

Chapter 639

(Senate Bill 685)

AN ACT concerning

~~Local School Systems~~ **State Department of Education – Sexual Abuse and Sexual Misconduct – Misconduct Model Response Policy and After-Action Review – Requirements**

FOR the purpose of requiring the State Department of Education to develop a model sexual abuse and sexual misconduct response policy that includes, at minimum, certain components; requiring each local school system to adopt a certain response policy; ~~provide certain notices in a certain manner, and conduct a certain after-action review under certain circumstances~~ and post a certain link on its website; and generally relating to sexual abuse and sexual misconduct response policies.

BY adding to

Article – Education

Section 4–148

Annotated Code of Maryland

(2025 Replacement Volume and 2025 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

**Article – Education**

4–148.

(A) ~~(1) IN THIS SECTION, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.~~

~~(2) “CREDIBLE ALLEGATION” MEANS A SPECIFIC AND PLAUSIBLE REPORT OF SEXUAL MISCONDUCT OR SEXUAL ABUSE, MADE BY A PERSON WITH APPARENT KNOWLEDGE, BY A SCHOOL EMPLOYEE OR CONTRACTOR OR VOLUNTEER THAT IS SUFFICIENT TO WARRANT TEMPORARY PROTECTIVE ACTION BY THE LOCAL SCHOOL SYSTEM.~~

~~(3) “RESPONSE RESPONSE POLICY” MEANS A SEXUAL ABUSE AND MISCONDUCT RESPONSE POLICY.~~

~~(4) “SERIOUS INCIDENT” MEANS AN EVENT THAT POSES A SUBSTANTIAL THREAT TO A STUDENT OR STAFF MEMBER’S SAFETY OR SCHOOL~~

~~ENVIRONMENT AND REQUIRES IMMEDIATE ADMINISTRATIVE OR LAW ENFORCEMENT RESPONSE, INCLUDING:~~

~~(I) CREDIBLE ALLEGATIONS OF SEXUAL MISCONDUCT OR SEXUAL ABUSE THAT RESULT IN REMOVAL FROM STUDENT CONTACT FOR MORE THAN 10 DAYS;~~

~~(II) PHYSICAL ASSAULT;~~

~~(III) OFFENSES INVOLVING A WEAPON;~~

~~(IV) THREATS OF VIOLENCE;~~

~~(V) CHILD ABUSE OR NEGLECT;~~

~~(VI) EVENTS THAT REQUIRE EMERGENCY RESPONSE; AND~~

~~(VII) ANY OTHER INCIDENT DESIGNATED BY THE LOCAL SCHOOL SYSTEM AS REQUIRING A FORMAL AFTER-ACTION REVIEW.~~

(B) (1) THE DEPARTMENT SHALL DEVELOP A MODEL SEXUAL ABUSE AND MISCONDUCT RESPONSE POLICY FOR USE BY LOCAL SCHOOL SYSTEMS TO RESPOND TO ~~CREDIBLE~~ SCHOOL-RELATED ALLEGATIONS OF SEXUAL ABUSE AND SEXUAL MISCONDUCT.

(2) THE MODEL RESPONSE POLICY DEVELOPED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL, AT MINIMUM, INCLUDE THE FOLLOWING COMPONENTS:

(I) A COMMUNICATIONS PLAN;

(II) AN E-MAIL AND OTHER ELECTRONIC COMMUNICATION DOCUMENTS RETENTION POLICY;

(III) A REQUIREMENT TO LINK TO A CENTRALIZED RESOURCE PLATFORM; AND

(IV) AN AFTER-ACTION REVIEW PLAN.

(3) THE MODEL RESPONSE POLICY MAY NOT IMPEDE OR COMPROMISE THE ABILITY OF A SCHOOL, A SCHOOL SYSTEM, A LAW ENFORCEMENT AGENCY, OR A PROSECUTOR TO CONDUCT A THOROUGH AND UNBIASED INVESTIGATION INTO AN ALLEGATION OF SEXUAL ABUSE OR SEXUAL MISCONDUCT.

~~(I) A REQUIREMENT THAT A PARENT OR GUARDIAN RECEIVE PROMPT NOTIFICATION THAT THE STUDENT HAS MADE A CREDIBLE ALLEGATION OF A SERIOUS INCIDENT;~~

~~(II) A COMMUNICATIONS PLAN THAT PROVIDES LOCAL SCHOOL SYSTEMS WITH THE INFORMATION AUTHORIZED TO BE SHARED WITH THE PUBLIC AT EACH STAGE OF THE RESPONSE PROCESS;~~

~~(III) A REQUIREMENT THAT, SUBJECT TO SUBSECTION (E) OF THIS SECTION, NOTIFICATION OF AN ALLEGATION OF CHILD ABUSE BY AN EMPLOYEE OF THE LOCAL SCHOOL SYSTEM BE PROVIDED TO THE CHILD'S PARENT OR GUARDIAN AS SOON AS POSSIBLE AND NOT LATER THAN WITHIN 3 SCHOOL DAYS; AND~~

~~(IV) RECORD RETENTION REQUIREMENTS AND GUIDELINES DEVELOPED IN COLLABORATION WITH THE STATE ARCHIVES, INCLUDING:~~

~~1. A REQUIREMENT THAT ALL E-MAIL AND ELECTRONIC RECORDS REGARDING A CREDIBLE ALLEGATION OF SEXUAL ABUSE OR SEXUAL MISCONDUCT BY AN EMPLOYEE OF THE LOCAL SCHOOL SYSTEM BE RETAINED BY THE LOCAL SCHOOL SYSTEM FOR A MINIMUM OF 3 YEARS;~~

~~2. PROCEDURES FOR THE MAINTENANCE, SECURITY, AND TRANSFER OF RECORDS; AND~~

~~3. GUIDELINES REGARDING RETAINING RECORDS FOR CRIMINAL, CIVIL, OR ADMINISTRATIVE INVESTIGATIONS.~~

(C) (1) THE COMPONENTS OF THE MODEL RESPONSE POLICY DEVELOPED UNDER SUBSECTION (B) OF THIS SECTION SHALL INCLUDE THE INFORMATION REQUIRED UNDER THIS SUBSECTION AND BE DEVELOPED IN COLLABORATION WITH THE ENTITIES DESCRIBED IN THIS SUBSECTION STATE AND LOCAL GOVERNMENTAL ENTITIES, COMMUNITY STAKEHOLDERS, AND ANY OTHER RELEVANT ENTITIES DETERMINED BY THE DEPARTMENT.

(2) THE COMMUNICATIONS PLAN SHALL:

(I) INCLUDE INCLUDE BEST PRACTICES FOR PROVIDING TIMELY, RELEVANT, AND APPROPRIATE INFORMATION THROUGH NOTIFICATION AND RESPONSES TO PARENTS OF AFFECTED STUDENTS AND COMMUNITY STAKEHOLDERS AND LOCAL SCHOOL SYSTEM CONTACT INFORMATION; AND

~~(H) BE DEVELOPED IN COLLABORATION WITH LOCAL SCHOOL SYSTEMS, THE DEPARTMENT OF HUMAN SERVICES, THE PUBLIC SCHOOL SUPERINTENDENTS' ASSOCIATION OF MARYLAND, THE MARYLAND ASSOCIATION OF BOARDS OF EDUCATION, EMPLOYEE ORGANIZATIONS, LAW ENFORCEMENT AGENCIES, AND ANY OTHER RELEVANT ENTITY DETERMINED BY THE DEPARTMENT.~~

~~(3) THE E-MAIL AND ELECTRONIC OTHER ELECTRONIC COMMUNICATION DOCUMENTS RETENTION POLICY SHALL INCLUDE REQUIREMENTS FOR THE RETENTION AND MAINTENANCE OF A LOCAL SCHOOL SYSTEM'S E-MAILS AND ELECTRONIC OTHER ELECTRONIC COMMUNICATION DOCUMENTS FOR A MINIMUM OF 1 YEAR.~~

~~(4) (i) THE DEPARTMENT AND THE MARYLAND CENTER FOR SCHOOL SAFETY JOINTLY SHALL DEVELOP AND MAINTAIN A A CENTRALIZED, STATEWIDE RESOURCE PLATFORM THAT INCLUDES, DEVELOPED IN ACCORDANCE WITH THE MODEL RESPONSE POLICY, SHALL INCLUDE INFORMATION AND PROVIDES PROVIDE LINKS TO RESOURCES REGARDING CHILD SEXUAL ABUSE AND SEXUAL MISCONDUCT IN A SCHOOL ENVIRONMENT, INCLUDING:~~

~~1. IDENTIFYING SIGNS AND WARNING INDICATORS OF CHILD SEXUAL ABUSE AND SEXUAL MISCONDUCT;~~

~~2. PROCEDURES FOR REPORTING INCIDENTS OF CHILD SEXUAL ABUSE OR SEXUAL MISCONDUCT;~~

~~3. TRAUMA INFORMED GUIDANCE FOR HOW PARENTS CAN HAVE CONVERSATIONS WITH THEIR CHILD; AND~~

~~4. LINKS TO RAPE CRISIS CENTERS CERTIFIED UNDER § 11-923 OF THE CRIMINAL PROCEDURE ARTICLE AND CHILD ADVOCACY CENTERS ESTABLISHED UNDER § 13-2201 OF THE HEALTH GENERAL ARTICLE.~~

~~(H) THE DEPARTMENT AND THE MARYLAND CENTER FOR SCHOOL SAFETY SHALL COLLABORATE WITH THE DEPARTMENT OF HUMAN SERVICES, THE MARYLAND DEPARTMENT OF HEALTH, AND THE ENTITY RESPONSIBLE FOR CERTIFYING SEXUAL ASSAULT PROGRAMS UNDER § 11-923 OF THE CRIMINAL PROCEDURE ARTICLE IN THE DEVELOPMENT OF THE RESOURCE PLATFORM UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.~~

~~(5) (i) THE DEPARTMENT AND THE MARYLAND CENTER FOR SCHOOL SAFETY JOINTLY SHALL DEVELOP THE AN AFTER-ACTION REVIEW PLAN REQUIRING, DEVELOPED IN ACCORDANCE WITH THE MODEL RESPONSE POLICY, SHALL REQUIRE A LOCAL SCHOOL SYSTEM TO CONDUCT A STRUCTURED,~~

COLLABORATIVE DEBRIEFING PROCESS TO IDENTIFY, ASSESS, EVALUATE, AND RESOLVE ISSUES IN THE ACTIONS ANY ISSUE WITH ANY ACTION TAKEN BY ALL ENTITIES AN ENTITY INVOLVED IN A SCHOOL-RELATED CASE OF SEXUAL ABUSE AND SEXUAL MISCONDUCT TO IMPROVE FUTURE PERFORMANCE.

(H) THE AFTER ACTION REVIEW PLAN SHALL INCLUDE:

1. IDENTIFICATION OF THE ENTITIES INVOLVED IN AN INVESTIGATION THAT MUST BE INCLUDED IN THE AFTER ACTION REVIEW CONDUCTED BY THE LOCAL SCHOOL SYSTEM;

2. THE STANDARDS AND PROCEDURES FOR DETERMINING WHICH INCIDENTS REQUIRE AN AFTER ACTION REVIEW;

3. A REQUIREMENT THAT THE AFTER ACTION REVIEW BE CONDUCTED WITHIN A REASONABLE TIME AFTER THE CONCLUSION OF THE CASE TO ENSURE TIMELY RESOLUTION OF IDENTIFIED ISSUES; AND

4. METHODS FOR ENSURING LOCAL SCHOOL SYSTEM ACCOUNTABILITY AFTER AN AFTER ACTION REVIEW HAS BEEN CONDUCTED AND ISSUES REQUIRING RESOLUTION HAVE BEEN IDENTIFIED.

~~(c)~~ (D) (1) ON OR BEFORE ~~JULY~~ SEPTEMBER 1, 2027, EACH LOCAL SCHOOL SYSTEM SHALL ADOPT A RESPONSE POLICY BASED ON THE MODEL POLICY DEVELOPED BY THE DEPARTMENT UNDER SUBSECTION (B) OF THIS SECTION.

(2) EACH LOCAL SCHOOL SYSTEM SHALL POST IN A CONSPICUOUS PLACE ON ITS WEBSITE A LINK TO THE CENTRALIZED RESOURCE PLATFORM DEVELOPED UNDER SUBSECTION (C) OF THIS SECTION.

(3) EACH LOCAL SCHOOL SYSTEM'S RESPONSE POLICY MAY NOT IMPEDE OR COMPROMISE THE ABILITY OF A SCHOOL, THE LOCAL SCHOOL SYSTEM, A LAW ENFORCEMENT AGENCY, OR A PROSECUTOR TO CONDUCT A THOROUGH AND UNBIASED INVESTIGATION INTO AN ALLEGATION OF SEXUAL ABUSE OR SEXUAL MISCONDUCT.

~~(D)~~ EACH LOCAL SCHOOL SYSTEM SHALL ESTABLISH A TIME-STAMPED WEBPAGE ON ITS WEBSITE REGARDING A SERIOUS INCIDENT THAT:

~~(1) CONFIRMS THE NATURE OF THE INCIDENT;~~

~~(2) PROVIDES NONIDENTIFYING INFORMATION ABOUT THE STATUS OF THE ONGOING INVESTIGATION;~~

~~(3) PROVIDES LINKS TO RELEVANT RESOURCES FOR PARENTS AND GUARDIANS FOR COUNSELING AND SUPPORT RESOURCES;~~

~~(4) PROVIDES AN UPDATE WHEN THERE IS A MATERIAL CHANGE, INCLUDING THE CONCLUSION OF THE INVESTIGATION OR AN ONGOING CRIMINAL CASE; AND~~

~~(5) CONTAINS SUPPORTING AND NONINVESTIGATIVE INFORMATION ONLY.~~

~~(E) A LAW ENFORCEMENT AGENCY OR A CHILD PROTECTIVE SERVICES UNIT MAY REQUEST THAT CERTAIN DETAILS OF A SERIOUS INCIDENT BE WITHHELD FROM THE PUBLIC OR THAT PUBLIC COMMUNICATION BE DELAYED.~~

~~(F) (1) A LOCAL SCHOOL SYSTEM SHALL NOTIFY PARENTS AND GUARDIANS THAT THE LOCAL SCHOOL SYSTEM HAS RECEIVED A CREDIBLE ALLEGATION AS SOON AS FEASIBLE AFTER THE LOCAL SCHOOL SYSTEM IS MADE AWARE OF THE CREDIBLE ALLEGATION.~~

~~(2) THE NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL:~~

~~(I) CONFIRM THAT A CREDIBLE ALLEGATION WAS RECEIVED;~~

~~(II) INDICATE WHETHER THE EMPLOYEE WAS REMOVED FROM STUDENT CONTACT;~~

~~(III) DESCRIBE THE SAFETY PRECAUTIONS BEING TAKEN BY THE LOCAL SCHOOL SYSTEM; AND~~

~~(IV) LIST REFERRALS TO AVAILABLE COUNSELING AND SUPPORT RESOURCES, IF ANY.~~

~~(3) A LOCAL SCHOOL SYSTEM MAY NOT DISCLOSE THE NAME OF THE EMPLOYEE UNDER INVESTIGATION IN THE NOTICE SENT TO PARENTS AND GUARDIANS UNDER THIS SUBSECTION.~~

~~(G) (1) ON THE CONCLUSION OF A CHILD SEXUAL ABUSE OR SEXUAL MISCONDUCT CASE OR A SERIOUS INCIDENT, A LOCAL SCHOOL SYSTEM SHALL CONDUCT AN AFTER-ACTION REVIEW WITHIN 45 DAYS OF THE CONCLUSION OF THE INCIDENT TO:~~

- ~~(I) ANALYZE HOW THE INCIDENT OCCURRED;~~
  - ~~(II) IDENTIFY SYSTEMIC AND ENVIRONMENTAL CONDITIONS THAT CONTRIBUTED TO THE INCIDENT;~~
  - ~~(III) IDENTIFY GAPS IN PROCEDURES, COMMUNICATION, SUPERVISION, OR CULTURE;~~
  - ~~(IV) EVALUATE THE TIMELINESS OF PARENT AND GUARDIAN NOTIFICATION;~~
  - ~~(V) EXAMINE COORDINATION WITH LAW ENFORCEMENT AND CHILD PROTECTIVE SERVICES;~~
  - ~~(VI) EVALUATE COMPLIANCE WITH TRANSPARENCY REQUIREMENTS; AND~~
  - ~~(VII) IDENTIFY AREAS FOR PROCESS IMPROVEMENTS.~~
- ~~(2) A WRITTEN REDACTED REPORT OF THE FINDINGS OF THE AFTER ACTION REVIEW CONDUCTED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY BE PROVIDED TO THE STATE BOARD AND THE STATE SUPERINTENDENT.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2026.

Approved by the Governor, May 26, 2026.