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BILL: SB 685

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

DATE: April 1, 2026

POSITION: Favorable with Amendments

COMMITTEE: House Ways and Means Committee

CONTACT: Mary Pat Fannon, Executive Director, PSSAM

The Public School Superintendents' Association of Maryland (PSSAM), on behalf of all twenty-four local school superintendents, **supports** Senate Bill 685 **with one amendment**.

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 in responding to school-related allegations of sexual abuse and misconduct. The policy must include: (1) a communication plan; (2) an email and electronic document retention policy; (3) a requirement to link to a centralized resource platform; and (4) an after-action review plan. The bill also directs MSDE and the Maryland Center for School Safety to jointly develop and maintain a centralized, statewide resource platform, which local school boards must link to in a conspicuous place on their websites. By September 1, 2027, each local school system must adopt a response policy based on the model policy.

PSSAM appreciates the intent of this bill and the sponsor's work on ensuring that students and families navigating trauma receive compassionate support, timely resources, and clear, responsive communication. We believe that effective communication with communities is essential to fostering safe, supportive learning environments. We also thank the sponsor and the committees for working with local school systems and their boards to refine the legislation so that it is reasonable in its operational expectations, in addition to safeguarding staff and students. Lastly, we ***support a clarifying amendment that would adjust the required records retention policy.***

Many provisions of SB 685 dovetail nicely with the Safe to Learn Act's existing requirements for school emergency planning and crisis response. Rather than creating a parallel system, **we look forward to working with the Maryland State Department of Education (MSDE) and the Maryland Center for School Safety (MCSS) on a model policy that will:**

- 1. *Recognize and reflect Maryland has a long-standing, carefully structured statutory framework governing child abuse reporting and investigation.*** All school personnel are mandated reporters and reports of suspected abuse are made to Child Protective Services (CPS) within the Department of Social Services (DSS). CPS is responsible for screening reports, determining investigative status, managing the timing and manner of parental notification, and protecting investigative integrity and confidentiality. Maryland's statutory structure intentionally separates the act of reporting (school personnel) and the act of investigating and notifying (CPS). We will work with MSDE to ensure that any new policies do not interfere with active or potential investigations or compromise student safety in sensitive situations. ***This separation exists for a reason: it protects children, preserves investigative integrity, and safeguards due process.***
- 2. *Provide meaningful community notification without compromising confidentiality and escalate situations prematurely. Most importantly, ensure a process that protects employee due process rights.*** Maryland's current framework allows CPS to determine appropriate timing and scope of notification. Many investigations into allegations are ultimately unsubstantiated. In practice, public disclosure alone can effectively end a career in that community. Therefore, a community notification provision must be carefully crafted to balance these protections.
- 3. *Ensure a reasonable record retention policy that does not significantly increase unfunded costs*** requiring long-term digital storage and compliance monitoring that would not be relevant to these investigations. Additionally, these policies must not conflict with existing local or State retention schedules. ***Retention frameworks should be grounded in sound records management principles, privacy protections, and operational feasibility.***
- 4. *Make available the appropriate level of resources for any event that overwhelms a school community - not limited to a single category of misconduct.*** We believe school systems will easily be able to satisfy the sponsor's intention of creating access to resources for students and families experiencing any type of trauma. School systems routinely provide information for families and students experiencing any type of crisis and will continue to make sure there are easily accessible trauma-response resources.
- 5. *Craft appropriate after-action reviews for various incidents,*** especially those that involve multiple independent entities, including child protective services and law enforcement. Their investigations are confidential and occur outside the school system's authority. ***Any after-action requirement for LEAs should be carefully structured to reinforce system improvement without compromising the confidentiality, integrity, or independence of those investigative processes.***

Again, we appreciate the sponsor's collaboration and look forward to working together towards solutions that achieve the goals of this legislation. Maryland superintendents highest priority is to protect the safety and education of students and support staff and families.

Therefore, PSSAM **supports** Senate Bill 685 with the one **amendment** mentioned above.