



**Mohammed Choudhury**  
State Superintendent of Schools

---

**TO:** Members of the State Board of Education

**FROM:** Mohammed Choudhury

**DATE:** January 25, 2022

**SUBJECT:** COMAR 13A.07.14  
*Child Sexual Abuse and Sexual Misconduct History*  
**ADOPTION**

---

**PURPOSE:**

The purpose of this item is to request permission to adopt amendments to Code of Maryland Regulations (COMAR) 13A.07.14 *Child Sexual Abuse and Sexual Misconduct*, to reflect changes made to Md. Code, Education Article §6-113.2 during the 2021 legislative session.

**REGULATION PROMULGATION PROCESS:**

Under Maryland law, a state agency, such as the State Board, may propose an amendment to a regulation whenever the circumstances arise to do so. After the State Board votes to propose an amendment, the proposed regulation is sent to the Administrative, Executive, and Legislative Review (AELR) Committee for a 15-day review period. If the AELR Committee does not hold up the proposed regulation for further review, it is published in the Maryland Register for a 30-day public comment period. At the end of the comment period, the Maryland State Department of Education (MSDE) staff reviews and summarizes the public comments. Thereafter, MSDE staff will present a recommendation to the State Board to either: (1) adopt the regulation in the form it was proposed; or (2) revise the regulation and adopt it as final because suggested revision is not a substantive change. At any time during this process, the AELR Committee may stop the promulgation process and hold a hearing. Thereafter, it may recommend to the Governor that the regulation not be adopted as a final regulation or the AELR Committee may release the regulation for final adoption.

**BACKGROUND/HISTORICAL BACKGROUND:**

Effective July 1, 2019, House Bill 486, *Child Sexual Abuse and Sexual Misconduct Prevention*, became law and was codified in Md. Code, Education Article §6-113.2. The law established a process, including requirements for specific documentation regarding whether an individual has ever been disciplined for allegations of “child sexual abuse” or “sexual misconduct,” for the hiring of public school and nonpublic school employees who have direct contact with minors. This law applies to local boards of education, nonpublic schools, and contracting agencies that contract with a county board of education or nonpublic school to provide a service to a school or the students of a school.

During the 2021 legislative session, the Maryland General Assembly passed House Bill 373, amending Md. Code, Education Article §6-113.2. As a result, COMAR 13A.07.14 requires amendments to remain aligned with the statute.

On August 24, 2021, the State Board of Education granted permission to publish amendments to COMAR 13A.07.14, which was published in the Maryland Register beginning on October 22, 2021 through November 22, 2021. No public comment was received.

**EXECUTIVE SUMMARY:**

The MSDE is amending COMAR 13A.07.14 *Child Sexual Abuse and Sexual Misconduct History*, to align with House Bill 373, which revises Md. Code, Education Article §6-113.2. The proposed amendments include revisions to 13A.07.14.02 *Definitions* and 13A.07.14.03 *General Provisions*, and incorporate verbatim language from House Bill 373 to ensure alignment with the statute amendments.

**ACTION:**

Request permission to adopt amendments to regulation COMAR 13A.07.14 *Child Sexual Abuse and Sexual Misconduct History*.

**ATTACHMENT**

COMAR 13A.07.14 *Child Sexual Abuse and Sexual Misconduct History*