

SHANEKA HENSON
Legislative District 30
Anne Arundel County

Judicial Proceedings Committee

Joint Committee on Children,
Youth, and Families



James Senate Office Building
11 Bladen Street, Room 203
Annapolis, Maryland 21401
410-841-3578
800-492-7122 Ext. 3578
Shaneka.Henson@senate.state.md.us

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

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Senate Bill 359

Childcare Facilities– Criminal History Records Check-Requirement

For the record, I am Shaneka Henson, representing District 30 in Anne Arundel County.

Thank you for the opportunity to present SB 359 Childcare Facilities – Criminal History Records Check.

Over the past years, the Maryland legislature has enacted policies intended to protect our families and children. This bill is another important action and has been requested by the Maryland Department of Education to place added protections regarding the interactions that occur with young children. Overall, SB359 strengthens Maryland’s child-protection system by:

- Requiring criminal history record checks (CHRCs) for anyone applying to work or volunteer in certain childcare facilities.
- Creating a centralized unit within the Maryland State Department of Education (MSDE) to manage and track background checks.
- Updating qualifications for probationary childcare teachers.
- Removing the limit on the number of Deputy State Superintendents MSDE may appoint.

Its contents are directed to:

1. Conducting Criminal History Records Checks – meaning that anyone applying for a position that involves direct contact with children in an MSDE-regulated childcare facility must complete a CHRC as required under Section 5-555 of the Family Law Article. The term “applicant” includes employees, volunteers, and others covered by federal background check rules.

2. Creating a Centralized Background Check Unit (MSDE) by June 30, 2027, to manage CHRC-related information by:

- Confirming the applicant's submission within 10 days.
- Notifying the applicant of their eligibility once results are received from the Criminal Justice Information System Central Repository (CJIS-CR).
- Reviewing and maintaining CHRC information.
- Ensuring all information:
 - Remains confidential,
 - Is not shared without the applicant's permission,
 - Is used only for purposes allowed under Title 9.5 of the Education Article.

3. Probationary Employment Qualifications where MSDE must update qualifications for probationary childcare teachers. The bill lowers the minimum age of children served—from 3 years old to 2 years old—for which first-time teachers may work in a probationary status. This change may help programs maintain required staffing ratios while teachers complete training.

4. Deputy State Superintendents are limited to the current limit of three and does not require MSDE to appoint more deputies. Any future structural or cost implications would depend on MSDE's internal decisions, not provisions of this bill.

State impact are minimal - MSDE is expected to implement the centralized unit using existing resources. Revenues will not be affected. Additional staffing or funding could be needed in the future if responsibilities expand, though the bill does not direct such expansion.

DPSCS does note that FBI policy requires each agency to manage its own background checks. If the FBI does not approve MSDE serving as a background-check hub, national checks may not proceed until the concerns are addressed.

Current law already requires CHRCs for many child-serving facilities (childcare centers, schools, foster homes, and others).

The operational impact for small Child Care Providers will be reduced by expanding probationary eligibility to teachers of 2-year-olds may help programs meet staffing ratios.