

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE

Senate Bill 231 (Senator Jacobs, *et al.*)
Judicial Proceedings

Public Schools - Certified Teachers - Flagging Investigative Proceedings

This bill requires a local superintendent of schools to send written notice to the State Superintendent of Schools of any investigative proceeding against a certificated employee of the local board of education for child abuse or neglect, a crime of violence, or a sex crime. Notification must be sent within five days of the initiation of the investigation, and upon receipt of the notice, the State Superintendent must immediately place a warning flag on the certificate holder's personnel file. The local superintendent must again notify the State Superintendent within five days of the disposition of the investigative proceeding. If a local superintendent violates this section, the jurisdiction is deemed to have waived its eligibility for State grants and programs available to teachers.

The bill takes effect July 1, 2008.

Fiscal Summary

State Effect: General fund expenditures would increase minimally in FY 2009 to add a "flag" field to the State's teacher tracking database. The bill is not expected to affect State funding for grants and programs available to teachers.

Local Effect: Local school systems could notify the Maryland State Department of Education of investigative proceedings against teachers without affecting local budgets. If a local superintendent fails to notify MSDE as required, local school revenues from State grants to teachers could decrease.

Small Business Effect: Minimal.

Analysis

Current Law: By regulation, individuals who have been convicted of a crime of violence, specified sex offenses, or child sexual abuse are not eligible for certification by the State Board of Education. The State Superintendent must revoke the certification of an individual who • pleads guilty or no contest with respect to a crime of violence or child abuse or neglect; or • is dismissed or resigns following allegations of sexual child abuse. A local superintendent must notify the State Superintendent about any charges against a certificate holder employed in the local school system. Pursuant to written notification by a local superintendent, the State Superintendent must revoke or suspend the certificate holder's certification after sending the certificate holder a copy of the charges and advising the certificate holder of the right to a hearing.

Background: In a June 2006 audit of the Maryland State Department of Education, the Office of Legislative Audits found that MSDE did not terminate the teacher certifications of 11 convicted sex offenders. The audit claims that MSDE was never notified by local school systems of convictions for seven of the offenders and that MSDE did not immediately terminate the certifications for the other four individuals, even after notification from local school systems. The report also found that MSDE "had not established sufficient procedures, controls, and regulations for ensuring that Maryland schools did not employ individuals convicted of qualifying crimes."

The State has a number of programs supporting teachers, including income tax credits for tuition paid by teachers taking graduate-level courses, stipends and signing bonuses for qualifying teachers, the payment of national board certification fees, and Governor's teacher awards. In total, these programs cost the State approximately \$12.8 million per year.

State Fiscal Effect: General fund expenditures would increase minimally in fiscal 2009 to contract for the addition of a new field to the State's teacher tracking database that would enable MSDE to flag teachers who are under investigation. There would be no fiscal impact after fiscal 2009. It is assumed that local school systems would comply with the bill's requirements, meaning there would be no impact on State programs for teachers.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland State Department of Education, Department of Legislative Services

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