

Frequently Asked Questions

Does the law apply to every new employee?

Yes, the law applies to every new employee regardless of their role in Montgomery County Public Schools (MCPS). Additionally, MCPS will complete the process for any current employee who has taken a new role that results in a change in employee association (examples: paraeducator to teacher, teacher to administrator).

Is every prior employer contacted?

The law stipulates that all employers from the past 10 years at which the new employee had direct contact with minors must be contacted.

What is meant by direct contact with minors?

Per the law, direct contact with minors is defined as: *the [possibility of] care, supervision, guidance, or control of [a minor], or routine interaction with, a minor.*

When will my employers be contacted?

Once an individual is offered and accepts a position in MCPS, the HB486 process initiates, and former employers are contacted.

Do I have to do anything to start the HB486 process?

No, the process starts automatically once an individual is hired into a new position. If any action is needed from the employee, a member of the HB486 team will contact the employee to make the request for action.

What if I was volunteer or my work was unpaid?

Only employers from paid employment are contacted with a request for this feedback. The MCPS online application provides the opportunity to indicate that work was paid/unpaid in the work history section of the application.

What if the employer is now out of business?

The MCPS online application provides the opportunity to indicate that an employer is no longer operating in the work history section of the application. When this option is selected, the HB486 team conducts research, and if the business closure is confirmed, no further action is needed. If the research determines that the business is still in operation, the new employee will be asked for contact information, and that business will be contacted.

How are employers contacted?

The initial method of communication to each employer is email. If email is unsuccessful, the HB486 team also uses phone, fax, and the U.S. Mail to reach employers. It is important to note that responses to the required questions are not accepted via phone. Phone outreach is used to get an email or mailing address for use in facilitating a written response.

What questions do you ask the employer to answer?

Employers must respond to the following 7 questions:

To the best of your knowledge, has the former employee ever:

- Been the subject of a child sexual abuse or sexual misconduct investigation by any school system employer (unless the investigation resulted in a finding by the school system, the board of education, or an arbitrator that the allegations lacked sufficient evidence according to the policies of the employer)?
- Been the subject of a child sexual abuse or sexual misconduct investigation by any non-school system employer (unless the investigation resulted in a finding that the allegations lacked sufficient evidence according to the policies of the employer)?
- Been the subject of a child sexual abuse or sexual misconduct investigation by any state licensing agency (unless the investigation resulted in a finding that the allegations lacked sufficient evidence according to state law or the policies of the school system or nonpublic school employer)?
- Been the subject of a child sexual abuse or sexual misconduct investigation by any law enforcement agency (unless the investigation was closed without charges or resulted in a finding that the allegations were unfounded)?
- Been the subject of a child sexual abuse or sexual misconduct investigation by any child protective services agency (unless the investigation resulted in a finding that the allegations were ruled out or the allegations were screened out by the agency)?
- Been disciplined, discharged, nonrenewed, or asked to resign from employment, or resigned from or otherwise separated from any employment while allegations of child sexual abuse or sexual misconduct were pending or were under investigation, or due to an adjudication or findings of child sexual abuse or misconduct?
- Had a license, professional license, or certification suspended, surrendered, or revoked while allegations of child sexual abuse or sexual misconduct were pending or under investigation, or due to an adjudication or findings of child abuse or sexual misconduct?

What if the employer cannot answer the questions?

Per the law, employers are provided the following options if they cannot answer the questions:

- I decline to answer because it is against the laws of my state.
- I decline to answer because I am restricted by a contract entered into before June 30, 2019.
- I am unable to answer because the dates of employment are outside of my company's data retention period
- I am unable to answer because the candidate information is incomplete, or does not match my employment records.

What if the employer refuses to respond?

If the employee has provided valid contact information for an employer, and the employer has responded that they refuse to respond, no additional action is needed by the employee, and per the law, MCPS will report the employer to the Maryland State Department of Education.

What if a former employer is out of the country?

MCPS is expected to exercise due diligence to contact employers regardless of location.

I am a new employee and I received an email stating that a response was received or that no response was received. What does this mean, and what do I need to do?

- Each time an employer submits a response, the new employee automatically receives an email confirming the employer's submission. No additional action is needed by the employee.
- If 20 days have passed and an employer has not submitted a response, the employee will receive an email notification that the employer has not responded. If additional action is needed by the employee, a member of the HB486 team will contact the employee to request that action.

What happens if the process is not completed within the required 60 days?

- If the employee has provided all requested employer contact information, and taken all action requested by the HB486 team, there is no negative impact on the employee if the process is not complete in the required timeline.
- If the employee fails to respond to requests for contact information, and/or fails to take the action requested by the HB486 team, and as a result the HB486 process cannot be completed by the required 60-day deadline, the employee can face disciplinary action including termination.