks are likely. These delays could directly affect the ability of nonpublic schools to hire teachers and staff in a timely manner. Because criminal history record checks are required on or before the first day of employment, any lag in review and clearance could postpone hiring decisions, disrupt staffing plans, and impact classroom readiness, particularly at the start of the school year and in hard-to-staff positions.

MSDE remains committed to student safety and stands ready to provide additional information or technical assistance as HB 281 is considered. Please contact Laurel Cratsley, Interim Executive Director of Government Affairs, at laurel.cratsley@maryland.gov or at 443-571-5461, for additional information.