
TO: House Ways and Means Committee
BILL: House Bill (HB) 1168 – Local School Systems - Sexual Abuse and Sexual Misconduct - Response Policy and After-Action Review
DATE: March 10, 2026
POSITION: Information

The Maryland State Department of Education (MSDE) provides this Letter of Information regarding House Bill (HB) 1168 – Local School Systems - Sexual Abuse and Sexual Misconduct - Response Policy and After-Action Review.

HB 1168 requires MSDE to create a model policy for responding to credible allegations of sexual abuse or misconduct in schools. Local education agencies (LEAs) must adopt this policy by July 1, 2027. The policy must include:

- Timely parent notification of a credible allegation
- A communications plan, including providing status of any investigation
- Record retention requirements
- A time-stamped public webpage for each serious incident, confirming the nature of the incident, sharing nonidentifying investigation updates, and linking to support resources
- After-Action review, including a report to the State Superintendent and State Board of Education

The Department is grateful for the sponsor’s leadership on this issue and for their focus on student safety and community trust, and shares the goal of ensuring that all students are protected in the school environment and that families receive appropriate information when sensitive situations arise.

Existing law, Maryland Family Law Section 5-704, establishes mandatory reporting for certain professionals who suspect child abuse or neglect. This applies to health practitioners, police officers, educators, and human service workers. Under the law, if these individuals have reason to believe a child has been abused or neglected, they must immediately notify the local Department of Social Services or law enforcement. If they work in an institution such as a hospital, school, or childcare facility, they must also inform the head of the institution or their designee without delay.

Existing law requires both an oral and a written report. The oral report must be made as soon as possible, and the written report must be submitted within 48 hours to the local Department of Social Services, with a copy sent to the local State’s Attorney. Reports should include identifying information about the child and parent, the child’s location, details about the nature and extent of the abuse or neglect, and any other information that could help determine the cause and identify the party responsible.

While both Family Law § 5-704 and HB 1168 require immediate reporting to authorities, documentation, and coordination when abuse or misconduct is suspected, HB 1168 also mandates public notification at the allegation stage. This early disclosure could conflict with § 5-704 by shifting the focus from confidential reporting for investigation purposes to community transparency, potentially undermining law enforcement and child protective services’ ability to conduct thorough, unbiased investigations.

HB 1168 places new responsibilities on LEAs beyond existing mandated reporter requirements, including the obligation to establish and maintain a time-stamped public webpage for each serious incident with

ongoing, nonidentifying updates and related resources. Publishing sensitive information on a school system website, as required under this bill, will require significant training and legal review, and may inadvertently expose and identify the victim, the reporters, and the accused to the entire community. Additionally, posting information prior to a final legal determination raises due process concerns and may expose the LEA to liability if allegations do not result in a conviction.

Maryland public schools have protocols in place regarding parent notification of certain incidents in schools. In some cases, notice is provided to the parent and guardian of the student(s) involved, while in others, it is appropriate to notify the school community. In all cases, strategies must protect the disclosure of personally identifying information of all parties, in accordance with the law, of the victim, the reporters, and the accused.

Finally, the bill also requires local school systems to conduct after-action reviews following serious incidents, but it does not specify how the findings or the information likely shared with MSDE and the State Board should be used or standardized, creating potential inconsistencies and unclear expectations.

The Department shares the goal of keeping students safe and communicating transparently with the school community, and is open to discussions on systems that balance student safety with protecting the due process rights of all. MSDE respectfully requests consideration of these comments as HB 1168 is discussed and deliberated. For further information, please contact Laurel Cratsley, Interim Executive Director of Government Affairs, at laurel.cratsley@maryland.gov.