

**BILL:** House Bill 1168  
**TITLE:** Local School Systems - Sexual Abuse and Sexual Misconduct - Response Policy and After-Action Review  
**HEARING DATE:** March 10, 2026  
**POSITION:** Letter of Information  
**COMMITTEE:** Ways and Means  
**CONTACT:** Sam Mathias, Legal & Policy Director ([smathias@mabe.org](mailto:smathias@mabe.org))

The Maryland Association of Boards of Education (MABE), representing all 24 local boards of education across the State, **provides this informational letter for House Bill 1168 - Local School Systems - Sexual Abuse and Sexual Misconduct - Response Policy and After-Action Review.**

As currently written, HB 1168 requires:

- The Maryland State Department of Education to develop a model sexual abuse and misconduct response policy that, in part, requires significant and robust public communication by school systems of pending investigations and more stringent document retention policies;
- School systems to adopt a response policy based on MSDE's model;
- School systems to establish a website that provides real-time updates of pending investigations of alleged misconduct; and
- Mandated after-action reviews on the conclusion of any serious incident to review how the event happened, execution of communication protocol, and coordination with investigators.

MABE has been in significant contact with the Senate sponsor of this bill's crossfile and appreciates the collaborative effort put forward in that regard. We share the sponsor's commitment to student safety and accountability and remain hopeful that amendments can be developed to improve the practicality of the bill while protecting both student safety and staff due process. We trust that amendments to this bill in the House of Delegates to conform to the progress made on the Senate bill that will assuage some of the following concerns with the bill as currently written:

### **Community Notice Considerations**

Mandating community notice requires careful balancing of two important interests: the community's understandable desire to know that a serious allegation occurred and is being addressed, and the necessity of preserving investigative integrity and due process. Many investigations into allegations are ultimately unsubstantiated. Yet once notice is issued, the reputational harm to a staff member can be permanent, regardless of the outcome or

the veracity of the allegations. In practice, community notice alone (even without specifically identifying the alleged perpetrator) can effectively end a career in that community.

At the same time, there is a value in a clear, standardized initial communication. Parents and guardians have an interest in knowing that an allegation has been reported, that supports for alleged victims have been put in place, and that the matter is now in the hands of the appropriate authorities. Most of all, a notice must set expectations for parents and community members that they will not get any more information from the school system or investigators, and for good reason.

If community notice is included in the bill, it must be tightly defined and limited: at most, it could include one prompt notice at the outset of an allegation, after a report and staff removal have occurred; and one communication at the conclusion of the investigation explaining the outcome and any resulting action. Nothing more. Ongoing updates to the community during an active investigation are neither appropriate nor responsible. They risk compromising the investigation, eroding due process, and fueling speculation. While a community may want ongoing updates, such updates (and expectations for updates) unequivocally cause harm.

### **Website and Real-Time Updates**

MABE has significant concerns with the requirement that each local school system create a time-stamped webpage that confirms the nature of an alleged incident and provides status updates on an ongoing investigation. At a point of staff removal, a school system has received an allegation and made a mandatory report; it has not confirmed facts. Investigations are conducted by Child Protective Services or law enforcement, and school systems do not control or even receive real-time investigative information. Requiring public confirmation and ongoing updates risks compromising due process, mischaracterizing allegations as findings, and creating an unworkable compliance standard.

MABE has no issue with ensuring that families have ready access to counseling and support resources. A standing webpage with general information about reporting processes and available local supports is appropriate. **However, that information should not be incident-specific, nor should it be tied to confirming any allegations, tracking or providing updates to an active investigation.**

### **Document Retention**

We understand that document retention is part of this bill to attempt to codify that school systems and investigators may be able to retrieve evidence from school system electronic documents. In practice, substantiated cases of misconduct are very rarely (if ever) proven

through internal school documentation. School systems have robust Acceptable Use Policies (in large part to regulate and ensure appropriate communication between students and everyone else), and thus electronic communications of school systems are heavily regulated and monitored. In fact, in surveys of several school system Title IX coordinators and Human Resources officers, together having overseen coordination of dozens of staff removals, not a single substantiated claim contained evidence from school system electronic communications. Such evidence is typically developed through interviews, law enforcement investigation, retrieval of personal communications (e.g., cell phone records, text messages, personal emails), and other external sources. Expansive retention mandates focused on uncovering misconduct in school system files risk creating significant administrative burden without materially improving student safety outcomes.

Instead, retention frameworks should be grounded in sound records management principles, privacy protections, and operational feasibility, not in the hope of retroactively identifying wrongdoing through holding routine school system electronic communications.

### **After-Action Review**

The concept of reviewing serious incidents to improve systems has merit. However, mandating an after-action review for every staff removal risks unintended harm. In many cases, protocols function exactly as intended: an allegation is reported, the staff member is removed, authorities investigate, and appropriate action is taken. An automatic after-action review in every instance may create a dynamic of second-guessing front-line staff or, worse, inadvertently contributing to victim or bystander blame.

In addition, multiple independent entities play distinct roles in these matters, including child protective services and law enforcement. Those investigations are confidential and conducted outside the control of the school system. Where independent investigative bodies issue findings and recommendations, they already identify any breakdowns in reporting or safety practices. An after-action requirement must be carefully calibrated so that it strengthens systems without undermining the integrity or confidentiality of those independent processes.

MABE stands ready to continue to work constructively with this bill's sponsor, the Senate bill sponsor, and this Committee in support of building framework that strengthens student safety, protects community trust, and preserves investigative integrity and due process.