

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 1168
Ways and Means

(Delegate Bagnall)

Rules

State Department of Education - Sexual Abuse and Sexual Misconduct Model
Response Policy - Requirements

This bill requires the Maryland State Department of Education (MSDE) to develop a model sexual abuse and misconduct response policy for use by local school systems to respond to school-related allegations of sexual abuse and sexual misconduct. The model plan must include (1) a communications plan; (2) an e-mail and electronic documents retention policy; (3) a requirement to link to a centralized resource platform; and (4) an after-action review plan. By September 1, 2027, each local school system must adopt a response policy based on the model policy. **The bill takes effect July 1, 2026.**

Fiscal Summary

State Effect: None. MSDE, in consultation with other entities, can develop the policy and related platform with existing budgeted resources. Revenues are not affected.

Local Effect: Local school system legal and programmatic expenditures increase for some school systems, beginning in FY 2027. Local school system revenues are not affected.

Small Business Effect: Potential minimal.

Analysis

Bill Summary: MSDE must develop the model response plan in collaboration with State and local governmental entities, community stakeholders, and other relevant entities, as determined by MSDE. Neither the model policy nor each local school system's response policy may impede or compromise the ability of a school, the local school system, a law enforcement agency, or prosecutor to conduct a thorough and unbiased investigation into an allegation of sexual abuse or sexual misconduct.

Communication Plan

The communications plan must include (1) best practices for providing timely, relevant, and appropriate information, as specified and (2) local school system contact information.

E-mail and Electronic Documents Retention Policy

The e-mail and electronic documents retention policy must require retention and maintenance of a local school system's emails and electronic documents for at least one year.

Centralized, Statewide Resource Platform and After-action Review Plan

The centralized, statewide resource platform must include information and provides links to resources regarding child sexual abuse and sexual misconduct in a school environment. Each local school system must post in a conspicuous place on its website a link to the centralized resource platform. An after-action review plan must require a local school system to conduct a structured, collaborative debriefing process to identify, assess, evaluate, and resolve any issue with any action taken by an entity involved in a school-related case of sexual abuse and sexual misconduct, to improve future performance.

Current Law:

Mandatory Reporters and Penalties for Failure to Report

Health care practitioners, police officers, educators, and human service workers who are acting in a professional capacity, and who have reason to believe that a child has been subjected to abuse or neglect, must notify the local department of social services or the appropriate law enforcement agency. An "educator or human service worker" includes any teacher, counselor, social worker, caseworker, and parole or probation officer. If the worker is acting as a staff member of a hospital, public health agency, child care institution, juvenile detention center, school, or similar institution, then the individual must notify the head of the institution or the designee.

A worker who notifies the appropriate authorities must make an oral report by telephone or direct communication as soon as possible to the local department or the appropriate law enforcement agency if the worker has reason to believe the child has been subjected to abuse or neglect. A written report to the local department is required not later than 48 hours after the contact, examination, or treatment that caused the worker to believe that the child had been subjected to abuse or neglect. A copy of the written report must be provided to the local State's Attorney. An agency that receives an oral report of suspected abuse or neglect must immediately notify the other agency.

As far as reasonably possible, a worker who makes a report must include (1) the name, age, and home address of the child; (2) the name and home address of the child's parent or other person responsible for the child's care; (3) the whereabouts of the child; and (4) the nature and extent of the child abuse or neglect. The report must include any available evidence about previous instances of abuse or neglect, any information that would help to determine the cause of the suspected abuse or neglect, and the identity of any person responsible for the abuse or neglect.

It is a misdemeanor for a worker, as described above, to knowingly fail, during the time when the child is a minor, to provide a required notice or make a required report of suspected child abuse or neglect if the worker has actual knowledge of the abuse or neglect. A violator is guilty of a misdemeanor and subject to a maximum penalty of up to three years imprisonment and/or a \$10,000 fine. These penalties only apply to a failure to report child abuse or neglect that occurs during the time the child is a minor.

Child Abuse and Neglect Investigations

After receiving a report of suspected abuse or neglect of a child who lives in Maryland that is alleged to have occurred in the State, the local department of social services and/or the appropriate law enforcement agency must promptly investigate the report to protect the health, safety, and welfare of the child or children. Within 24 hours after receiving a report of suspected physical or sexual child abuse, and within five days after receiving a report of suspected child neglect or mental injury, the local department or law enforcement agency must (1) see the child; (2) attempt to have an on-site interview with the child's caretaker; (3) decide on the safety of the child and of other children in the household; and (4) decide on the safety of the other children in the care or custody of the alleged abuser. The determinations and assessments that are required during an abuse or neglect investigation are specified in statute.

The local State's Attorney must assist in a child abuse or neglect investigation if requested to do so by a local department of social services. The local departments, appropriate law enforcement agencies, the State's Attorneys in the counties and Baltimore City, and the local health officers must enter into a written agreement pertaining to standard operating procedures for investigations of suspected abuse or neglect. A joint investigation procedure must be implemented for conducting investigations of sexual abuse, which must include techniques for expediting validation of sexual abuse complaints and other techniques to decrease trauma to the child.

To the extent possible, a child abuse or neglect investigation must be completed within 10 days after receiving the notice of suspected abuse or neglect. Within 5 business days after the investigation is completed, the local department and the law enforcement agency,

if the law enforcement agency participated in the investigation, must make a complete written report of findings to the local State's Attorney.

Child Sexual Abuse Prevention Instruction and Training

A local board of education or a nonpublic school that receives State funds must require each employee to receive instruction with specified elements annually on the prevention, identification, and reporting of child sexual abuse. In addition, each local board of education must (1) establish and implement policies that support the prevention of child sexual abuse through ongoing training of staff that include specified elements and (2) develop employee codes of conduct that address appropriate contact between staff and students.

Local Fiscal Effect: Some local school systems require additional resources to meet the bill's requirements, including meeting the September 1, 2027, deadline for adopting a sexual abuse and misconduct response policy.

Anne Arundel County Public Schools, Frederick County Public Schools, and Montgomery County Public Schools each advise that they can meet the bill's requirements with existing resources.

Prince George's County Public Schools advises that it requires an associate general counsel to handle increased legal risk management due to increased claims of sexual misconduct or abuse at an annual cost of approximately \$250,000, in addition to about \$15,000 in annual costs to meet other aspects of the bill's requirements. St. Mary's Public Schools advises that it requires an additional staff member to evaluate, investigate, and report on allegations covered under the bill, at an annual cost of about \$160,000.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 685 (Senator Gile) - Education, Energy, and the Environment.

Information Source(s): Baltimore City Public Schools; Anne Arundel County Public Schools; Frederick County Public Schools; Montgomery County Public Schools; Prince George's County Public Schools; St. Mary's County Public Schools; Maryland State Department of Education; Department of State Police; Department of Human Services; Department of Legislative Services

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