

**Maryland General Assembly  
Department of Legislative Services**

**Proposed Regulations  
State Board of Education**  
(DLS Control No. 21-118)

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## **Overview and Legal and Fiscal Impact**

These regulations amend current regulations on employer or applicant requirements for employment history review to comply with Chapter 192 of 2021.

The regulations present no legal issues of concern.

There is no fiscal impact on State or local agencies.

## **Regulations of COMAR Affected**

### **State Board of Education:**

School Personnel: Child Sexual Abuse and Sexual Misconduct History:  
COMAR 13A.07.14.02 and .03

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## **Legal Analysis**

### **Summary of Regulations**

These regulations amend current regulations on employer or applicant requirements for employment history review to align with Chapter 192 of 2021. The changes to the regulations implement the statute by:

- authorizing a county board of education or nonpublic school to hire an applicant as an emergent employee for up to 60 days pending a specified review of information and records regarding an individual's employment history;
- specifying that schools are required to obtain an employment history before hiring an individual who will have direct contacts with minors;
- authorizing a county board or nonpublic school to share an employment history record with other county boards or nonpublic schools;
- authorizing a contracting agency to share an employment history with other contracting agencies;

- establishing conditions under which a county board or nonpublic school may use an employment history review completed by a current or former employer; and
- establishing conditions under which a contracting agency may use an employment history review completed by another contracting agency.

The regulations also add definitions for contracting agency, emergent employee, and school and make additional technical changes.

## **Legal Issues**

The regulations present no legal issues of concern.

## **Statutory Authority and Legislative Intent**

The department cites §§ 2-205(c) and 6-113.2 of the Education Article as statutory authority for the regulations. Section 2-205(c) requires the State Board of Education to adopt bylaws, rules, and regulations for the administration of the public schools. Section 6-113.2 establishes the requirements for county boards of education, nonpublic schools, and certain contracting agencies to require specified information from applicants for a position involving direct contact with minors and to conduct certain employment history reviews of those applicants. Specifically, 6-113.2(n) authorizes the department to adopt regulations establishing procedures for disciplinary proceedings and the assessment of penalties. This subsection also authorizes the department to initiate disciplinary action before a hearing officer against an applicant, an employee, a contracting agency, or a school administrator for willful violations of § 6-113.2.

This authority is correct and complete. The regulations comply with the legislative intent of the law.

## **Technical Corrections and Special Notes**

In response to suggestions from the Department of Legislative Services, staff for the department agreed to conform certain language in the regulation on contact information to § 6-113.2(b)(1)(ii) in the Education Article.

## **Fiscal Analysis**

There is no fiscal impact on State or local agencies.

## **Agency Estimate of Projected Fiscal Impact**

The department advises that the regulations have no fiscal effect as local agencies are already completing the activities required by legislation (House Bill 373) enacted as Chapter 192

of 2021. The Department of Legislative Services concurs and notes that the regulations implement House Bill 373, which: (1) authorizes the hiring of an emergency employee by a local board of education or nonpublic school for at most 60 days pending review of an individual's employment history for applicants who will have direct contact with minors; (2) authorizes a local board or nonpublic school to share an employment history record with other local boards or nonpublic schools; and (3) authorizes a contracting agency to share an employment history with other contracting agencies. According to the fiscal and policy note for House Bill 373, implementing the legislation is anticipated to result in a minimal decrease in expenditures and significant operational efficiencies for local boards of education. The regulations have no fiscal impact beyond those accounted for in the fiscal and policy note for House Bill 373.

### **Impact on Budget**

There is no impact on the State operating or capital budget.

### **Agency Estimate of Projected Small Business Impact**

The department advises that the regulations have minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs. The regulations have no fiscal impact beyond the operational efficiencies described in the fiscal and policy note for House Bill 373.

### **Contact Information**

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