



# MONTGOMERY COUNTY BOARD OF EDUCATION

*Expanding Opportunity and Unleashing Potential*

850 Hungerford Drive ♦ Room 123 ♦ Rockville, Maryland 20850

**BILL:** HB0373  
**TITLE:** Education - Child Abuse and Sexual Misconduct Prevention - Hiring Emergent Employees  
**DATE:** 3/25/2021  
**POSITION:** SUPPORT WITH AMENDMENT  
**COMMITTEE:** Education, Health, and Environmental Affairs  
**CONTACT:** Danielle M. Susskind, Coordinator, Legislative Affairs  
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The Montgomery County Board of Education (Board) **supports** HB0373 **with amendments**.

This proposed bill offers a series of amendments to fix some of the challenges that school districts have had in implementing legislation from the 2019 session (HB 486), which required extensive vetting of applicants regarding prior sexual misconduct. While MCPS supported the goals of that legislation, it has required extensive expenditure of resources to ensure compliance and slowed down the hiring process significantly, such that we – along with other school districts – have struggled to staff schools and critical operations in a timely fashion at substantial risk to student safety, well-being, and educational opportunity.

The proposed bill includes the following critical amendments that will decrease administrative burdens without undermining the ultimate goals of ensuring that school districts appropriately vet prospective hires:

- Currently, school districts are required to obtain information from each applicant’s current employer, all prior school employers, and all former employers of the applicant in which the applicant was employed in a position involving direct contact with minors. The proposed legislation would limit the prior non-school employers covered to those who employed the applicant within the previous 10 years. This 10-year lookback provision is a reasonable balance between the goals of HB486 and the extensive challenges of tracking down all of an applicant’s prior employers if they have a very lengthy career history.
- The proposed legislation also creates procedures whereby school districts may hire employees while their background vetting is pending, if they follow certain protocols. This would provide a route to staff critical positions if there is a delay in tracking down a prior employer notwithstanding due diligence on the part of the school district.
- The proposed legislation also clarifies the definition of “direct contact with minors” which triggers the requirements of the act. The current definition is so broad that it could be read to apply to any applicant who previously worked in a fast food restaurant or retail outlet.

MCPS respectfully requests an amendment to clarify the overly broad definition of contracting agencies. Specifically,



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- MCPS propose the following definition: “Contracting agency” means an entity that contracts with a county board or nonpublic school to provide a service to a school or the students of a school on school premises during school hours in circumstances where the individual or individuals assigned by the contracting agency to work on school premises have direct, unsupervised, and uncontrolled access to children. This change would also mirror existing state laws requiring background checks for certain public school contractors. See § 5-551 of the Family Law Article of the Maryland Code

For these reasons, the Board supports this legislation with amendments and urges a favorable report.