



MARYLAND OFFICE OF THE
INSPECTOR GENERAL FOR EDUCATION

Richard P. Henry
Inspector General

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VIA EMAIL: carey.wright@maryland.gov

Dr. Carey M. Wright, Ed.D.
State Superintendent of Schools
Maryland State Department of Education
200 W. Baltimore Street
Baltimore, Maryland 21201

Ref: OIGE Case 26-0001-E

Management Alert Report

Ongoing Monitoring for Criminal Charges for Employees

Dear Superintendent Wright,

The Office of the Inspector General for Education (OIGE) initiated this investigation in response to findings in the Montgomery County Inspector General (MCIG) report, which revealed that approximately 12,000 Local Education Agency (LEA) employees across Maryland lacked updated Rap Back background checks. That finding, combined with the Maryland State Department of Education's (MSDE) failure to establish adequate oversight procedures, made further investigation not only warranted but necessary.

Maryland Code, Education Article §6-113 prohibits county boards from knowingly hiring or retaining any individual who has been convicted of certain crimes, including specific sexual offenses under the Criminal Law Article, child sexual abuse, or a crime of violence. The requirement for LEAs to conduct criminal background screenings of prospective employees and certain contractors is found separately in the Maryland Family Law Article, §§ 5-551 and 5-552. Despite this statutory requirement, the Office of Legislative Audits (OLA) 2026 audit of MSDE found, in Finding 1 (page 21), that MSDE had no procedure to verify whether LEAs were fulfilling that obligation — leaving compliance entirely unverified at the state level.

The consequences of these compounding failures are not theoretical. As documented in OIGE Investigation No. 25-0015-I, a teacher remained actively employed by an LEA while awaiting trial on multiple fraud offenses — precisely the type of situation the Rap Back notification system is designed to prevent.

In turn, the OIGE investigated how LEAs monitor criminal activity for active employees. Seven of the 24 LEAs were randomly selected by the Inspector General for an evaluation of the monitoring process. The OIGE reviewed laws and internal policies and conducted interviews.

The OIGE's mandate includes ensuring that LEAs comply with laws and policies designed to protect students' safety and well-being. Maryland Family Law Article §5-551(a)(6) requires public school employees to obtain national and State criminal history records checks before employment.¹ Maryland law does not impose a uniform, sworn criminal history disclosure requirement on public school employees comparable to Family Law § 5-553, resulting in a structural gap between school systems and other child-serving entities. Under the Code of Maryland Regulations (COMAR) 12.15.02.03, Criminal History Records Check of Individuals Who Care for or Supervise Children, a covered individual shall have a complete set of legible fingerprints taken at a designated law enforcement agency or approved agency in a format approved by the Central Repository, present a valid government-issued photo identification document containing their name, photograph, and date of birth, and pay the applicable processing fees.² Maryland Criminal Law Article §14-101 defines crimes of violence, which disqualify individuals from employment in schools.³ Additionally, COMAR 13A.12.06.02 establishes two distinct tiers of mandatory license action. Under subsection (C), the State Superintendent shall suspend, deny, or revoke a license if the holder or applicant pleads guilty, nolo contendere, receives probation before judgment, or is convicted of a crime involving moral turpitude where the offense bears directly on fitness for employment in education, a sexual offense in the third or fourth degree, or a controlled dangerous substance offense under specified conditions. Under subsection (D), the State Superintendent shall revoke or deny a license — without the option of mere suspension — if the holder or applicant pleads guilty, nolo contendere, receives probation before judgment, or is convicted of a crime involving child abuse or neglect, child pornography, or a crime of violence as defined in Criminal Law Article §14-101.⁴

When LEAs submit applicants' fingerprints, they are received by the Central Repository, which is managed by the Department of Public Safety and Correctional Services (DPSCS). The central repository serves as a connection between LEAs for Maryland criminal history checks through the Criminal Justice Information System (CJIS) and federal checks that encompass other states. All

¹ Md. Code Ann., Fam. Law §5-550 to 5-559.8

² COMAR 12.15.02.03 Chapter 2 Criminal History Records Check for Individuals who Care for or Supervise Children

³ See Md. Code Ann., Fam. Law § 5-553 (incorporating the definition of "crime of violence" under Md. Code Ann., Crim. Law § 14-101).

⁴ COMAR 13A.12.06.02 Grounds for Disciplinary Actions or Denial

fingerprints sent to DPSCS are uploaded into the SAM System, which monitors all applicants and employees with legible, accepted fingerprints. Once an LEA hires an applicant, a designated representative checks a box in the database to confirm active employment. All active employees are listed in the SAM System database. As long as these employees' fingerprints are kept current on file, CJIS issues alerts for any offenses committed in Maryland where a school system employee was fingerprinted after criminal charges. If the LEA has correctly enrolled in the FBI's Next Generation Identification Rap Back Service (Rap Back), alerts for criminal activity will also be received.

A DPSCS representative explained that if an employee is listed in the SAM System database as ineligible for Rap Back alerts, submitting new Live Scan fingerprints usually resolves that issue. Although legacy employees were fingerprinted upon hire, the submitted fingerprints may be outdated or ineligible for Rap Back due to changes in fingerprinting standards. To receive CJIS and Rap Back alerts, LEAs must keep the list of active employees current in the SAM System database and remove those who are no longer employed. Before an LEA can view an alert, they need to verify that the individual for whom a CJIS or Rap Back alert was received is a current employee.

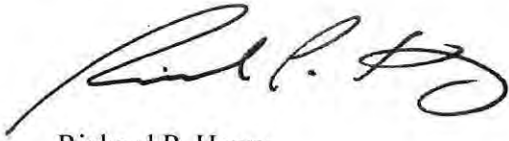
Both CJIS and Rap Back rely on fingerprint data. This means that only offenses involving fingerprinted individuals will be reported to the respective LEAs through CJIS and Rap Back. If an arrest warrant is obtained for an individual or a summons in lieu of arrest is issued to an offender (also known as a criminal citation), fingerprints are not taken. As a result, LEAs would not be aware of the infraction. Individual inquiries for criminal citations can be found using the Maryland Judiciary Case Search website.⁵

During interviews with the LEAs, the OIGE learned that most rely heavily on internally developed self-reporting policies, while one LEA had no self-reporting policy. Others mentioned receiving notifications of criminal arrests and pending charges from local law enforcement and community members. Most LEAs believed they were properly enrolled in Rap Back when speaking with the OIGE. However, an audit by the Office of Legislative Audits (OLA), published in January 2026, showed that only one LEA was enrolled in Rap Back as of October 2025. The DPSCS representative stated that more LEAs are participating in Rap Back following the publication of the audit. As of April 2026, three of the seven LEAs the OIGE evaluated were participating in the Rap Back program.

LEAs are strongly encouraged to review their employee rosters in the SAM database to verify how many have valid fingerprints on file. After LEAs enroll in Rap Back and confirm that active employees have uploaded acceptable fingerprints to the SAM System, alerts from CJIS and Rap Back will be activated. DPSCS stated they are available to assist and provide training on the SAM System.

⁵ Maryland Judiciary Case Search (2026), Last accessed February 23, 2026)
<https://casesearch.courts.state.md.us/casesearch/>

Respectfully,

A handwritten signature in black ink, appearing to read "Richard P. Henry". The signature is fluid and cursive, with a large initial "R" and a stylized "H".

Richard P. Henry
Inspector General

cc: Dr. Joshua L. Michael, Ph.D., President – Maryland State Board of Education
Elliott L. Schoen, Esq., Principal Counsel to MSDE, Assistant Attorney General