

Department of Legislative Services
 Maryland General Assembly
 2026 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 685 (Senator Gile)
 Education, Energy, and the Environment

Local School Systems - Sexual Abuse and Sexual Misconduct - Response Policy and After-Action Review

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 credible allegations of sexual abuse and sexual misconduct. By July 1, 2027, each local school system must adopt a response policy based on the model policy. Each local school system must establish a time-stamped webpage on its website that provides information and updates regarding a serious incident. A local school system must as soon as feasible notify parents that it has received a credible allegation. On the conclusion of a child sexual abuse or sexual misconduct case or a serious incident, a local school system must conduct an after-action review within 45 days of the conclusion of the incident. **The bill takes effect July 1, 2026.**

Fiscal Summary

State Effect: General fund expenditures increase by \$85,700 in FY 2027 and \$24,800 in FY 2028 for staffing. Revenues are not affected.

(in dollars)	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	85,700	24,800	0	0	0
Net Effect	(\$85,700)	(\$24,800)	\$0	\$0	\$0

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

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

Small Business Effect: Potential minimal.

Analysis

Bill Summary: “Credible allegation” means a specified and plausible report of sexual misconduct or sexual abuse, made by a person with apparent knowledge, by a school employee, contractor, or volunteer that is sufficient to warrant temporary protective action by the local school system. “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 (1) credible allegations of sexual misconduct or sexual abuse that result in removal from student contact for more than 10 days; (2) physical assault; (3) offenses involving a weapon; (4) threats of violence; (5) child abuse or neglect; (6) events that require emergency response; and (7) any other incident requiring a formal after-action review.

The model response policy developed by MSDE must, at minimum, include (1) a requirement that a parent or guardian receive prompt notification that the student has made a credible allegation of a serious incident; (2) a communications plan regarding information authorized to be shared with the public at each stage of the response process; (3) a record retention requirement and guidelines developed in collaboration with the State Archives; and (4) a requirement that notification of an allegation of child abuse by an employee of the local school system be provided to the child’s parent not later than within three school days. However, a local school system may not disclose the name of the employee under investigation in the notice sent to parents. Moreover, 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.

A written redacted report of the findings in the after-action review may be provided to the Maryland State Board of Education and the State Superintendent.

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.

State Fiscal Effect: MSDE is required to develop a model sexual abuse and misconduct response policy for use by local school systems to respond to credible allegations of sexual abuse and sexual misconduct. MSDE advises that it requires a contractual educational program specialist from October 1, 2026, through June 30, 2029. The Department of Legislative Services assumes that because local school systems must adopt response policies by July 1, 2027, MSDE requires such an additional position through October 1, 2027, which includes time to aid local school systems in adopting local response policies and provide assistance during the early phase of local implementation of these policies.

Therefore, general fund expenditures increase by \$85,700 in fiscal 2027 and \$24,800 in fiscal 2028, which accounts for a 90-day start-up delay from the bill’s July 1, 2026 effective date. This estimate reflects the cost of hiring a contractual employee to develop the model policy and assist local school systems. It includes a salary, fringe benefits, one-time start-up costs, and other operating expenses.

Contractual Position	1.0
Salary and Fringe Benefits	\$76,591
Other Expenses	<u>9,141</u>
Total FY 2027 State Expenditures	\$85,732

Fiscal 2028 expenditures reflect termination of the contractual position on October 1, 2027, three months into fiscal 2028.

This estimate does not include any health insurance costs that could be incurred for specified contractual employees under the State's implementation of the federal Patient Protection and Affordable Care Act. Additional Information.

Local Fiscal Effect: Local school systems require additional resources to meet the bill's requirements, including meeting the July 1, 2027, deadline for adopting a sexual abuse and misconduct response policy. Anne Arundel County Public Schools anticipates unspecified additional information technology costs to develop a time-stamped webpage. Montgomery County Public Schools advises that it will incur one-time contractual costs in fiscal 2027 amounting to \$86,400 and ongoing annual contractual costs of approximately \$31,000 to cover creation and maintenance of a public-facing secure reporting interface.

Frederick County Public Schools advises that it requires an additional staff member, at an annual cost of about \$90,000, to revise policies and procedures; communicate with the public; engage with parents regarding notification; provide supportive community resources; maintain required documentation and communications; and prepare mandated reports.

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: HB 1168 (Delegate Bagnall) - Ways and Means.

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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