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BILL: HB 1168

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

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POSITION: Letter of Information

COMMITTEE: House Ways and Means Committee

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The Public School Superintendents' Association of Maryland (PSSAM), on behalf of all twenty-four local school superintendents, provides this **letter of information on** House Bill 1168 as we continue to discuss amendments with the sponsor.

This bill requires the State Department of Education to develop a model sexual abuse and sexual misconduct response policy that includes certain minimal components; requires each local school system to adopt a response policy and provide notices in a certain manner, and conduct an after-action in under certain circumstances; and generally relates to sexual abuse and sexual misconduct response policies.

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.

As currently drafted, HB 1168 would:

1. Require the Maryland State Department of Education to develop a **model sexual abuse and misconduct response policy** that includes expanded public communication requirements and enhanced document retention standards;
2. Require local school systems to **adopt policies aligned with MSDE's model**;
3. Mandate that school systems **establish a website** providing updates regarding pending misconduct investigations; and

4. **Require after-action reviews** following serious incidents to assess response, communication, and coordination with investigators.

We share the goal of ensuring students are supported when serious events occur. However, as currently drafted, HB 1168 creates significant statutory, operational, and due process concerns for local school systems. Below are some of our **concerns with the bill as drafted**:

Disruption of Maryland’s Mandatory Reporting Framework

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.

HB 1168 would, in certain circumstances, shift responsibility for incident notification from DSS to local school systems. This represents a significant departure from Maryland’s statutory structure, which intentionally separates the act of reporting (school personnel) and the act of investigating and notifying (CPS). Requiring school systems to independently notify families of newly defined “credible allegations” risks interfering with active or potential investigations and compromising student safety in sensitive situations. This separation exists for a reason: it protects children, preserves investigative integrity, and safeguards due process.

In addition, the bill introduces new terms and Undefined Legal Standards— including:

- “Credible allegation”
- “Serious incident”

These terms do not currently exist in Maryland statutory construction in this context and lack clear legal standards or definitions. Without established definitions, school systems may be required to act before professional screening occurs and notification could occur in cases that are later screened out. More importantly reputations may be harmed before facts are evaluated and community alarm may be triggered unnecessarily.

School staff frequently report out of an abundance of caution. Many reports are screened out by CPS. If every report automatically triggers immediate notification, it may unintentionally discourage reporting in ambiguous situations — undermining the very child protection goals we all share. It is essential that staff continue to report concerns without fear that a precautionary report will result in immediate reputational consequences before facts are reviewed.

Community Notification Mandates

The bill requires communication plans that specify what information must be shared publicly at each stage of the response process. Automatic public notification of allegations, regardless of investigative status, may compromise confidentiality and escalate situations prematurely. Most importantly, this would affect employee due process rights.

Maryland's current framework allows CPS to determine appropriate timing and scope of notification. A more targeted approach could achieve the bill's goals without altering the core structure of mandatory reporting law. Many investigations into allegations are ultimately unsubstantiated. In practice, public disclosure alone can effectively end a career in that community.

New Record Retention Requirements

We understand alternative language may be under consideration. Generally, PSSAM is cautious about mandated retention frameworks that create local fiscal burdens and require long-term digital storage infrastructure and compliance monitoring. There may also be conflict with existing local or State retention schedules. Retention frameworks should be grounded in sound records management principles, privacy protections, and operational feasibility, not in the hope of retroactively identifying wrongdoing through routine educational records.

Website Posting Requirements

The bill requires 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. Requiring public confirmation and ongoing updates risks compromising due process, mischaracterizing allegations as findings, and creating an unworkable compliance standard.

We appreciate the intent to ensure transparency and access to resources. However, we believe a more effective and equitable approach would be to require:

- Standing crisis resource pages
- Easily accessible trauma-response supports
- Information for families, students, and staff across *all* crisis scenarios

Trauma is trauma. Resources should be available for any event that overwhelms a school community — not limited to a single category of misconduct.

After-Action Reviews

Reviewing serious incidents to strengthen systems and improve future responses is a constructive goal. However, requiring an after-action review in every instance of staff removal may produce unintended consequences. In many situations, established protocols work as designed: a concern is reported, the employee is removed, authorities investigate, and appropriate action follows. Automatically triggering a secondary review each time could create unnecessary second-guessing of frontline decisions or unintentionally shift focus in ways that risk victim or bystander blame.

It is also important to recognize that these matters often involve multiple independent entities, including child protective services and law enforcement. Their investigations are confidential and occur outside the school system's authority. When those agencies identify deficiencies in reporting or safety practices, they already issue findings and recommendations. Any after-action requirement should therefore be carefully structured to reinforce system improvement without compromising the confidentiality, integrity, or independence of those investigative processes.

We believe the goals of HB 1168 can be accomplished in a clearer and more efficient manner — by refining Maryland's existing statutory framework under Md. Code Ann., Educ. Art. § 7-1501 et seq. (Maryland Safe to Learn Act)

Many provisions of HB 1168 could dovetail with the Safe to Learn Act's existing requirements for school emergency planning and crisis response. Rather than creating a parallel system, we recommend strengthening the existing one. For instance, *expanding the definition of "School Emergency Plan" and strengthening communication requirements within the existing law.*

PSSAM strongly supports ensuring that students and families receive timely support, clear communication, and appropriate resources during times of crisis. However, we believe the most effective and efficient way to realize the bill's goals is to refine and expand the existing Safe to Learn Act rather than alter Maryland's mandatory reporting framework or create parallel notification mandates.

We welcome continued dialogue with the sponsor and stakeholders and would be pleased to assist in drafting amendments that protect students, support families, preserve due process, maintain investigative integrity, and provide clear and practical guidance to local school systems. We appreciate the ongoing collaboration and look forward to working together toward a solution that achieves these shared goals.

PSSAM appreciates the opportunity to provide this **letter of information** on HB 1168 and welcomes continued discussion with the sponsor and the committee.