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**IMPLEMENTATION OF HOUSE BILL 486 – CHILD SEXUAL ABUSE & SEXUAL MISCONDUCT PREVENTION**

You may have received a mailing for the Maryland State Department of Education (MSDE) dated June 20, 2019 providing guidelines for implementing House Bill 486 – Child Sexual Abuse and Sexual Misconduct Prevention. We wanted to provide you with Archdiocesan guidelines to implement this amendment to State Education law that may differ somewhat from the MSDE guidance, but that address the MSDE and other established AOB pre-employment requirements. (A briefing was held on this subject at the Principals Meeting on June 19, 2019.)

1. **Why was the law changed?**

The goal of HB 486 is to insure that the staffs in public and nonprivate schools in Maryland do not employ a person who has been engaged in child sexual abuse or sexual misconduct with a minor. The emphasis of the new law is to prevent the employment in our schools of teachers, counselors, teaching assistants, nurses, school leaders, contractor employees, and other school staff previously employed by other schools or jurisdictions who may have been credibly accused of such behavior. To do this, the new law has a significant effect on our current school hiring practices by:

* Establishing more stringent requirements to be met **by candidates** for school positions; and,
* Requiring increased reviews **by schools** of candidate backgrounds before hiring a candidate.

The new law is effective July 1st -to accomplish all that the law requires, the Archdiocese has developed a new application [(attached)](https://drive.google.com/file/d/1hwU6qrzSfDkdikWoLthoKvkuv-aIW5qE/view?usp=sharing) specifically for School employee candidates.

1. **What does the new amendment to the law require of Candidates?**

**BEFORE BEING HIRED:**

1. Candidates for School positions are required to provide contact information for:
* Their current employer
* All former school employers
* All former employers where the job held involved direct contact with minors.
1. Candidates must also provide a written consent authorizing an employer to release all records regarding allegations of Child Sexual Abuse and Sexual Misconduct with a Minor.
2. Candidates must provide a written statement of whether he/she:
	1. Has ever been the subject of a Child Sexual Abuse or Sexual Misconduct Investigation;
	2. Has ever been disciplined, discharged, non-renewed, resigned or asked to resign while allegations of child sexual abuse or sexual misconduct were pending; or,
	3. Has ever had a license or certificate suspended, surrendered, or revoked while allegations of child sexual abuse or sexual misconduct were pending.

***(The above are referred to as the “Three Questions”)***

To facilitate these requirements, the Archdiocese has redesigned the Employment Application for all Schools to begin using this July in order to comply with the law - [See attached file](https://drive.google.com/file/d/1hwU6qrzSfDkdikWoLthoKvkuv-aIW5qE/view?usp=sharing).

1. **What does the new amendment to the law require of Schools?**

**BEFORE HIRING A CANDIDATE:**

A School must review the completed Employment Application and all required information before making the decision to hire a candidate.

1. Schools must contact the candidate’s current employer, former school employers, and employers where their job involved direct contact with minors, and request in writing:
	1. The dates of the candidate’s employment
	2. The answers to the *“Three Questions”* re Child Sexual Abuse and Sexual Misconduct

(NOTE: Do this by use of the attached Archdiocese [*School Employment Reference Form*](https://drive.google.com/file/d/1wPpo7Wd3yUUjaFQgmoe3bn4is-Qss-xN/view?usp=sharing))

1. Schools must request a report from MSDE re candidate’s eligibility for employment or certification status. (NOTE: Use the attached MSDE Form [*Request for Information on an Applicant's Certification Status*](https://drive.google.com/file/d/1w5tIUkB-ho3xdxy4FLTKr72Vc41RMHzp/view?usp=sharing)to make this request*.*)
2. Schools must respond to requests from other employers for the information in A. above within 20 days of receipt of the request.
3. **What happens when a positive response to one or more of the *“Three Questions”* is received from a former employer?**

If the School wants to continue to consider a candidate after receiving such a response, the School shall request the former employer to provide additional information, including all records, relating to child sexual abuse or sexual misconduct with a minor. The former employer must provide this information to the requesting school within 60 days.

1. **What happens if a former employer does not respond to a request, responds only partially, or is no longer in business?**

The School should document all attempts to reach the employer by use of the [*MSDE Employer Report Form*](https://drive.google.com/file/d/1vGc8DJWudhGK5KQ2Sukkp1Rx1AMMsxAG/view?usp=sharing). If the former employer responds only in part, or is no longer in business and/or records are no longer available, this should be documented in the candidate’s personnel file after hiring.

1. **How does the changed law affect the hiring of Substitutes?**

The amended law requires the same pre-employment review of applicants for substitute positions as is used for regular positions before hiring a substitute. A substitute whose background review is acceptable may remain on the substitute roster and their employment is valid only for that school. Substitutes in one school are not eligible for employment with another school. Other schools must complete their own background review process for the same individual.

1. **What should happen if it is discovered that a candidate has provided false information on the application?**

Providing false information is a violation of the law and must be reported to the MSDE using the attached [*MSDE Applicant Report Form*](https://drive.google.com/file/d/1IG9-1C2G-BjvOIx2jEP5SBbGOqF8JU01/view?usp=sharing).

LIST OF ATTACHMENTS

* Archdiocese [*Schools Employment Application Form*](https://drive.google.com/file/d/1hwU6qrzSfDkdikWoLthoKvkuv-aIW5qE/view?usp=sharing)
* Archdiocese [*School Employment Reference Form*](https://drive.google.com/file/d/1wPpo7Wd3yUUjaFQgmoe3bn4is-Qss-xN/view?usp=sharing)
* MSDE Form [*Request for Information on an Applicant's Certification Status*](https://drive.google.com/file/d/1w5tIUkB-ho3xdxy4FLTKr72Vc41RMHzp/view?usp=sharing)
* [*MSDE Employer Report Form*](https://drive.google.com/file/d/1vGc8DJWudhGK5KQ2Sukkp1Rx1AMMsxAG/view?usp=sharing)
* [*MSDE Applicant Report Form*](https://drive.google.com/file/d/1IG9-1C2G-BjvOIx2jEP5SBbGOqF8JU01/view?usp=sharing)