



BILL: House Bill 373
TITLE: Education - Child Abuse and Sexual Misconduct Prevention - Hiring Emergent Employees
DATE: January 20, 2021
POSITION: SUPPORT
COMMITTEE: House Ways and Means Committee
CONTACT: Mary Pat Fannon, Executive Director, PSSAM

House Bill 373 allows a local 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. The bill also changes provisions specifying the employment history that schools are required to obtain before hiring an individual who will have direct contact with minors and alters the definition of “direct contact with minors.” Lastly, the bill allows a local board to share an employment history record with other local boards.

PSSAM strongly **supports** House Bill 373 and appreciates the sponsor’s willingness to work with local boards of education and superintendents to address some of the challenges we encountered during the implementation of the 2019 House Bill 486. That legislation added an additional background check for school system applicants, requiring the districts to contact all of an applicant’s previous employers to ensure there was no history of child sexual abuse. This year’s legislation will help us more fully and efficiently achieve that goal and hire the necessary staff for our schools in a timely manner.

This bill will allow us to hire an applicant as an “emergent employee” for up to 60 days while we finalize this extensive background check. Based on our discussions with all of the Local Education Agencies (LEAs), we estimate that it took between two and three weeks, or longer, to contact former employers. The 2019 legislation went into effect on July 1, 2019 and was applicable to the 2019-2020 school year so the review of those applicants was crucial as we worked to fill important positions before the start of school in September. Several districts had to start that year with substitutes and speculate that they may have lost some applicants due to the long process. However, we believe this bill’s proposal of an emergent employee will alleviate those concerns and still provide the safeguards intended in the original legislation.

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We believe this legislation will also alleviate a few of the other operational and budgetary issues we encountered. Many LEAs had to hire or redeploy staff to fulfill the requirements of the bill, for instance:

- Montgomery County reported that it cost approximately \$150,000 and 4,085 work-hours to vet over 1,700 candidates, and to respond to more than 895 requests from other school systems.
- Prince George's County had to hire two part time employees, and Wicomico County absorbed an employee from their Finance Department at the cost of \$40,000.
- Even the smallest county – Somerset - had to hire a part time employee, and Talbot County hired an additional staff person to process their 175 applicants.

Again, we applaud the intent of the legislation and its goals, but we were surprised by the effect it had on all the districts, regardless of their size or budgets. Lastly, the provisions in this bill that will limit the “lookback” period to ten years and allow school systems to share information will be invaluable.

Lastly, we are aware that there may be an amendment to make this law applicable to contracting agencies, such as bus companies; we are supportive of this inclusion.

Thank you for the opportunity to share our support and we urge a **favorable** report from the committee.