

HOUSE BILL 1168

F1, O4

6lr1653
CF SB 685

By: **Delegate Bagnall**

Introduced and read first time: February 11, 2026

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Local School Systems – Sexual Abuse and Sexual Misconduct – Response Policy**
3 **and After–Action Review**

4 FOR the purpose of requiring the State Department of Education to develop a model sexual
5 abuse and sexual misconduct response policy that includes, at minimum, certain
6 components; requiring each local school system to adopt a certain response policy,
7 provide certain notices in a certain manner, and conduct a certain after–action
8 review under certain circumstances; and generally relating to sexual abuse and
9 sexual misconduct response policies.

10 BY adding to

11 Article – Education

12 Section 4–148

13 Annotated Code of Maryland

14 (2025 Replacement Volume and 2025 Supplement)

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

17 **Article – Education**

18 **4–148.**

19 **(A) (1) IN THIS SECTION THE FOLLOWING TERMS HAVE THE MEANINGS**
20 **INDICATED.**

21 **(2) “CREDIBLE ALLEGATION” MEANS A SPECIFIC AND PLAUSIBLE**
22 **REPORT OF SEXUAL MISCONDUCT OR SEXUAL ABUSE, MADE BY A PERSON WITH**
23 **APPARENT KNOWLEDGE, BY A SCHOOL EMPLOYEE OR CONTRACTOR OR VOLUNTEER**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 THAT IS SUFFICIENT TO WARRANT TEMPORARY PROTECTIVE ACTION BY THE LOCAL
2 SCHOOL SYSTEM.

3 (3) "RESPONSE POLICY" MEANS A SEXUAL ABUSE AND MISCONDUCT
4 RESPONSE POLICY.

5 (4) "SERIOUS INCIDENT" MEANS AN EVENT THAT POSES A
6 SUBSTANTIAL THREAT TO A STUDENT OR STAFF MEMBER'S SAFETY OR SCHOOL
7 ENVIRONMENT AND REQUIRES IMMEDIATE ADMINISTRATIVE OR
8 LAW-ENFORCEMENT RESPONSE, INCLUDING:

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

12 (II) PHYSICAL ASSAULT;

13 (III) OFFENSES INVOLVING A WEAPON;

14 (IV) THREATS OF VIOLENCE;

15 (V) CHILD ABUSE OR NEGLECT;

16 (VI) EVENTS THAT REQUIRE EMERGENCY RESPONSE; AND

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

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

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

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

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

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

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

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

12 **2. PROCEDURES FOR THE MAINTENANCE, SECURITY,**
13 **AND TRANSFER OF RECORDS; AND**

14 **3. GUIDELINES REGARDING RETAINING RECORDS FOR**
15 **CRIMINAL, CIVIL, OR ADMINISTRATIVE INVESTIGATIONS.**

16 **(C) ON OR BEFORE JULY 1, 2027, EACH LOCAL SCHOOL SYSTEM SHALL**
17 **ADOPT A RESPONSE POLICY BASED ON THE MODEL POLICY DEVELOPED BY THE**
18 **DEPARTMENT UNDER SUBSECTION (B) OF THIS SECTION.**

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

21 **(1) CONFIRMS THE NATURE OF THE INCIDENT;**

22 **(2) PROVIDES NONIDENTIFYING INFORMATION ABOUT THE STATUS**
23 **OF THE ONGOING INVESTIGATION;**

24 **(3) PROVIDES LINKS TO RELEVANT RESOURCES FOR PARENTS AND**
25 **GUARDIANS FOR COUNSELING AND SUPPORT RESOURCES;**

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

29 **(5) CONTAINS SUPPORTING AND NONINVESTIGATIVE INFORMATION**
30 **ONLY.**

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

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

8 **(2) THE NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS**
9 **SUBSECTION SHALL:**

10 **(I) CONFIRM THAT A CREDIBLE ALLEGATION WAS RECEIVED;**

11 **(II) INDICATE WHETHER THE EMPLOYEE WAS REMOVED FROM**
12 **STUDENT CONTACT;**

13 **(III) DESCRIBE THE SAFETY PRECAUTIONS BEING TAKEN BY THE**
14 **LOCAL SCHOOL SYSTEM; AND**

15 **(IV) LIST REFERRALS TO AVAILABLE COUNSELING AND**
16 **SUPPORT RESOURCES, IF ANY.**

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

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

24 **(I) ANALYZE HOW THE INCIDENT OCCURRED;**

25 **(II) IDENTIFY SYSTEMIC AND ENVIRONMENTAL CONDITIONS**
26 **THAT CONTRIBUTED TO THE INCIDENT;**

27 **(III) IDENTIFY GAPS IN PROCEDURES, COMMUNICATION,**
28 **SUPERVISION, OR CULTURE;**

29 **(IV) EVALUATE THE TIMELINESS OF PARENT AND GUARDIAN**
30 **NOTIFICATION;**

1 **(V) EXAMINE COORDINATION WITH LAW ENFORCEMENT AND**
2 **CHILD PROTECTIVE SERVICES;**

3 **(VI) EVALUATE COMPLIANCE WITH TRANSPARENCY**
4 **REQUIREMENTS; AND**

5 **(VII) IDENTIFY AREAS FOR PROCESS IMPROVEMENTS.**

6 **(2) A WRITTEN REDACTED REPORT OF THE FINDINGS OF THE**
7 **AFTER-ACTION REVIEW CONDUCTED UNDER PARAGRAPH (1) OF THIS SUBSECTION**
8 **MAY BE PROVIDED TO THE STATE BOARD AND THE STATE SUPERINTENDENT.**

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
10 1, 2026.