

BILL: Senate Bill 685
TITLE: State Department of Education - Sexual Abuse and Sexual Misconduct Model Response Policy - Requirements
HEARING DATE: April 1, 2026
POSITION: Favorable
COMMITTEE: House Ways and Means Committee
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The Maryland Association of Boards of Education (MABE), representing all 24 local boards of education across the State, **supports Senate Bill 685 - State Department of Education - Sexual Abuse and Sexual Misconduct Model Response Policy - Requirements.**

Senate Bill 685 has been significantly amended through a collaborative process involving the sponsor, committee staff, and education stakeholders, including MABE. As amended, the bill requires the State Department of Education (MSDE) to develop a model sexual abuse and sexual misconduct response policy that includes a communication plan, an e-mail and electronic documents retention policy, access to centralized support resources, and an after-action review process. Local school systems would adopt policies aligned to the model beginning in the 2027–2028 school year.

As amended, the bill establishes a generally workable framework to codify system-level responses to allegations of sexual abuse and misconduct. Any model policy developed by MSDE will need to carefully balance the public’s interest in information with the practical necessity of preserving investigative integrity and due process for all parties involved, while avoiding unnecessary disruption, alarm, and fear within school communities. MABE is prepared to continue working with MSDE and stakeholders on the development of guidance, should this bill be enacted.

Document Retention

MABE understands that the sponsor is supportive of a further edit to narrow the document retention requirements of the bill from “e-mail and electronic documents” to “e-mail and other electronic communications.” This revision would be an improvement. While supportive overall of this bill, MABE continues to question whether document retention requirements are appropriately situated within this policy framework.

In practice, substantiated cases of misconduct are rarely, if ever, established through internal school system communications. School systems already maintain robust acceptable use and monitoring policies governing electronic communications. Based on input from Title IX coordinators and human resources officials with experience overseeing

numerous personnel investigations, substantiated findings are typically developed through interviews, law enforcement processes, and review of personal communications or other external evidence; not through retained internal documents.

Mandating expansive retention requirements aimed at uncovering misconduct in school system files risks introducing significant administrative burden without a corresponding improvement in student safety. Record retention policies are more appropriately grounded in established records management standards, privacy considerations, and operational feasibility rather than investigative assumptions that are not borne out in practice.

MABE appreciates the collaborative engagement of the sponsor, committee staff, and other stakeholders in shaping a more workable bill. With that, MABE supports Senate Bill 685 and respectfully urges a favorable report.