

MEMORANDUM

February 28, 2019

TO: Education and Culture Committee
Public Safety Committee

FROM: Craig Howard, ^{CH} Senior Legislative Analyst

SUBJECT: **Update – MCPS Child Abuse and Neglect Policy**

PURPOSE: Receive update from MCPS staff, no action required

Expected Participants:

- Dr. Donna Hollingshead, Associate Superintendent of School Administration, MCPS
- Gregory Edmundson, Coordinator, MCPS Compliance Unit
- Dr. Henry Johnson, MCPS Chief of Staff
- Joshua Civin, MCPS General Counsel

Additionally, the following Child Abuse and Neglect Continuous Improvement Advisory Committee members plan to be in attendance:

- Debbie Feinstein, Special Victims Division Chief, Montgomery County State's Attorney's Office
- Wendy Grier, Supervisor, Child Welfare Services, DHHS
- Susanne Shook, Social Worker, Child Welfare Services, DHHS
- Lynne Harris, MCCPTA President
- Gillian Huebner, MCCPTA Safety Committee

Background

On April 3, 2018, the County Council held a discussion with all County agencies, including MCPS, on the topic of workplace harassment policies and procedures. That discussion focused on harassment issues between adults. As a follow-up to that discussion, on April 25 the then-Education Committee received a briefing from MCPS on its child abuse and neglect policies and procedures. At that meeting, the Committee requested a follow-up briefing during 2019 to focus on MCPS' efforts to further enhance and improve its protocols around abuse and neglect.

Since the April briefing, MCPS has provided two written updates on its child abuse and neglect protocols that will provide a framework for today's discussion. A summary of information included in the updates begins on page 2.

- August 29, 2018 memorandum from the Superintendent to the Board of Education, *Update on the Implementation of Board of Education Policy JHC, Child Abuse and Neglect, for Fiscal Year 2018* (attached at ©1-10); and
- September 12, 2018 memorandum from the Superintendent to the Chair of the Education Committee, *Update on Child Abuse and Neglect and Follow-up to the April 18, 2018 County Council Education Committee Meeting* (attached at ©11-17).

MCPS' abuse and neglect protocols are governed by Board of Education Policy JHC, *Child Abuse and Neglect* (attached at ©18-23), and MCPS Regulation JHC-RA, *Reporting and Investigating Child Abuse and Neglect* (attached at ©24-40).

Additionally, similar to the April briefing, MCPS has provided a wealth of background information and documents related to its abuse and neglect policies and procedures. Much of the information has not changed since April, and all the documents provided by MCPS for that briefing are available online.¹ Documents that have been updated since April are attached to this staff report.

Discussion Topics

This section includes suggested discussion topics based on the two updates provided by MCPS this past August and September.

1. Staff Training/Employee Code of Conduct

In FY18, as in past years, all new hires and existing staff must complete mandatory training on recognizing, reporting, and preventing child abuse and neglect. MCPS completed its annual updating of the *Employee Code of Conduct* and also developed a Social Media: Best Practices for Employees webpage that delineates MCPS' expectation for staff interaction with students, parents/guardians, colleagues, and the community with integrity and professionalism with participating in social media activity.

In April, the Committee discussed with MCPS whether employee code of conduct violations were documented in an employee's record. MCPS noted that there are many types of minor code infractions that do not warrant formal disciplinary action or written documentation. However, MCPS did revise the code for 2018-2019 to clarify that: "A written response, after consultation with [the Office of Employee Engagement and Labor Relations], is required in all cases involving allegations of sexual misconduct or harassment."

2. Screening of new and existing MCPS employees

MCPS has required Child Protective Services (CPS) background checks for new employees since 2013 and has initiated a process to complete a CPS background check on all employees hired prior to 2013. MCPS completed CPS background checks for pre-2013 elementary school staff hires during the 2016-17 school year, and middle school hires during the 2017-18 school year. CPS checks on high school staff will be completed during the 2018-19 school year.

During FY18, MCPS also began an additional review for all teachers and certified educators by checking credentials via the National Association of State Directors of Teacher Education and Certification Clearinghouse to ensure that an educator's credentials have not been suspended or revoked.

¹ https://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&clip_id=14944&meta_id=154698

3. Training and screening for volunteers and contractors

During FY18, MCPS continued to train and screen volunteers, contractors, coaches, and chaperones. In total:

- 22,103 volunteers completed mandatory online training;
- 1,593 volunteer coaches, chaperones for overnight field trips or those that extend past 7 pm, and chaperones for Grade 6 Outdoor Education programs completed criminal background checks; and
- 940 contractors completed mandatory training and background checks.

4. Collaboration with partner agencies

MCPS continued to coordinate and participate in a Multi-Disciplinary Team (MDT) on reporting and investigating child abuse and neglect with the Montgomery County State's Attorney's Office, the Montgomery County Attorney's Office, the Special Victims Investigations Division of the Montgomery County Police Department, and the Tree House Child Assessment Center of Montgomery County. Additionally, beginning in 2018 MCPS staff participated in a MSDE workgroup with representatives from multiple districts to share best practices and explore the possibility for a statewide database to track noncertified school personnel who are dismissed for misconduct with students.

5. Committee on Child Abuse and Neglect

In response to Education and Culture Committee Chair Rice's suggestion at the April briefing, MCPS has established a multi-stakeholder advisory committee to provide regular input and feedback to the MCPS Compliance Unit on child abuse and neglect. Information on the MCPS Child Protection and Safety Stakeholder Advisory Team, including the membership and charge to the team, is attached at ©41.

6. Communication with the school community

During 2018 MCPS reports that it has made several enhancements designed to improve communication with the school community on child abuse and neglect issues. These include:

- Revising the child abuse and neglect website "for ease of access to critical topics, such as how to report suspicions of abuse, resources for children and families, training for volunteers, as well as related policies, regulations, and annual district reporting of data on abuse and neglect."
- Translating several documents on the website into multiple languages.
- Posting on the website copies of all letters sent to specific school communities regarding arrests for charges related to child abuse or neglect.

7. Personal body safety lessons and information for parents

In FY18, MCPS continued to implement age-appropriate Personal Body Safety Lessons (PBSLs) for students in grades pre-K to 12. During a September update to the Board of Education, the Chief of the Montgomery County State's Attorney's Office Special Victims Division noted that these lessons are making a difference in children reporting incidents of abuse and neglect.

During the summer of 2018, MCPS staff developed supporting resources for these lessons to help parents and guardians discuss the topic with their children. These resources were developed for both the elementary and secondary levels and are available on MCPS' PBSL webpage.

8. Child abuse and neglect reporting, outcome, and disciplinary data

MCPS' annual updates on Policy JHC include data the total number of cases reported, as well as data on suspected abuse or neglect by MCPS employees, contractors, and volunteers. The tables below compile that annual data into a multi-year summary format. **Of note, in response to Councilmember questions about other jurisdictions at the April briefing, MCPS states that: "We have found no other district in Maryland or the region that provides the type of extensive reporting on cases and data regarding child sex abuse to the public on their websites as that of MCPS."**

Table 1 shows the total number of suspected abuse or neglect incidents over the past three fiscal years reported by MCPS staff, volunteers, or contractors to the Montgomery County Department of Health and Human Services (DHHS). These data include suspected incidents of abuse or neglect that occur outside of MCPS facilities and by non-MCPS affiliated individuals. MCPS notes that "the vast majority of cases reported the past three years did not involve MCPS employees, volunteers, or contractors."

Table 1. Total Number of Suspected Child Abuse or Neglect Incidents Reported by MCPS Staff, Volunteers, or Contractors

	FY16	FY17	FY18
Total suspected incidents reported	3,347	2,993	3,087
% change from prior year	--	-10.6%	3.1%

Table 2 shows FY16-FY18 data of reported child abuse and neglect incidents for MCPS employees by outcome of the DHHS Child Protective Services (CPS) investigation, excluding any cases listed in MCPS reporting as "pending".² These data include cases of alleged abuse involving MCPS employees with students, as well as with their own children. CPS has five different outcomes:

- *Screened Out* – There was insufficient evidence that abuse or neglect occurred.
- *Ruled Out* – A finding that abuse or neglect did not occur.
- *Unsubstantiated* – A finding that there is insufficient evidence to support a finding of indicated or ruled out.
- *Indicated* – A finding that there is credible evidence which has not been satisfactorily refuted that abuse or neglect occurred.

Table 2. Outcomes of CPS Reports Involving Alleged Abuse or Neglect by an MCPS Employee

CPS Outcome	FY16	FY17	FY18	Total by Category	% of Total
Screened Out	283	268	317	868	87%
Ruled Out	32	26	20	78	8%
Unsubstantiated	4	13	6	23	2%
Indicated	5	12	10	27	3%
Total by Year	324	319	353	996	100%

² MCPS also reports the same data for volunteers and contractors. Over the three-year period, there were 11 reports of potential abuse or neglect by volunteers and five by contractors. All 16 reports were screened out by CPS.

Table 3 shows the FY16-FY18 results of MCPS' internal investigation after CPS' ruling for MCPS employees, excluding any cases listed in MCPS reporting as "pending". After a CPS ruling, MCPS Regulation JHC-RA requires an internal investigation to determine whether any violations of MCPS policies, regulations, or rules have occurred – even if CPS or the Police Department screens out or closes a case without taking action or the State's Attorney's Office declines to bring criminal charges. The data below show personnel action taken by MCPS as a result of these investigations.

Table 3. MCPS Actions Based on Internal Follow-up Investigations Regarding Alleged Abuse or Neglect by an MCPS Employee

MCPS Action	FY16	FY17	FY18	Total by Outcome	% of Total
No action warranted	73	46	98	217	22%
Conference or memo for the record	146	180	143	469	48%
Reprimand or other disciplinary letter	63	46	66	175	18%
Suspension without pay	14	7	9	30	3%
Removal from employment	26	29	24	79	8%
Total by Year	322	308	340	970	100%

In addition, while all allegations against volunteers and contractors were screened out by CPS, the data show that based on their internal investigation MCPS took action to "remove from employment" seven of the 16 volunteers or contractors reported for alleged abuse or neglect.

Additional Attachments (updated since April 2018 Committee packet)

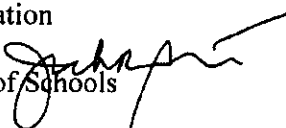
- Compliance Training Resources – Training Modules (©43-44)
- Child Abuse and Neglect Website Information (©45-48)
- Recognizing and Reporting Child Abuse and Neglect Volunteer Frequently Asked Questions (©49-52)
- Compliance Unit Website (©53-55)
- The MCPS Employee Code of Conduct and Student Code of Conduct are updated in advance of each school year and are available online.
 - <https://www.montgomeryschoolsmd.org/compliance/resources.aspx>
 - <https://www.montgomeryschoolsmd.org/students/rights/>

Office of the Superintendent of Schools
MONTGOMERY COUNTY PUBLIC SCHOOLS
Rockville, Maryland

August 29, 2018

MEMORANDUM

To: Members of the Board of Education

From: Jack R. Smith, Superintendent of Schools 

Subject: Update on the Implementation of Board of Education Policy JHC, Child Abuse and Neglect, for Fiscal Year 2018

The purpose of this memorandum is to provide you with information and an update on strategies implemented by Montgomery County Public Schools (MCPS) to prevent, recognize, and report child abuse and neglect. This memorandum includes the number of child abuse and neglect reports that were made by MCPS staff, volunteers, or contractors during Fiscal Year (FY) 2018, as well as other information as required by Section E.2 of Board of Education Policy JHC, Child Abuse and Neglect. This policy guides MCPS procedures and protocols for recognizing, reporting, and preventing suspected child abuse and neglect of students.

The policy outlines principles and goals grounded in federal, state, and local law with the desired outcomes as follows:

- 1) A safe, engaging, and supportive environment will be provided for all students through vigilant efforts by all members of the MCPS community to recognize, report, and prevent abuse and neglect of children and vulnerable adults.
- 2) MCPS and county partner agencies will efficiently and effectively collaborate to investigate reports of suspected abuse and neglect and to support children who are the subject of reports of suspected abuse and/or neglect.

Throughout the 2017–2018 school year, we continued to be vigilant in our critical work to keep all students safe by preventing, recognizing, and reporting child abuse through continuous improvements to the processes, infrastructure, and training that undergirds the fidelity of implementation of Policy JHC. To intensify the district's focus on and integration of this work to respond to suspected cases of child abuse and neglect, the Compliance Unit was formed and incorporated the work of the MCPS Systemwide Child Abuse and Neglect Contact under Policy JHC. Throughout the year, the Compliance Unit continued to build and refine the compliance infrastructure, processes, and most importantly, the cross-office collaboration for the follow up and support required to ensure our staff and students work and learn in a lawful, positive, safe, and healthy climate.

The safety and security of every student in each school is our first priority and a responsibility that we take very seriously. Our goal is to prevent any incident of child abuse and neglect in our district. However, when an incident does occur, MCPS is committed to holding the perpetrator accountable.

While we have made significant improvements to our practices and protocols, we are deeply concerned by each and every incident that violates the standards we expect of our staff. We continuously learn and improve our practices as guided by ongoing input and feedback, both internally within our school district and externally from our Montgomery County partner agency experts, as well as stakeholders in the greater community.

I. Implementation of Policy JHC in FY 2018

Many of the initiatives and resources described in the following paragraphs, including this memorandum, are available on the MCPS Child Abuse and Neglect web page, which was redesigned and augmented with additional resources during FY 2018.

A. Staff Training

A required component of the onboarding process for new hires is the completion of training on recognizing, reporting, and preventing child abuse and neglect. In addition, existing MCPS staff complete annual mandatory compliance training that includes an extensive module specific to the topic of child abuse and neglect, developed in collaboration with county partner agencies and an outside consultant. As in 2017–2018, this training was a component of a larger set of mandatory training to ensure every MCPS staff member is aware of the MCPS expectations and has the necessary information to create and maintain a healthy climate and culture in which all adults and students are able to thrive and do their best work. Each module requires that employees view and listen to every slide and complete the checks for understanding and assessments embedded throughout, as well as viewing multiple resources highlighted within the training.

In FY 2018, MCPS completed its annual updating of the *Employee Code of Conduct* and developed Social Media: Best Practices for Employees that delineate the district's expectation for staff interaction with students, parents/guardians, colleagues, and the community with integrity and professionalism when participating in social media activity. Social media has become a powerful tool to enhance education and MCPS expects employees to model positive digital citizenship. These guidelines articulate how employees engage responsibly in social media activities.

B. Screening of New and Existing MCPS Employees

MCPS conducts multipoint background checks, including fingerprinting, for prospective employees to ensure that they are qualified, ethical, responsible, and meet high expectations for professionalism prior to being hired or interacting with students. An overview of the key components is available on the Ensuring Student Safety web page.

Beginning in 2013, MCPS also has required a Child Protective Services (CPS) background check for new employees. In addition, MCPS has committed to completing CPS background checks for employees hired prior to September 2013. CPS background checks for elementary school staff were completed during the 2016–2017 school year, and CPS background checks for middle school staff were completed during the 2017–2018 school year. High school staff CPS background checks will be completed in the 2018–2019 school year.

For teachers and all certified educators, an additional review is undertaken by checking credentials against the National Association of State Directors of Teacher Education and Certification (NASDTEC) Clearinghouse, a national collection point for professional educator discipline. This screening helps to ensure that an educator's credentials have not been suspended or revoked. Access to the NASDTEC Clearinghouse recently has been made available to local school districts in Maryland, and in FY 2018, MCPS began conducting reviews to supplement the monitoring of educator's credentials undertaken by the Maryland State Department of Education (MSDE).

During FY 2018, MCPS also continued to implement MCPS Regulation GCC-RA, Staff Self-Reporting of Arrests, Criminal Charges, and Convictions. Effective October 1, 2016, MCPS employees are required to self-report any arrests, charges, convictions, or other disposition of cases pertaining to crimes delineated in Regulation GCC-RA. Primarily, these crimes pertain to offenses involving drugs or controlled substances, sexual offenses, child abuse, and crimes of violence. Employees who fail to report an arrest, charge, or conviction in compliance with this regulation may be subject to disciplinary action, up to and including dismissal, in accordance with normal contractual and due process procedures.

C. Training and Screening for Volunteers and Contractors

Enhancements to MCPS requirements for screening and training volunteers are codified in MCPS Regulation IRB-RA, Volunteers in Schools, revised August 16, 2017. As with all visitors, volunteers sign in and out of the building using the Visitor Management System (VMS) during designated school hours and wear a name badge at all times. VMS enables staff to scan a visitor's identification card to produce a visitor badge and check the person's information with state sex offender registries.

For the 2017–2018 school year, all volunteers who regularly support schools and those who attend field trips continue to be mandated to access and complete the Recognizing and Reporting Child Abuse and Neglect training module. The training is required every three years. Since the inception of the volunteer training in January 2016, 62,951 volunteers have completed the online training (as of June 30, 2018). Specifically for FY 2018, 22,103 volunteers completed the online training during the school year. Frequently Asked Questions for Volunteers are posted on the Child Abuse and Neglect web page.

In addition to these volunteer training requirements, MCPS requires criminal background checks for volunteer coaches, overnight chaperones for Grade 6 Outdoor Environmental Education Programs, and volunteer chaperones for overnight field trips, as well as for field trips that extend beyond 7:00 p.m. There is an exception for law enforcement employees who have completed criminal background checks as a requirement of employment. A total of 1,593 volunteers completed criminal background checks during FY 2018.

With respect to contractors, MCPS continued to implement amendments to Section 5-551 of the Family Law Article of the Maryland Code, which require that individuals in a contractor's workforce (including subcontractors) must undergo a criminal background check, including fingerprinting, if the individuals will work in a MCPS school facility in circumstances where they have direct, unsupervised, and uncontrolled access to students. In FY 2018, MCPS continued to require

completion of the online Recognizing and Reporting Child Abuse and Neglect training module for the aforementioned contractor's workforce. During FY 2018, 940 contractors completed child abuse and neglect training, background checks, and were approved for badges. During FY 2017, 1,104 contractors were badged with the same requirements. MCPS has posted informational documentation regarding volunteer and contractor training, screening processes, and requirements including regularly revised Frequently Asked Questions on the Required Criminal Background Checks for Contractors web page.

D. Student Learning Continuum in the Areas of Child Abuse and Personal Body Safety

For FY 2018, MCPS staff continued to implement age-appropriate content-level content on personal body safety for students in Grades pre-K to 12. Personal Body Safety Lessons (PBSLs) reinforce and complement the Comprehensive Health Education curriculum that includes pre-K through high school lessons on early prevention education to be able to recognize and act on suspicion of child abuse and neglect. Lessons are tailored by grade level and are modified, as needed, for students receiving special education services. These lessons were developed with input from national stakeholders and Montgomery County partner agencies and are designed to empower students to recognize and report suspected cases of abuse without fear of reprisal. The chief of the State's Attorney's Office—Special Victims Division has commended MCPS on the PBSLs and shared publicly that these lessons are making a difference in children reporting incidents of abuse and neglect. In addition, embedded in the MCPS elementary and secondary health curriculum are age-appropriate lessons on safety and injury prevention, family life and human sexuality, cyberbullying and social media, healthy relationships, harassment, and intimidation.

Based on interest from parents/guardians, MCPS has developed supporting resources for these lessons to help parents and guardians discuss and instruct their children on these challenging topics. MCPS customized the PBSLs to fit parents'/guardians' needs at the elementary and secondary student levels. These lessons will be shared with the parent community in fall 2018. More information, including the parent resources, is available on the MCPS Personal Body Safety Lessons web page.

MCPS also partners with the Montgomery County Family Justice Center Foundation and youth service providers in sponsoring the annual Choose Respect Montgomery Conference. Through interactive workshops, students learn about healthy teen relationships, teen dating violence prevention, and where to seek help.

II. Collaboration with County Partner Agencies, Maryland State Department of Education, and the Greater Community

As delineated in Policy JHC and codified in a Memorandum of Understanding, a high-functioning and effective Multi-Disciplinary Team (MDT) was formed by MCPS and county partner agencies to establish procedures for the purpose of reporting and investigating child abuse and neglect. This highly positive and productive team includes representatives from MCPS, CPS, the Montgomery County State's Attorney's Office, the Montgomery County Attorney's Office, the Special Victims Investigations Division of the Montgomery County Police Department (MCPD), and the Tree House Child Assessment Center of Montgomery County. The MDT meets regularly and is the infrastructure

for immediate interagency communication and collaboration in response to allegations of suspected child abuse and neglect, including support to impacted families and the school district. MDT provides expert consultation on MCPS employee, volunteer, and contractor training on preventing, recognizing, and reporting child abuse and neglect, as well as participates in training module review, revisions, and videos.

Beginning in April 2018, MCPS staff participated in a MSDE work group led by MSDEs Division of Educator Certification and Program Approval. Composed of representatives from multiple school districts, the work group has shared best practices across school districts and explored possibilities for a statewide database to track noncertificated school personnel who are dismissed for misconduct with students, building upon the system that already exists for teachers and other credentialed educators.

In the wake of three high-profile child abuse cases that impacted Cloverly Elementary School, MCPS increased focus on working with the entire school community on how to move forward by identifying specific actions to assist students, staff, and parents/guardians. On April 3, 2018, a multi-stakeholder community meeting was held at Cloverly Elementary School and dedicated to being “solutions-focused” during which large- and small-group input was gathered and later analyzed by the Cloverly Elementary Advisory Committee. This smaller committee, led by the MCPS chief operating officer and composed of representatives from the Cloverly Elementary School Parent Teacher Association, school staff, and central services staff, was formed to collaboratively address the proposed solutions to rebuilding trust and a safe climate and culture at the school. Topic and action areas addressed include communications (information-sharing), school facility safety and security review, human resources practices, counseling support for students, and parent resources for PBSLs.

In April 2018, the superintendent of schools and MCPS staff briefed the Montgomery County Council’s Education Committee on MCPS’ implementation of child abuse and neglect procedures. Briefing materials and a video of the briefing are available on the [Child Abuse and Neglect web page](#).

III. Total Number of Suspected Cases Reported

During FY 2018, 3,087 suspected incidents of child abuse or neglect were reported by MCPS staff, volunteers, or contractors to the Montgomery County Department of Health and Human Services, Child Welfare Services, commonly known as CPS, or Adult Protective Services (APS). This is an increase from FY 2017 when 2,993 incidents were reported. The data are based on written reports submitted using [MCPS Form 335-44, Report of Suspected Abuse and Neglect](#), and other MCPS records. The vast majority of cases reported the past three years did not involve MCPS employees, volunteers, or contractors. Data from previous years are available on the [Child Abuse and Neglect web page](#).

IV. Suspected Abuse or Neglect by MCPS Employees, Contractors, and Volunteers

During FY 2018, the Office of Employee Engagement and Labor Relations received information regarding 357 cases reported to CPS and/or MCPD involving alleged abuse or neglect by an MCPS

employee, volunteer, or contractor.¹ This number includes cases of alleged abuse involving MCPS employees with students, as well as with their own children. The final disposition of these cases by CPS is summarized in the following table. In some of these cases, the MCPD Special Victims Investigations Division may also have investigated the alleged abuse or neglect, and any outcomes of these cases that resulted in criminal charges are noted.

**Outcomes of CPS Reports Involving Alleged Abuse or Neglect
by an MCPS Employee, Volunteer, or Contractor⁺**

Type	Number of Reports	CPS Outcomes ²			
		Screened Out	Ruled Out	Unsubstantiated	Indicated
Employee	353	317	20	6	10
Volunteer	4	4	0	0	0
Contractor	0	0	0	0	0

⁺Disclosure of the information from CPS reports to MCPS is subject to the provisions and penalties of Maryland Human Services Article 1-202.

In accordance with Policy JHC and Regulation JHC-RA, *Reporting and Investigating Child Abuse and Neglect*, MCPS is required to conduct an internal investigation consistent with all applicable Board policies and MCPS regulations, even when CPS, APS, and/or MCPD screen out or close out the case without taking action and/or the State's Attorney's Office declines to bring criminal charges because such cases may involve potential violations of Board policies, MCPS regulations, contracts, and/or other guidance. The following table summarizes the actions taken by MCPS after the police, CPS, or the State's Attorney's Office concluded their investigations.

MCPS Actions Based On Internal Follow-Up Investigations

Type	No action warranted	Conference or memo for the record	Reprimand or other disciplinary letter	Suspension without pay	Removal from employment	Pending (as of August 10, 2018)
Employee	98	143	66	9	24	13
Volunteers	1	1	0	0	2	0
Contractor	0	0	0	0	0	0

¹ This count does not include cases in which an incident was reported, but CPS and MCPS were unable to identify the alleged maltreater.

² The possible outcomes of a CPS report are defined as follows:

- Screened out: There was insufficient evidence that abuse or neglect occurred.
- Ruled out: A finding that abuse or neglect did not occur.
- Unsubstantiated: A finding that there is insufficient evidence to support a finding of indicated or ruled out.
- Indicated: A finding that there is credible evidence which has not been satisfactorily refuted that abuse or neglect occurred.

Policy JHC also requires that the Board is informed of criminal charges filed against MCPS employees, volunteers, and contractors that involve allegations of abuse and neglect of children. The following is an accounting of charges and adjudication status of cases filed during FY 2018 and based on publicly available records.³

- An evening building service worker was arrested and charged with sexual abuse of a minor, second-degree child abuse, second-degree sexual offense, third-degree sexual offense, and fourth-degree sexual offense. The charges are not related to his role as a MCPS employee, and the alleged abuse did not occur on school property. The charges remain pending. (Community Letter)
- A building service worker was arrested and charged with assault and multiple counts of sexual abuse of a minor and fourth-degree sexual contact stemming from allegations of inappropriate contact with family members at his home. The charges are not related to his role as a MCPS employee, and the alleged abuse did not occur on school property. The charges remain pending. (Community Letter)
- A short-term substitute was charged with sexual abuse of a minor, as well as a fourth-degree sex offense. The charges, which stem from inappropriate contact with MCPS students, remain pending. (Community Letter)
- A former paraeducator and lunch hour aide, who also worked for a before- and after-school care program in MCPS schools, was arrested and charged with two counts of sexual abuse of a minor, stemming from inappropriate contact with two MCPS students who attended the before- and after- school care program. The charges remain pending. (Community Letter)
- A former paraeducator and lunch hour aide, who also worked for two non-MCPS extracurricular after-school programs, was arrested and charged with sex abuse of a minor and third-degree sexual offense. These charges stem from an incident that occurred during the 2010–2011 school year and involved an elementary school student reaching into the former employee’s pocket to look for candy. The alleged incident was not reported until March 2018. The charges remain pending. (Community Letter)
- A former temporary part-time lunch hour aide, who also worked at a before- and after-school care program in a MCPS school, was arrested on multiple charges of possession and distribution of child pornography, stemming from recovery of digital images shared and downloaded from the internet. The former employee pleaded guilty to three counts of possession of child pornography, and on August 8, 2018, he was sentenced to five years of supervised probation. (Community Letter)
- A high school counselor was arrested and charged with second-degree assault and second-degree sexual offense. These alleged offenses did not occur on MCPS property, are not related to any MCPS students, and do not involve any minors. The case remains pending. (Community Letter)

³ Pursuant to the Memorandum of Understanding between MCPS and county partner agencies, CPS and APS provide, to the extent permitted by law, summary data on an annual basis regarding: 1) all reports involving suspected abuse or neglect by MCPS employees, contractors, or volunteers of students; and 2) the final disposition of those reports by action taken. Please note that some of these charges filed in FY 2018 involve incidents that occurred or were reported prior to the beginning of the fiscal year.

- A long-term high school substitute teacher and assistant football coach was arrested and charged with one count of sexual abuse of a minor. The charges stem from an alleged inappropriate relationship with a 16-year-old MCPS student. The individual pleaded guilty to contributing to the delinquency of a minor and was sentenced to three years of supervised probation. (Community Letter)
- A former temporary part-time paraeducator, who also worked for a before- and after-school care program in a MCPS school, was arrested and charged with second-degree assault and fourth-degree sex offense for inappropriate contact of a student in the after-school care program. The former employee pleaded guilty to second-degree assault and was sentenced to five years of supervised probation. (Community Letter)
- A former teacher and athletic director who retired in 2010 was arrested and charged with child abuse and molestation. The charges stem from allegations that during the 1984–1985 school year, he had a sexual relationship with a student when he was a teacher at a MCPS high school. The charges remain pending. (Community Letter)

The following arrests and charges that were pending from FY 2017 were resolved in FY 2018:

- A bus operator was arrested and charged with two counts of sex abuse of a minor, four counts of third-degree sex offense, and four counts of fourth-degree sex offense related to inappropriate conduct that occurred on a MCPS school bus with two MCPS students. The bus operator pleaded guilty to two counts of third-degree sex offense and was sentenced to 11 months in prison and 5 years of supervised probation. (Community Letter)
- A security team leader was arrested and charged with one count of sexual abuse of a minor and one count of fourth-degree sex offense arising from inappropriate conduct involving a student at a school where he was employed. The security team leader pleaded guilty to sexual abuse of a minor and was sentenced to 18 months in prison and 5 years of supervised probation. (Community Letter)
- A security assistant was arrested and charged with one count of sex abuse of a minor, one count of third-degree sex offense, and one count of fourth-degree sex offense of a minor arising from inappropriate conduct involving a MCPS student. The security assistant pleaded guilty to second-degree assault and fourth-degree sex offense and was sentenced to five years of probation. (Community Letter)

V. Incidents Resulting in Requests for Suspension or Revocation of Certification

The Code of Maryland Regulations requires that the superintendent of schools notify the state superintendent of schools of various charges against certificated employees. These charges include when an employee is dismissed or resigns after notice of allegations of misconduct involving a student, and if an employee is found guilty, pleads nolo contendere (no contest) or receives probation before judgment for child abuse or neglect. The following chart includes cases where MCPS sought suspension or revocation of a teaching certificate in FY 2018 for MCPS employees who were investigated for suspected child abuse or neglect involving a MCPS student, or the state superintendent of schools made a determination in such a case during FY 2018, even if the underlying action occurred or was reported in prior years (including cases that were pending in last year's report to the Board).

Cases Where MCPS Sought Suspension or Revocation of Certification, or the State Superintendent of Schools Made a Determination Regarding Certification in FY 2018

Incident	State Superintendent of Schools Action
Employee dismissed for misconduct involving a student.	Pending
Employee resigned while under investigation for misconduct involving a student.	Revocation
Employee was dismissed for misconduct involving a student.	Suspended
Employee resigned while under investigation for misconduct involving a student.	Suspended

A full list of former Maryland school district employees whose state certification were revoked is available on the [MSDE website](#). At the request of community members, MCPS is exploring whether an exemption to Maryland personnel records law would permit greater disclosure of identifiable information about instances when MCPS sought suspension or revocation of a teaching certificate.

VI. Lawsuits Related to Child Abuse and Neglect

Based on publicly available records in the Maryland Judiciary Case Search database for Maryland state court cases and in the Public Access to Court Electronic Records (PACER) database for federal court record, there were three cases filed by parents/guardians or students involving sexual misconduct or sexual abuse against the Montgomery County Board of Education and/or its employees or officers, which were pending or resolved in FY 2018:

- *Doe et al. v. Montgomery County Board of Education, et al.*, initially was filed in Montgomery County Circuit Court (Docket No. 443277V), removed to the U.S. District Court for Maryland (Docket No. 8:18-cv-01127), voluntarily dismissed by the plaintiffs, and then refiled in Montgomery County Circuit Court (Docket No. 448213V), where it is currently pending. The circumstances giving rise to this case have been reported by the news media (see, for example, the [Rockville Patch](#)).
- *Doe et al. v. Montgomery County Board of Education, et al.*, initially was filed in Montgomery County Circuit Court (Docket No. 435268V), and removed to the U.S. District Court for Maryland (Docket No. 8:17-cv-03325), where it remains pending (Docket No. 435268V). The filing of this case was reported by the news media (see, for example, [Bethesda Magazine](#)).
- *Doe et al. v. Montgomery County Board of Education, et al.*, was filed in Montgomery County Circuit Court (Docket No. 445786V). The circumstances giving rise to this case involved the other victim of the same former employee as the preceding case. The case was dismissed by the Circuit Court on July 24, 2018.

None of these cases were settled during FY 2018. The full docket for each of these cases is publicly available on the [Maryland Judiciary Case Search website](#). There was another case before the Montgomery County Circuit Court in FY 2018, but the court granted a motion by the plaintiff to place the case under seal, which precludes MCPS from providing records or information related to it.

VII. Future Considerations

MCPS continuously examines and addresses areas of our practices for ongoing improvement. The following are items MCPS is considering for future implementation and review:

- Ensure that MCPS training on child abuse and neglect is in alignment with House Bill 1072 regarding Education, Child Sexual Abuse Prevention—Instruction and Training (effective July 1, 2018).
- In addition to overnight volunteers, expand fingerprinting and background check requirements for outdoor education volunteers to include daytime volunteers.
- Beginning in the 2018–2019 school year, track and report the number of prospective employees who were denied employment based on the results of criminal and CPS background checks.
- Beginning in the 2018–2019 school year, track and report the number of prospective volunteers who were denied access to schools based on the results of background checks.
- Collaborate with the Montgomery County Interagency Coordinating Board (ICB) to establish and enact safety measures and procedures that are aligned to MCPS expectations for ICB contracted users in the building.
- In addition to MCPS volunteers, explore the possibility of more widely sharing the Recognizing and Reporting Child Abuse and Neglect training module with the public.

At the time of transmittal of this memorandum, there are pending cases of suspected abuse/neglect that are in the investigative process. These cases will be resolved with appropriate action taken, reviewed for continuous improvement, and reported in the 2018–2019 update to the Board of Education.

We will continue to provide updates regarding the implementation of the policy and regulation. If you have any questions, please contact Dr. Donna S. Hollingshead, associate superintendent of school administration, Office of the Chief of Staff, at 240-740-3214 or Mr. Sherwin Collette, associate superintendent, Office of Employee Engagement and Labor Relations, at 240-740-2888.

JRS:sro

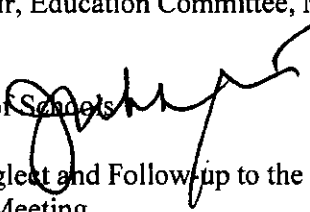
Copy to:
Executive Staff
Mr. Ikheola

Office of the Superintendent of Schools
MONTGOMERY COUNTY PUBLIC SCHOOLS
Rockville, Maryland

September 12, 2018

MEMORANDUM

To: The Honorable Craig Rice, Chair, Education Committee, Montgomery County Council

From: Jack R. Smith, Superintendent of Schools 

Subject: Update on Child Abuse and Neglect and Follow-up to the April 18, 2018, County Council Education Committee Meeting

On April 18, 2018, Montgomery County Public Schools (MCPS) provided the members of the Montgomery County Council's Education Committee a briefing regarding Board of Education Policy JHC, *Child Abuse and Neglect*. We appreciated the Education Committee's questions and suggestions that informed and will continue to guide our ongoing continuous improvements in the critical areas of preventing, recognizing, and reporting child abuse and neglect.

My memorandum of August 29, 2018, to the Members of the Board of Education, Update on the Implementation of Board of Education Policy JHC, Child Abuse and Neglect, for Fiscal Year 2018, is attached for your reference. The memorandum provides a comprehensive update on our district implementation of the policy, including 2017–2018 data regarding cases of suspected and confirmed child abuse, as well as pertinent information in response to questions and comments you shared at the close of the meeting on April 18, 2018. At your request, we are providing responses to the areas you highlighted for MCPS consideration for the 2018–2019 school year. Your questions and comments that were captured (in italics) and our team's responses follow.

1) Consider forming a committee on child abuse and neglect for next school year.

During the 2018–2019 school year, the Compliance Unit will be forming a committee consisting of internal and external stakeholders invited from across the County on the topic of recognizing, reporting, and preventing child abuse. The committee will receive information regarding MCPS protocols and practices (excluding individual and confidential cases), as well as provide input and feedback to continuously improve our practices to further ensure the safety of our students.

Note: Meetings with this committee will serve in addition to and apart from: our standing Multidisciplinary Team, which addresses issues of child abuse and neglect and includes high level representatives from Child Welfare Services, the Montgomery County State's Attorney's Office, the Montgomery County Police Department, and MCPS; as well as other meetings on the topic (i.e., The Safety and Climate Committee of the Montgomery County Council of Parent Teacher Associations, Inc.; and the Maryland State Department of Education local educational area meetings on the topic).

- 2) *Public Statements to the Community: MCPS does many good things – need to use incidents to inform and improve practices and policies and share good work occurring in MCPS with the public.*

Both school-level and central services administration regularly communicate to their communities about steps taken to keep children safe. On September 3, 2018, MCPS released a message to all community members outlining the dozens of protocols and practices the district has in place to ensure student safety including information on preventing, recognizing, and reporting child abuse and neglect. Additionally, in summer 2018, MCPS redesigned its website. The website features additional engaging content and visuals that highlight important and timely information for our community. This includes the Child Abuse and Neglect webpage that was revised for ease of access to critical topics, such as how to report suspicions of abuse, resources for children and families, training for volunteers, as well as related policies, regulations, and annual district reporting of data on abuse and neglect. Our Board policies and MCPS regulations are translated into multiple languages. In addition, in the interest of sharing information with the greater community, we provide multiple links to messages disseminated to specific communities regarding arrests for charges related to child abuse to ensure the entire community can easily access this information (also summarized in our annual reports to the Board of Education).

- 3) *Policies regarding communications – sharing information with community on how to report as well as information regarding Employee Code of Conduct (distribute to parents and students, not just for staff).*

MCPS includes on our Child Abuse webpage information for parents/guardians on how to recognize and report suspicions of child abuse and neglect in a step-by-step process; noting that it is never too late to report. This information has been simplified on the webpage that was revised this summer. There is a large button on the top of the webpage with a “one-click” to report. Regarding the sharing of the MCPS 2017 *Employee Code of Conduct*, the Public Information Office provided a link to this document in the July 1, 2018 “MCPS *QuickNotes*,” which is distributed to the community, and includes links on our website to the Employee Code of Conduct, which is translated into multiple languages. The revised 2018 *Code of Conduct* was shared the first week of September with all community members as a component of the start of the school year safety message.

Additionally, this information is communicated with all parents/guardians who volunteer in schools with MCPS as part of the child abuse prevention training module. Since 2016, 62,951 volunteers have been trained, most of whom are parents/guardians.

- 4) *Curriculum: Personal Body Safety Lessons – Post information on the lessons and information for parents on how to discuss the topic with children.*

The PBSL (Personal Body Safety Lessons) course objectives are posted online, by grade level and MCPS staff members are expected to deliver the appropriate level curriculum to all students. In addition, these lessons are adapted for students in specific special education programs. Furthermore, during summer 2018, MCPS Counseling and Health Education staff developed PBSL information

at the elementary and secondary levels for parents/guardians to use in discussing the topic with their children. This was in response to parents/guardians in the Cloverly Elementary School community seeking a resource on body safety that they could use to address the topic of child abuse with their children.

5) Provide more with family resources – student and family resources.

MCPS reviews, revises, and updates our webpages of information to reflect new resources that are useful to our community, as well as are responsive to requests. For example, MCPS has developed personal body safety information for parents/guardians to use in discussions with their children; easier and faster access to child abuse reporting processes; updated FAQs for volunteers and contractors—please reference Questions 2, 3, 4, and 8).

6) Dr. Smith should tell the public MCPS is taking child abuse and neglect seriously (similar to his messages to the community regarding cyberbullying and tragedies in general).

Dr. Smith is clear in his communications that the safety of our students is our first priority as evidenced by the mandatory training on preventing, recognizing, and reporting child abuse and neglect for all MCPS staff, as well as contractors and regular volunteers. He regularly shares this message with the MCPS community directly and through the media. Within the MCPS community, since the 2015–2016 school year, we have provided training on the subject including Personal Body Safety lessons to more than 250,000 individuals (staff, parents/guardians, community members, contractors, and students). Data regarding the training of staff, volunteers, and contractors is included in his annual update to the Board of Education that is posted on the MCPS webpage for the public. Examples of Dr. Smith's most recent messages to the community regarding the Kabongo case and the Katz case, he emphatically condemns their criminal and despicable actions.

7) Human Resources – Standardization – who is doing background checks? How many are doing this work?

MCPS conducts multipoint background checks on employees to ensure that they are qualified, ethical, responsible, and meet high expectations for professionalism prior to being hired or interacting with students. A summary of the requirements is available on the website.

Fingerprinting and background checks for staff, volunteers, or contractors currently may be obtained through the following options:

- MCPS Office of Human Resources Development
 - 45 West Gude Drive, Rockville, Maryland 20850 or
- American Identity Solutions (AIS)
 - 6701 Democracy Boulevard, Suite 110, Bethesda, Maryland 20817
 - 12501 Prosperity Drive, Suite 200, Silver Spring, Maryland 20904
 - 7361 Calhoun Place, Rockville, Maryland 20855

MCPS will be issuing a Request for Proposals in the near future to expand options for fingerprinting.

All certified educators' credentials are checked against the National Association of State Directors of Teacher Education and Certification (NASDTEC) Clearinghouse, a national collection point for professional educator discipline. This screening helps to ensure that an educator's credentials have not been suspended or revoked. In addition, MCPS is committed to re-fingerprinting all existing employees to ensure we have the most up-to-date information possible regarding their backgrounds.

8) *How to report – Make steps clear for parents on how to report child abuse.*

As noted in the response to Question 3, our revised MCPS Child Abuse webpage provides information on how to recognize and report suspicions of child abuse and neglect in a step-by-step process and provide easy access to reporting forms. Pursuant to our memorandum of understanding on recognizing and reporting child abuse with County agencies, MCPS directs that for our staff, contractors, and volunteers, all child abuse should be reported to Child Protective Services (CPS). In addition, child sexual abuse should be reported to the Special Victims Investigative Division of the Montgomery County Police Department (SVID), and if there is an immediate danger, to call 911. We also post Frequently Asked Questions (FAQs) for volunteers and contractors. These FAQs with answers are updated annually with links to critical information.

9) *On Webpage – List on the website information about employees who have been charged with child abuse.*

As discussed previously, MCPS provides an annual update to the Board of Education regarding strategies implemented to prevent, recognize, and report child abuse and neglect. MCPS is the only jurisdiction in Maryland and the region to proactively share a comprehensive report of this nature with the community. In addition, the data regarding child abuse and neglect reports that were made by MCPS staff, volunteers, or contractors are included. Data included in the update specific to MCPS staff reported as well as outcomes and actions taken are included. These updates are provided on the Child Abuse webpage with links to community notifications regarding arrests by name, and are also included in the updated annual report to the Board of Education:

- Update on the Implementation of Board of Education Policy JHC, *Child Abuse and Neglect*, for Fiscal Year 2018 (August 29, 2018);
- Update on the Implementation of Policy JHC, *Child Abuse and Neglect*, for Fiscal Years 2016 and 2017 (January 25, 2018);
- Update on the Implementation of Board of Education Policy JHC, *Child Abuse and Neglect*, for Fiscal Year 2017 (August 16, 2017); and
- Update on the Implementation of Board of Education Policy JHC, *Child Abuse and Neglect*, for Fiscal Year 2016 (July 20, 2016).

MCPS generally is unable to share information until individuals have been arrested, per our Memorandum of Understanding with the Montgomery County Police Department and the State's Attorney's Office, and Child Welfare Services to avoid prejudicing an investigation. Prejudicing an investigation could lead to a suspect fleeing or tampering with potential evidence.

10) Employee Code of Conduct – Review and include option to document all code violations.

The *Employee Code of Conduct* is reviewed and revised annually. The documentation of code violations is dependent on the infraction. For example, an employee may be late to work one day, and the supervisor may decide to meet with the employee to clarify expectations orally; but determine that an employee's conduct does not warrant formal disciplinary action or written documentation of the incident and the response, especially if this is the first time that such conduct has occurred, and the employee otherwise does not have a disciplinary record. However, revisions incorporated into the *Employee Code of Conduct* for 2018–2019 clarify that, "A written response, after consultation with [the Office of Employee Engagement and Labor Relations], is required in all cases involving allegations of sexual misconduct or harassment."

11) Timing of response to community following incident to include as much information as possible.

MCPS is committed to swiftly communicating to parents/guardians and/or the community regarding allegations of abuse that affects their child (children), while mindful not to jeopardize an ongoing SVID and/or CPS investigation. MCPS works closely with County partner agencies to communicate this information. When MCPS learns that of an arrest for alleged abuse involving an employee, the principal and central services staff collaborate with County partner agencies regarding if and when the community is notified. As soon as MCPS has an agreement with the agencies, MCPS—at the earliest possible time—releases information. This ensures that we are protecting the identities of our children and families, procuring the resources and support for potential victims, and are in no way interfering or impeding investigations.

Per MCPS Regulation JHC-RA, Reporting and Investigating Child Abuse and Neglect (page 13 of 17): "While any investigation is pending and prior to an arrest or the filing of any charges, notification of others in the school community will not occur unless the principal, in collaboration with the MCPS Systemwide Child Abuse Contact, the MCPS Office of Communications, and County MDT agencies, has determined that such notification of the school community would—

- (1) be in the best interests of the alleged victim;
- (2) not interfere with an ongoing investigation; or
- (3) not require an unauthorized disclosure of records or reports concerning abuse or neglect that is prohibited under Maryland law.

When cases of abuse involve an arrest and extend beyond one school community, a communication is sent to those affected via the MCPS ConnectED system. For individual school cases of abuse arrests, the principal communicates with the school community via e-mail and/or the ConnectED system. MCPS continues to examine its practices on how to maximize communications and how it works with individual principals to provide direction and support in determining actions and communication for each case.

12) Attachment E1, had a list of items for FY 16, 17, need FY 18. What is the progressive discipline with child abuse?

Progressive discipline actions depend on the incident. After a report of child abuse involving a MCPS staff member, contractor, or volunteer, MCPS Regulation JHC-RA requires its Office of Employee Engagement and Labor Relations to conduct an internal investigation to determine whether

any violations of MCPS policies, regulations, or rules have occurred—even when Child CPS or the Montgomery County Police Department screens out or closes the case without taking action and/or the Montgomery County State’s Attorney’s Office declines to bring criminal charges. The annual memorandum to the Board of Education notes personnel actions short of dismissal for alleged child abuse reports—such as suspensions, reprimands, or cautionary memorandum. A variety of matters may fall into this category—such as a brief touching of a student’s arm to redirect that student or an employee’s well-meaning effort to intervene in a fight in a way that unintentionally results in a minor scrape to a student. Because we train our staff that when in doubt they should err on the side of reporting, such incidents may be logged as reports to CPS, and therefore they are counted in the statistics provided in the annual memorandum to the Board of Education. When such incidents occur, MCPS does believe that they merit investigation and, in many cases, a disciplinary consequence; but progressive discipline short of dismissal may be warranted taking into account the totality of the circumstances. By contrast, a serious infraction that results in a criminal conviction for child abuse would almost certainly result in termination, even for a first-time offense. This distinction is set forth in the section of the *Employee Code of Conduct* on progressive discipline.

13) Has anyone from MCPS been transferred to another school after being reported for child abuse?

There is no option for an employee to transfer in lieu of a thorough investigation of allegations of child abuse. A transfer to another school never replaces an external investigation by CPS and SVID, followed by a robust internal investigation by the MCPS Compliance and Investigations Department. MCPS reports all allegations of child abuse and neglect to CPS and law enforcement. Even if a case is ruled out by CPS and law enforcement does not proceed with charges, MCPS conducts an internal investigation. If and when allegations prove unfounded, MCPS may consider transferring the employee or the employee may seek a transfer according to MCPS protocols if it is in the best interest of the school community.

14) How do we compare to other LEA’s? Are incidents of child sex abuse in MCPS disproportionate to other LEA’s?

Staff in the MCPS Public Information Office and the Compliance Unit has reviewed the practices of reporting child sex abuse by other local education agencies in Maryland. We have found no other district in Maryland or the region that provides the type of extensive reporting on cases and data regarding child sex abuse to the public on their websites as that of MCPS.

Statistics from the Child Welfare League of America (CWLA.org) regarding the state of Maryland: “MARYLAND’S CHILDREN 2017” in “Maryland’s Children at a Glance” cited the following 2015 statistics:

- “In 2015, Maryland had 51,349 total referrals for child abuse and neglect. Of those, 20,623 reports were referred for investigation.
- In 2015, there were 6,790 victims of abuse or neglect in Maryland, a rate of 5.0 per 1,000 children, a decrease 25.5% from 2014. Of these children, 59.7% were neglected, 22.7% were physically abused, and 23.8% were sexually abused.

- The number of child victims has decreased 50.6% in comparison to the number of victims in 2011.
- In 2015, there were 28 child deaths resulting from abuse or neglect reported in Maryland.”

According to the Centers for Disease Control and Prevention, Child Maltreatment: Facts at a Glance (2014), in 2012, U.S. state and local CPS received an estimated 3.4 million referrals of children being abused or neglected.

- CPS estimated that 686,000 children (9.2 per 1,000) were victims of maltreatment.
- Of the child victims, 78 percent were victims of neglect; 18 percent of physical abuse; 9 percent of sexual abuse; and 11 percent were victims of other types of maltreatment, including emotional and threatened abuse, parent’s drug/alcohol abuse, or lack of supervision.
- CPS reports of child maltreatment may underestimate the true occurrence. A non-CPS study estimated that one in four U.S. children experience some form of child maltreatment in their lifetimes.

In a 2017 U.S. Justice Department report, an estimated 10 percent of K–12 students will experience sexual misconduct by a school employee by the time they graduate from high school. Such misconduct can result in lifelong consequences for students including negative physical, psychological, and academic outcomes.

- Grant, Billie-Jo; Wilkerson, Stephanie B.; Pelton, deKoven; Cosby, Anne; & Henschel, Molly. (2017). A case study of K–12 school employee sexual misconduct. National Institute of Justice, Office of Justice Programs, U.S. Department of Justice.

Through case studies, the *Chicago Tribune* delineated failures to respond, failures in district oversight, and conflicts of interest in cases of child sexual abuse in the Chicago Public Schools. The district’s failure to protect students from abuse resulted in lasting damage.

As evidenced in the references included and noted, child abuse and neglect is a national, state, and local problem. MCPS is not alone when addressing these concerns; however, we will continue to make it our priority to have in place proactive and reactive strategies that will deter child abusers and would-be child abusers from entering our district.

Please contact Dr. Donna S. Hollingshead, associate superintendent of school administration, at 240-740-3214, for further information or clarification. We appreciate your continued collaboration and support for the safety and security of all the students and families in MCPS.

JRS:DSH:HRJ:ljp

Attachment

Copy to:

Members of the Board of Education
Executive Staff
Mr. Ikheloa

JHC

POLICY BOARD OF EDUCATION OF MONTGOMERY COUNTY

Related Entries: ACF, ACF-RA, COB-RA, IOH-RA, IJA-RA, IRB-RA, JHC-RA, JHF, JHF-RA, JOA-RA

Responsible Office: School Support and Improvement
Human Resources and Development
Special Education and Student Services

Related Sources: *Annotated Code of Maryland:* Education Article §6-113, Family Law Article, §§5-560, 5-561, 5-701, 5-702, 5-705.2, 5-704, 5-705, 5-708, and Human Services Article, §1-202;
Code of Maryland Regulations 07.02.07.04-.05, 13A.12.05.02, and 13A.08.01.03

Child Abuse and Neglect

A. PURPOSE¹

The Montgomery County Board of Education (Board) reaffirms its commitment to the safety and physical, mental, and emotional well-being of all students. It is the Board's expectation that all children and vulnerable adults have the right to be protected from abuse and neglect. The Board embraces a comprehensive approach to recognizing, reporting, and preventing abuse and neglect of children and vulnerable adults. In addition, the Board recognizes the unique role that Montgomery County Public Schools (MCPS) may play in raising awareness for issues of child abuse and neglect among parents/guardians and the broader community. To this end, the Board emphasizes the importance of developing and implementing a systemic plan for—

1. ensuring that all employees understand and are held accountable for the highest ethical standards in their conduct, as well as adhering to legal mandates and the moral imperative to recognize, report, and prevent suspected child abuse and neglect;
2. cooperating fully with investigations of suspected abuse and/or neglect by Montgomery County (County) partner agencies, including the Montgomery

¹ Regulation JHC-RA, *Child Abuse and Neglect*, contains definitions of the following terms that are utilized in this Policy: abuse; neglect; school-based child abuse liaisons; child; vulnerable adult; MCPS employees; MCPS contractors; MCPS volunteers; and MCPS property.

County State's Attorney's Office, the Montgomery County Police Department (MCPD), and Child Welfare Services in the Montgomery County Department of Health and Human Services (MCDHHS), commonly known as Child Protective Services (CPS), as well as other external agencies;

3. supporting children and vulnerable adults who are alleged victims of abuse and/or neglect, in consultation with County partner agencies;
4. enhancing human resource management systems and processes for screening new and existing employees, as well as volunteers and outside contractors who have direct, unsupervised, and uncontrolled access to children on MCPS property;
5. designing professional development for MCPS employees with support from national and local experts and in accordance with the most current practices for identifying, reporting, and preventing abuse and neglect;
6. offering robust, age-appropriate student learning opportunities across all grade levels in the prevention and reporting of abuse and neglect; and
7. providing opportunities for parents, outside contractors, volunteers, and the broader community to develop awareness on recognizing, reporting, and preventing abuse and neglect of children and vulnerable adults.

B. POSITION

1. Reporting and Responding To Suspected Child Abuse and Neglect
 - a) All MCPS employees, contractors, and volunteers are personally and directly required to report any suspected instances of abuse and/or neglect of a child to CPS, pursuant to reporting protocols developed in collaboration with County partner agencies. To enhance safeguards for suspected abuse incidents involving an alleged sexual offense, MCPS and the County partner agencies shall develop additional protocols to facilitate prompt notification to the Special Victims Investigations Division of the MCPD.²
 - b) If an individual has any doubt about whether to report suspected abuse and/or neglect, he/she shall err on the side of reporting the allegation to CPS.

²Cases of suspected abuse and/or neglect of a vulnerable adult shall be reported to the Aging and Disabilities Services Information and Assistance Unit in the MCDHHS.

- c) Prior to making a report to CPS, it is not the role of any MCPS employee, contractor, or volunteer to investigate or determine the validity of a case of suspected abuse and/or neglect.
- d) MCPS employees, contractors, and volunteers shall not take any action that may prejudice an investigation of suspected abuse and/or neglect by CPS, the MCPD, or other external agencies.
- e) In every case of alleged child abuse and/or neglect by a MCPS employee, contractor, or volunteer, the following additional procedures shall be followed:
 - (1) The appropriate MCPS offices and County partner agencies will ensure that the alleged offender does not present an immediate danger to the safety of the alleged victim and other students.
 - (2) As such cases may involve potential violations of Board policies, MCPS regulations, contracts, and/or other guidance, an internal investigation will be conducted by MCPS consistent with all applicable Board policies and MCPS regulations. However, while any investigations by any external agencies are pending, MCPS may not interview witnesses, alleged victims, or alleged perpetrators without prior agreement from, and subject to any limitations recommended by, the investigating agency. In addition, MCPS must conduct all internal investigations in a manner that is fully cooperative with the external agency that is investigating and that does not interfere with or jeopardize the external investigation.

2. Confidentiality, Immunity, and Protection Against Retaliation

- a) Any person who in good faith makes or participates in making a report of abuse and/or neglect or who participates in an investigation or a resultant judicial proceeding is immune under Maryland law from any civil liability or criminal penalty that would otherwise result from making a report of abuse and/or neglect, or participating in an investigation or a resultant judicial proceeding.
- b) No MCPS employee, contractor, or volunteer may intentionally prevent or interfere with the making of reports of abuse and neglect.
- c) When MCPS employees, contractors, and volunteers come forward and make good-faith reports of abuse and/or neglect and/or participate in an

investigation of abuse and/or neglect, MCPS shall strive to protect them from intimidation, harassment, or reprisals/retaliation for those actions.

- d) When students are victims or witnesses of abuse and/or neglect or when they come forward and make good-faith reports of abuse and/or neglect and/or participate in an investigation of abuse and/or neglect, MCPS shall strive to protect them from intimidation, harassment, or reprisals/retaliation for those actions.
- e) Unauthorized disclosure of records or reports concerning suspected abuse and/or neglect is a criminal offense under Maryland law. In addition, all MCPS employees, volunteers, and contractors are required to protect the identity of the reporter unless required to do so by law.

3. Consequences For Knowingly Failing To Report Abuse and/or Neglect or Interfering With Reporting

Any MCPS employee, contractor, or volunteer, acting within their professional or service capacity for MCPS, who suspects child abuse and/or neglect and knowingly fails to report it, or intentionally prevents or interferes with reporting, shall be subject to discipline up to and including suspension or dismissal for misconduct in office, discontinuation of contract services, or discontinuation of volunteering privileges, as appropriate. In addition, any certification issued under the authority of the Maryland State Board of Education (MSDE) or another licensing or certification board may be suspended or revoked, based on the criteria set forth in Maryland law.

4. Consequences For Offenses With Respect To Abuse and/or Neglect

If MCPS determines that a MCPS employee, contractor, or volunteer has been involved in abuse and/or neglect or otherwise violated Board policies, MCPS regulations, or guidance, the individual shall be subject to discipline up to and including suspension or dismissal for misconduct in office, termination of services or volunteering privileges, as appropriate. In addition, any certification issued under the authority of MSDE or by another licensing or certification board may be suspended or revoked, based on the criteria set forth in Maryland law.

C. IMPLEMENTATION STRATEGIES

The superintendent of schools or designee will set forth procedures to implement this policy, as follows:

1. Establish and maintain a Memorandum of Understanding with County partner agencies, including CPS, MCPD, and the State's Attorney's Office to establish procedures for the purposes of reporting and investigating suspected child abuse and/or neglect.
2. Designate one or more MCPS systemwide child abuse contacts and establish a process to provide coordinated services to any student who is the subject of an abuse and/or neglect report. This process should include school-based liaisons, and representatives of appropriate offices and departments.
3. Provide, with support from national and local experts, including County partner agencies, appropriate professional development to support MCPS employees in implementing this policy, and offer training and information opportunities, as appropriate, to MCPS contractors and volunteers.
4. Develop processes for screening new and existing employees, as well as volunteers and outside contractors who have direct, unsupervised, and uncontrolled access to children on MCPS property.
5. Develop a code of conduct and other guidance for MCPS employees and others on MCPS property with clear standards on responsible behavior and appropriate conduct between adults and students.
6. Develop a robust learning continuum in the areas of child abuse, personal body safety, and health literacy skills to support our students' education.
7. Develop parent/guardian and community education and awareness programming.

D. DESIRED OUTCOMES

1. A safe, engaging, and supportive environment will be provided for all students through vigilant efforts by all members of the MCPS community to recognize, report, and prevent abuse and neglect of children and vulnerable adults.
2. MCPS and County partner agencies will efficiently and effectively collaborate to investigate reports of suspected abuse and neglect and to support children who are the subject of reports of suspected abuse and/or neglect.

E. REVIEW AND REPORTING

Implementation of this policy shall be evidenced by the following indicators:

1. Key procedures developed to implement this policy will be sent to the Board as items of information.
2. The superintendent of schools will submit to the Board an annual report and additional updates as appropriate which will include the following:
 - a) The number of suspected abuse and/or neglect cases reported by MCPS to law enforcement or protective services agencies.
 - b) A consolidated report regarding suspected abuse and/or neglect by MCPS employees, contractors, and volunteers to include the following:
 - i. The number of reports by MCPS involving suspected abuse and/or neglect by MCPS employees, contractors, and volunteers, and a summary of the final disposition of those reports by action taken.
 - ii. A summary description of any arrest and/or charges filed against a MCPS employee, contractor, or volunteer for abuse and/or neglect, based on publicly available documents, as well as a summary of the disposition of each proceeding.
 - iii. The number of letters sent by the superintendent of schools to the Maryland state superintendent of schools requesting the revocation of certificates or licenses as the result of this policy, disaggregated by the reason for the action.
 - c) Implementation of strategies set forth in Section C above.
 - d) Information about collaborative efforts regarding child abuse and/or neglect carried out between MCPS and County partner agencies.
3. This policy will be reviewed annually.

Policy History: Resolution No. 137-80, February 12, 1980, amended by Resolution No. 853-83, October 11, 1983, amended by Resolution 333-86, June 12, 1986, and Resolution No. 458-86, August 12, 1986, accepted by Resolution No. 518-86, September 22, 1986; reviewed October 10, 2007; amended by Resolution No. 359-15, June 29, 2015.

JHC-RA

REGULATION MONTGOMERY COUNTY PUBLIC SCHOOLS

Related Entries: ACF, ACF-RA, COB-RA, IJA-RA, IOH-RA, IRB-RA, JHC, JHF, JHF-RA, JOA-RA
Responsible Office: Deputy Superintendent of School Support and Improvement
Chief Academic Officer
Chief Operating Officer

Reporting and Investigating Child Abuse and Neglect

I. PURPOSE

To set forth procedures and guidelines for reporting and investigating child abuse and neglect

II. DEFINITIONS

A. *Abuse is*

1. Any physical injury, not necessarily visible, or mental injury of a child or vulnerable adult, by any person who has permanent or temporary custody or responsibility for the care or supervision of a child or vulnerable adult,¹ under circumstances that indicate that the health or welfare of the child or vulnerable adult is harmed or at substantial risk of being harmed.
2. Any sexual act or acts (whether physical injuries are sustained or not) involving sexual molestation or exploitation, including but not limited to incest, rape, or sexual offense in any degree, sodomy or unnatural or perverted sexual practices on a child or vulnerable adult by any person who has permanent or temporary custody or responsibility for the care or supervision of a child or vulnerable adult. Sexual molestation or exploitation includes, but is not limited to, contact or conduct with a child or vulnerable adult such as exposure, voyeurism, sexual advances, kissing, fondling, sexual crime in any degree, rape, sodomy, prostitution, trafficking, or allowing, permitting, encouraging, or engaging a child or vulnerable adult in pornographic display, photographing, filming, or depiction of a child or vulnerable adult as prohibited by law, or allowing a

¹ A person who has permanent or temporary custody or responsibility for the care or supervision of a child or vulnerable adult could include a parent, guardian, family or household member, neighbor, MCPS employee, volunteer or contractor, a person in a position of authority, or any other person.

child or vulnerable adult to reside with or be in the regular presence of a registered sex offender.

- B. *Child* is any Montgomery County Public Schools (MCPS) student, regardless of the child's age, and any other person under 18 years of age. Even though Maryland law generally does not criminalize abuse or neglect of a student over 18 years of age, MCPS expects such conduct to be reported using the procedures set forth below.
- C. *County Multi-Disciplinary Team (MDT)* is a group of professionals from Montgomery County agencies that convenes as necessary to provide consultation and coordinated treatment planning when appropriate. The County MDT includes representatives of the Tree House Child Assessment Center of Montgomery County and the following Montgomery County agencies:
1. The Montgomery County State's Attorney's Office
 2. The Special Victims Investigative Division of the Montgomery County Police Department (MCPD)
 3. Child Welfare Services in the Montgomery County Department of Health and Human Services, commonly known as Child Protective Service (CPS), or the Aging and Disabilities Services Information and Assistance Unit in the Montgomery County Department of Health and Human Services commonly known as Adult Protective Services (APS), in the case of vulnerable adults

In cases of alleged abuse or neglect where the accused is a MCPS employee, contractor, or volunteer, the MCPS Systemwide Child Abuse Contact, or designee, may be invited to attend County MDT meetings for the purpose of determining the appropriate course of action, as well as debriefing incidents to assess lessons learned and opportunities for continuous improvement.

In addition, a School-Based Child Abuse Liaison or other MCPS staff may be invited to join a County MDT meeting solely for the purpose of providing coordinated services to a student who is the subject of a report. Information, records, and reports shared through the County MDT shall be treated with strict confidentiality by all participants and safeguarded against unauthorized disclosure in accordance with Maryland law.

- D. *Family or Household Member* is a person who lives with, or is a regular presence in a home of a child or vulnerable adult, at the time of the alleged abuse or neglect. Regular presence in a household means visiting or staying in a home with sufficient frequency to make an individual a significant part of the child's, vulnerable adult's, or family's life.

- E. *Mental Injury* is the observable, identifiable, and substantial impairment of a child's or vulnerable adult's mental or psychological ability to function.
- F. *MCPS Employees* are both certificated and non-certificated personnel employed by MCPS, including substitute teachers.
- G. *MCPS Property* is any school or other facility, including grounds owned or operated by MCPS, buses and other MCPS vehicles, and the facility and grounds of any MCPS-sponsored activity involving students, including field trips.
- H. *MCPS Contractors* are outside contractors and other individuals who provide services to MCPS, including the contractor's direct employees, subcontractors, and/or independent contractors that the contractor uses to perform the work required by its contract with MCPS. The specific contractor-related procedures set forth in this regulation apply to MCPS contractors while they are providing services to MCPS and do not limit or alter any legal requirements.
- I. *MCPS Systemwide Child Abuse Contact* – The Deputy Superintendent of School Support and Improvement shall designate a Systemwide Child Abuse Contact in Compliance Unit of the Office of School Administration, who shall be the primary systemwide contact for MCPS in consulting with the County MDT and coordinating MCPS staff in response to reports of suspected abuse or neglect. The MCPS Systemwide Child Abuse Contact may designate other staff members to assist in fulfilling the responsibilities identified in this regulation as appropriate.
- J. *MCPS Volunteers* include parents/guardians and other family members, as well as other members of the community interested in the education of children, who donate their time and energies to support the students of Montgomery County, subject to the provisions set forth in MCPS Regulation IRB-RA, *Volunteers in Schools*. The specific volunteer-related procedures set forth in this regulation apply to MCPS volunteers while they are volunteering for MCPS and do not limit or alter any legal requirements.
- K. *Neglect* is the leaving of a child or vulnerable adult unattended² or other failure to give proper care or attention, or the provision of improper care or attention, to a child or vulnerable adult by any parent, guardian, family or household member, neighbor, MCPS employee, volunteer or contractor, a person in a position of authority, or any other person who has permanent or temporary care or custody or responsibility for supervision of the child or vulnerable adult under circumstances that indicate:
1. That the child's or vulnerable adult's health or welfare is harmed or placed at substantial risk of harm, or

² In Maryland, a child under the age of 8 years may not be left at home, at school, or in a car, without a reliable person, who is at least 13 years old, to provide supervision.

2. Mental injury to the child or vulnerable adult or a substantial risk of mental injury.
- L. *School-Based Child Abuse Liaisons* – Each principal shall appoint a school counselor or other staff member as a School-Based Child Abuse Liaison. The School-Based Child Abuse Liaison shall assist the principal in providing professional development for school-based personnel in recognizing, reporting, and preventing abuse and neglect. After a report of alleged abuse or neglect is made, the School-Based Child Abuse Liaison shall support the principal in responding to the allegation and serving as a point of contact for County MDT participating agencies and coordinating support for the alleged student victim. School-Based Liaisons may be invited to join a County MDT meeting or consultation solely for the purpose of providing coordinated services to a student who is the subject of a report. School-Based Child Abuse Liaisons shall receive targeted professional development in recognizing, reporting, and preventing abuse and neglect.
- M. *Retaliation* is the act or process of threatening or otherwise penalizing a person for—
1. reporting an alleged violation of a law, policy, or regulation; or
 2. participating in an investigation of an alleged violation.
- N. *Vulnerable Adults* are persons 18 years of age or older who is believed by the individual reporting abuse or neglect to lack the physical or mental capacity to care for their daily needs.

III. Reporting Responsibilities for MCPS Employees, Contractors, and Volunteers

- A. *Scope of Reporting Responsibilities.* All MCPS employees, contractors, and volunteers are personally and directly required to report any suspected instance of abuse or neglect of a child or vulnerable adult:
1. Whether the alleged victim is personally known by the reporting individual or not.
 2. Whenever there is reason to believe that abuse occurred in the past, even if the alleged victim is an adult when the incident comes to light.
 3. Regardless of where the child or vulnerable adult lives and regardless of where the suspected abuse or neglect is alleged to have occurred.
- B. *Oral Report.* MCPS employees, contractors, or volunteers must make an immediate oral report of suspected abuse or neglect.
1. *Notification of CPS/APS.* Each MCPS employee, contractor, or volunteer who suspects the abuse or neglect is personally responsible for ensuring

that an oral report is made.

- a) Oral reports of child abuse or neglect must be made immediately to CPS, which maintains a 24-hour telephone service (240-777-4417).
 - b) Oral reports of abuse or neglect of vulnerable adults must be made to the Aging and Disabilities Services Information and Assistance Unit in the Montgomery County Department of Health and Human Services (240-777-3000).
 - c) If an individual has any doubt about whether to report abuse or neglect, they should err on the side of reporting the allegation to CPS (or APS for vulnerable adults).
 - d) Prior to making a report of suspected abuse or neglect, it is not the role of any MCPS employee, contractor, or volunteer to investigate to determine the validity of a case of suspected abuse or neglect.
 - e) If a child or vulnerable adult provides information pertaining to suspected abuse or neglect to a MCPS employee, contractor, or volunteer, that individual may ask limited follow-up questions to assist in obtaining a brief description of the incident and injuries, where they occurred, and the name or a description of the alleged offender. Prior to making a report, however, MCPS employees, contractors, or volunteers shall not interrogate or collect written statements from any alleged victim or witness to prevent unnecessary trauma that may result from repetitive, detailed questioning.
 - f) Prior to making a report, MCPS employees, contractors, or volunteers shall not interview the alleged offender or discuss the alleged incident with them.
 - g) MCPS employees, contractors, and volunteers attempting to determine if there is reason to suspect abuse or neglect shall not pressure students to recant allegations of abuse or neglect.
2. Notification of Principal/Supervisor. After making an oral report to CPS (or APS for vulnerable adults), the MCPS employee, contractor, or volunteer must immediately notify the school principal, if the person reporting is school-based. If the person reporting is not school-based, they shall notify the direct supervisor in the MCPS office where they work, as well as the principal of the school which the child or vulnerable adult attends. Notification should be made even if CPS or APS informs the reporter that it is declining to proceed with or screening out the investigation.

- a) Upon notification, the principal or direct supervisor shall initiate the follow-up procedures set forth in Section IV below, and contact the Special Victims Investigations Division of the MCPD under the circumstances set forth in Section III(B)(3)(c) below.
 - b) Once an oral report is made to CPS (or APS for vulnerable adults), neither the principal nor any other MCPS employees shall conduct any internal investigation, except as set forth in Section IV.
 - c) The principal or direct supervisor must make certain that an oral report was made as described in Section III(B)(1) above and that a written report is submitted as described in Section III(C) below.
 - d) While this regulation requires notification of the principal or supervisor, the notification does not fulfill the reporting obligations of MCPS employees, contractors, and volunteers. As stated above, they are also personally and directly required to make a report to CPS (or APS for vulnerable adults).
 - e) In those circumstances where the MCPS employee, contractor, or volunteer may have concerns about notifying their school principal or direct supervisor, the person reporting may notify the MCPS Systemwide Child Abuse Contact instead.
3. Notification of MCPD. To facilitate and streamline tracking of reports, MCPS and the members of the County MDT have agreed that CPS or APS (in the case of vulnerable adults) shall be the primary reporting agencies for oral reports from MCPS employees, contractors, and volunteers. In addition, the Special Victims Investigations Division of the MCPD will be consulted and/or immediately notified of suspected abuse or neglect, as set forth below:
- a) When CPS (or APS for vulnerable adults) receives an oral report involving an abuse or neglect situation, it is MCPS' understanding that CPS (or APS for vulnerable adults) consults closely with the Special Victims Investigations Division of MCPD.
 - b) In addition to ensuring that any MCPS employee, contractor, or volunteer under their supervision reports personally and directly to CPS (or APS for vulnerable adults), principals and supervisors shall immediately notify the Special Victims Investigations Division of the MCPD if they receive notification of a suspected abuse incident involving an alleged sexual offense, as defined in Section II(A)(2), above, or an alleged sexual offense involving an adult victim.

- c) In responding to other suspected abuse or neglect incidents, MCPS may seek assistance from the Special Victims Investigations Division of the MCPD and, in all emergency situations, MCPS employees, contractors, or volunteers should call the Public Safety Communications Center (911) or 301-279-8000. Whether or not the MCPD is involved, however, MCPS employees, contractors, or volunteers must still fulfill their obligation to personally and directly make an immediate report to CPS (or APS for vulnerable adults) as described above.
- C. *Written Report.* The person making an oral report of abuse or neglect must submit a written report to CPS (or APS for vulnerable adults) on MCPS Form 335-44, *Report of Suspected Child Abuse and Neglect.*
1. The written report must be submitted to CPS (or APS for vulnerable adults) within 48 hours after the contact that disclosed the existence of suspected abuse and/or neglect. The written report must be made even if CPS, APS, and/or the MCPD informs the reporter that it is declining to proceed with or screening out the investigation.
 2. Copies of the report shall be distributed in a plain envelope, sealed, addressed, and marked confidential. The envelope shall be enclosed in the usual interoffice mailer. The principal or direct supervisor shall ensure that copies are sent as indicated on MCPS Form 335-44, to:
 - a) the MCPS Systemwide Child Abuse Contact, which shall maintain copies in a confidential file;
 - b) the Special Victims Investigations Division of the MCPD; and
 - c) the Montgomery County State's Attorney's Office.
 3. Principals and supervisors shall not keep any copies of reports, but they shall keep a confidential log of all reported cases which will include only—
 - a) the name of child or vulnerable adult;
 - b) the name of the alleged perpetrator, if known;
 - c) the date and hour of oral report;
 - d) the name of the staff member and agency to whom the report was made; and
 - e) the date that the form was mailed.

IV. Follow-up Responsibilities After Allegations Are Reported**A. Investigations**

1. All MCPS employees, contractors, and volunteers shall cooperate fully with the County MDT participating agencies and other external agencies in investigations of suspected abuse and neglect. Timelines for information sharing regarding those agencies' investigations are set forth in the Memorandum of Understanding between MCPS and the members of the County MDT. The County MDT participating agencies have agreed to conduct their investigations in a timely manner and minimize disruption to the classroom and school community.
2. During the course of an abuse or neglect investigation, CPS, APS, or the MCPD may question a student on MCPS property during school hours. Pursuant to *Code of Maryland Regulations (COMAR) 13A.08.01.13*, the principal shall determine whether a school official should be present during the questioning. In making this determination the principal shall consult with representatives from CPS, APS, or the MCPD. The school official should be selected, with input from the student who is being interviewed, on a case-by-case basis for the purpose of providing support and comfort to the student. Notification of parents/guardians is addressed in Section IV.D., below.
3. MCPS employees, contractors, and volunteers shall not take any action that may prejudice a pending investigation of suspected abuse or neglect by CPS, APS, MCPD, or another external agency. MCPS shall not inform the alleged offender that suspected abuse or neglect has been reported without prior consent from the investigating agencies.

B. Additional Procedures for Handling Allegations of Abuse or Neglect on MCPS Property and/or Involving MCPS Employees, Contractors, or Volunteers**1. Follow-up by the Principal or Direct Supervisor**

A principal or direct supervisor shall take the following additional steps immediately after they receive notification of an oral report to CPS (or APS for vulnerable adults) regarding alleged abuse and neglect on MCPS property or involving allegations of abuse or neglect by a MCPS employee, contractor, or volunteer:

- a) Confirm that an oral report has been made to CPS (or APS for vulnerable adults) and a written report is submitted within 48 hours thereafter, as set forth in Section III above.

- b) Notify the Special Victims Investigations Division of MCPD in suspected incidents involving a sexual offense, as set forth in Section III above.
- c) Contact the Office of School Support and Improvement (OSSI) and consult with the MCPS Systemwide Child Abuse Contact or designee.
- d) Ensure, with appropriate assistance from the MCPS Systemwide Child Abuse Contact and County MDT participating agencies, that the alleged offender does not present an immediate danger to the safety of the alleged victim and other students.
- e) Collaborate with the MCPS Systemwide Child Abuse Contact and County MDT participating agencies to develop a plan for prompt notification of parents/guardians of student victims, following the steps set forth in Section IV(D) below, as well as to determine whether others in the community should be notified and develop a plan for doing so, following the steps set forth in Section IV(E) below.

2. Follow-up by MCPS Systemwide Child Abuse Contact

Upon receipt of notification of a report of alleged abuse or neglect on MCPS property or involving allegations of abuse or neglect by an MCPS employee, contractor, or volunteer, the MCPS Systemwide Child Abuse Contact will:

- a) Ensure that communication with CPS, the MCPD, and other County MDT participating agencies is established as appropriate.—
- b) Contact the Office of Employee Engagement and Labor Relations (OEELR) if the alleged offender is an MCPS employee, contractor, or volunteer.
- c) Coordinate other MCPS staff members including representatives from OEELR, the Office of Student and Family Support and Engagement, the Office of the General Counsel, the Department of School Safety and Security, and the Office of Communications, to provide ongoing consultation with and necessary support for the principal or direct supervisor in responding to the situation.

3. Follow-up by OEELR

If the alleged offender is a MCPS employee, contractor, or volunteer, OEELR shall:

- a) Establish a case file.
- b) Review personnel files to determine if there is other relevant information regarding the alleged offender.
- c) Develop a plan, in consultation with the principal/supervisor, the MCPS Systemwide Child Abuse Contact, and the County MDT participating agencies, to place the alleged offender on administrative leave or otherwise restrict access to students, while any investigation is pending.
 - (1) OEELR shall place an MCPS employee on administrative leave, unless there is significant, credible information that another course of action is warranted.
 - (2) If the alleged offender is a contractor, OEELR will work with other staff in the Office of the Chief Operating Officer (OCCO) to notify the vendor and discontinue the services of the individual suspected of abuse or neglect until the investigation is complete, unless there is significant, credible information that another course of action is warranted.
 - (3) If the alleged offender is a volunteer, OEELR shall work with OSSI and OCCO to restrict the individual from volunteering on MCPS property or in MCPS-sponsored activities until the investigation is complete, unless there is significant, credible information that another course of action is warranted.
 - (4) In implementing this plan, care must be taken to ensure that the alleged offender is notified only of the details pertinent to the administrative leave, discontinuation of services, or suspension of volunteer privileges. MCPS staff members shall not discuss the allegations of abuse or neglect with the alleged offender, without prior agreement from the investigating agencies to avoid compromising the integrity of the investigation.
- d) Follow-up MCPS Investigation. In every case of alleged abuse or neglect by an MCPS employee, contractor, or volunteer, OEELR will conduct an internal investigation consistent with all applicable Montgomery County Board of Education (Board) policies and MCPS regulations, and recommend appropriate discipline. OEELR will conduct an internal investigation even when CPS, APS, and the MCPD screen out or close out the case without taking action and/or

the State's Attorney declines to bring criminal charges because such cases may involve violations of Board policies, MCPS regulations, contracts, and/or other guidance including the Employee Code of Conduct.

- (1) While any investigation by CPS, APS, the MCPD, or another external agency is pending, MCPS may not interview witnesses, alleged victims, or alleged perpetrators without prior agreement from, and subject to any limitations recommended by, the investigating agencies. In addition, MCPS must conduct all internal investigations in a manner that is fully cooperative with the external agencies that are investigating and that does not interfere with or jeopardize the external investigation.
- (2) To the extent permitted by law, MCPS's investigation should make use of police reports, statements, and other information obtained by County MDT participating agencies, in accordance with *Annotated Code of Maryland*, Human Services Article, Section 1-202, to avoid repetitive questioning of alleged victims and witnesses.
- (3) The primary purpose of the MCPS investigation is to determine whether there is evidence of misconduct by the MCPS employee, contractor, or volunteer. In addition, the investigation should determine whether the matter was reported as required by law and Board policy and MCPS regulations, and whether additional professional development or other process enhancements are warranted.
- (4) The investigation shall comply with Board policies and MCPS regulations regarding due process rights of MCPS employees, and the employee shall be informed of the results of the investigation.
- (5) The results of the investigation will be retained in OEELR's confidential investigative files as long as the individual continues to provide services to MCPS and for at least five years thereafter. These files will then be placed in permanent storage.

C. Student Support Services

1. If a child or vulnerable adult involved in an alleged abuse or neglect situation is in need of emergency medical or mental health treatment, the principal or the principal's designee shall arrange for the child to be taken

immediately to a hospital or other medical facility under appropriate adult supervision. A representative from CPS or APS (for vulnerable adults) should be notified either in advance or as soon thereafter as possible. In all other non-emergency instances, MCPS shall consult with a representative of CPS, APS (for vulnerable adults), or the Special Victims Investigations Division of MCPD regarding medical or mental health treatment for the child or vulnerable adult.

2. The School-Based Child Abuse Liaison will help facilitate the availability of school counselors, school psychologists, pupil personnel workers, and other appropriate MCPS staff, as well as school nurses, to provide support and counseling to students who come forward to report or confirm allegations of abuse or neglect.
3. To coordinate services to the alleged victim of abuse or neglect, as well as students who report abuse and neglect, the MCPS Systemwide Child Abuse Contact may consult with County MDT participating agencies, to the extent permitted by laws that protect the confidentiality of MCPS personnel and students and prohibit unauthorized disclosure of records and reports concerning abuse and neglect. Other MCPS staff members may participate in the County MDT meetings or consultations in accordance with the procedures established between MCPS and other County MDT agencies.
4. When a principal becomes aware that a student who is the subject of an investigation of abuse or neglect has withdrawn and/or moved out of their home school within three months of the initiation of an investigation, the principal should notify the MCPS Systemwide Child Abuse Contact who, in turn, shall consult with County MDT participating agencies as appropriate.

D. Notification of Parents/Guardians of Student Victims

1. Principals will collaborate, with the MCPS Systemwide Child Abuse Contact and CPS, APS (for vulnerable adults), and/or the Special Victims Investigations Division of the MCPD to determine who will notify parents/guardians of students involved in an alleged abuse or neglect situation and when that notification will occur. MCPS is not responsible for notifying parents/guardians of students involved in an alleged abuse or neglect situation in: (a) cases where the alleged offender is not an MCPS employee, contractor, or volunteer, and the alleged abuse did not occur on MCPS property; or (b) cases where, in the judgment of the principal and CPS, APS (for vulnerable adults), and/or the Special Victims Investigations Division of the MCPD, notification of parents/guardians could create a threat to the well-being of the student (such as when a parent/guardian or family or household member is suspected of committing abuse or neglect) or impede a pending investigation. In cases where notification is not

MCPS' responsibility, CPS, APS (for vulnerable adults), or the Special Victims Investigations Division of the MCPD are responsible for notification of the parents/guardians.

2. MCPS will offer confidential interpretation services if necessary to facilitate communication with the parents/guardians.
3. A student may not be removed from the school grounds for questioning or medical investigation without parental approval unless—
 - a) the Montgomery County Department of Health and Human Services has guardianship or an authorization for shelter care to remove the student; or
 - b) the student requires emergency medical treatment.
4. When a student is removed, the principal shall ensure that prompt notification of the removal is made to parents/guardians. By mutual agreement, such notification may be delegated, on a case by case basis, to CPS, APS (for vulnerable adults), or the Special Victims Investigations Division of the MCPD.

E. Notification of Others in the School Community

1. The principal will collaborate with the MCPS Systemwide Child Abuse Contact, the MCPS Office of Communications, and County MDT agencies to determine whether others in the school community should be notified and develop a plan, including a timeline, for doing so.
 - a) While any investigation is pending and prior to an arrest or the filing of any charges, notification of others in the school community will not occur unless the principal, in collaboration with the MCPS Systemwide Child Abuse Contact, the MCPS Office of Communications, and County MDT agencies, has determined that such notification of the school community would—
 - (1) be in the best interests of the alleged victim;
 - (2) not interfere with an ongoing investigation; or
 - (3) not require an unauthorized disclosure of records or reports concerning abuse or neglect that is prohibited under Maryland law.

- b) The MCPD has agreed to inform MCPS in advance, when possible, of an impending arrest or filing of charges involving an alleged abuse or neglect incident that occurred on MCPS property or where the alleged offender was a MCPS employee, contractor, or volunteer. MCPS will encourage MCPD to make arrests away from school premises and during non-school hours, when possible.
 - c) When MCPS learns that an arrest has been made or charges have been filed for an alleged abuse and neglect incident that occurred on MCPS property, the principal shall collaborate with the MCPS Systemwide Child Abuse Contact, the MCPS Office of Communications, and County MDT agencies, to make appropriate notification of the community, as well as to determine whether notification is appropriate for other schools, for instance, where the individual arrested previously worked.
2. MCPS will strive to implement any community notification in a manner that—
- a) safeguards the privacy and confidentiality of students and families affected by the allegations of abuse or neglect and avoids unauthorized disclosure of records or reports concerning abuse or neglect;
 - b) assures the community that the participating agencies in the County MDT are properly handling the allegations in a manner to ensure the safety of all students in the school community; and
 - c) is consistent with due process for the alleged offender and the *Maryland Public Information Act*.
3. Copies of any community notification letter, e-mail, or electronic voicemail shall be shared with the MCPS Systemwide Child Abuse Contact.
4. Agencies participating in the County MDT have agreed to support MCPS staff members in responding, as appropriate, to questions from members of the community regarding their investigations of suspected abuse or neglect.

V. Confidentiality, Immunity, and Protection Against Retaliation

- A. Under Maryland law, any person who in good faith makes or participates in making a report of abuse or neglect or who participates in an investigation or a resultant judicial proceeding is immune from any civil liability or criminal penalty that would otherwise result from making a report of abuse or neglect, or participating in an investigation or a resultant judicial proceeding.

- B. Under Maryland law, no MCPS employee, contractor, or volunteer may intentionally prevent or interfere with the making of reports of abuse and neglect. The penalty for violating this provision of Maryland law is five years' imprisonment, a \$10,000 fine, or both.
- C. When MCPS employees, contractors, and volunteers come forward and make good-faith reports of abuse or neglect and/or participate in an investigation of abuse or neglect, MCPS shall strive to protect them from intimidation, harassment, or reprisals/retaliation for those actions.
- D. When students are victims or witnesses of abuse or neglect or when they come forward and make good-faith reports of abuse or neglect and/or participate in an investigation of abuse or neglect, MCPS shall strive to protect them from intimidation, harassment, or reprisals/retaliation for those actions.
- E. Unauthorized disclosure of records or reports concerning suspected abuse or neglect is a criminal offense under Maryland law. In addition, all MCPS employees, contractors, and volunteers are required to protect the identity of the reporter unless required by law to reveal the source.

VI. Consequences for Knowingly Failing to Report Abuse or Neglect or for Interfering with Reporting

- A. Any MCPS employee, acting within their professional capacity for MCPS, who suspects child abuse and/or neglect and knowingly fails to report it, or who intentionally prevents or interferes with reporting, shall be subject to discipline up to and including suspension or dismissal.
- B. Any MCPS contractor, acting within their service capacity for MCPS, who suspects child abuse and/or neglect and knowingly fails to report it, or who intentionally prevents or interferes with reporting, shall be subject to discipline up to and including discontinuation of services.
- C. Any MCPS volunteer, acting within their volunteer capacity for MCPS, who suspects child abuse and/or neglect and knowingly fails to report it, or who intentionally prevents or interferes with reporting, shall be subject to discipline up to and including discontinuation of volunteering privileges.
- D. In addition, any certification issued under the authority of the Maryland State Board of Education or another licensing or certification board may be suspended or revoked, based on the criteria set forth in Maryland law, including COMAR 13A.12.05.02.

VII. Consequences for Offenses With Respect to Abuse or Neglect

- A. If MCPS determines that an MCPS employee has been involved in abuse or neglect or otherwise violated Board policies, MCPS regulations, or guidance, including the MCPS Employee Code of Conduct, the individual shall be subject to discipline up to and including suspension or dismissal.
- B. If MCPS determines that a MCPS contractor or volunteer has been involved in abuse or neglect or otherwise violated Board policies, MCPS regulations, contracts, or guidance, the individual shall be subject to discipline up to and including termination of services or volunteering privileges, as appropriate.
- C. In addition, any certification issued under the authority of the Maryland State Board of Education or another licensing or certification board may be suspended or revoked, based on the criteria set forth in Maryland law, including COMAR 13A.12.05.02.

VIII. Professional Development

- A. MCPS, with support from national and local experts, including County MDT partner agencies, will provide appropriate professional development to support MCPS employees in carrying out this regulation.
 - 1. Prior to working with students, all new MCPS employees shall receive mandatory training in recognizing, reporting, and preventing abuse and neglect of a child or vulnerable adult. OEELR shall maintain records to confirm that all MCPS employees completed this new hire training.
 - 2. At the start of each new school year, all existing MCPS employees shall complete training including a mandatory assurance certificate and assessment to confirm up-to-date knowledge and understanding of protocols for recognizing and reporting child abuse and neglect. Trainings will be tailored specifically to meet the needs of employees at each level of the organization and include face-to-face and/or online instruction. As appropriate, the training will also address due process for alleged offenders. OEELR shall maintain records to confirm that all MCPS employees have completed a mandatory assurance certificate on an annual basis.
- B. With support from national and local experts, including County MDT partner agencies, MCPS will offer workshops, information, and online training modules, as appropriate, for MCPS volunteers and contractors, as well as for parents and others in the broader MCPS community, on recognizing, reporting, and preventing abuse and neglect of children and vulnerable adults, as well as Board policies and MCPS regulations regarding these issues.

- C. In addition, those MCPS volunteers and contractors who have access to and interact with students, in circumstances where they are not under the direct supervision of MCPS employees, will be required to certify that they have received training and/or reviewed informational materials, as appropriate, regarding recognizing, reporting, and preventing abuse and neglect, consistent with the content provided in professional development for MCPS employees. MCPS will retain copies of the certification forms.

Related Sources: *Annotated Code of Maryland:* Education Article §6-113, Family Law Article, §§5-560, 5-561, 5-701, 5-702, 5-704, 5-705.2, 5-705, 5-706, 5-708, 14-303; Human Services Article, §1-202; *Code of Maryland Regulations* 07.02.07.04-.05, 07.02.07.19, 13A.12.05.02 and 13A.08.01.03

Regulation History: Formerly Regulation No. 525-10, December 17, 1980, and Regulation No. 525-19, December 30, 1980; revised October 1983; revised December 1986; revised January 23, 1989; revised August 5, 2015; non-substantive revisions July 24, 2017.

Project Charter MCPS Child Protection and Safety Stakeholder Advisory Team – DRAFT 1/22/19

<p>Charge Statement: A cross-functional group of internal and external stakeholders who will provide input and feedback to continuously improve systematic and systemic work of MCPS in preventing, recognizing, reporting, and preventing child abuse and neglect (CAN). In addition, secondarily as time permits, explore additional critical matters of Child Protection and Safety (possible topics such as missing children, sexual harassment and abuse, hate-violence).</p>	<p>Initiative Manager: Dr. Henry Johnson, Chief of Staff Dr. Donna Hollingshead, Assoc. Supt of School Administration</p>
<p>Deliverables: (Initial focus in CAN – will determine expansion into additional areas of child safety.)</p> <ol style="list-style-type: none"> 1) Review MCPS Child Abuse and Neglect (CAN) policy and regulation 2) Share MCPS current practices in preventing, recognizing, reporting, and preventing child abuse and neglect: (examples) <ol style="list-style-type: none"> a. CAN Processes/procedures b. Compliance Training (staff and volunteer/contractors) c. Personal Body Safety – Share student and parent lessons related to personal body safety (PBSLs) d. Review the annual child abuse and neglect report e. Role and training of the CAN/Title IX Liaisons 3) Research and review national, state, and local best practices for combating abuse. 4) Benchmark CAN practices (similar districts) 5) Continuously improving systems of communications and building awareness among students, families, and staff. 6) TBD: expansion into additional areas of child protection and safety. 	<p>Project Manager: Mr. Greg Edmundson, Compliance Unit</p>
<p>Project Scope: Focus on the continuous improvement of the state of MCPS practice related to Preventing, recognizing, reporting, and preventing Child Abuse and Neglect; then consider inclusion of additional areas of child protection/safety.</p> <p>Out of Scope:</p> <ol style="list-style-type: none"> 1) Individual student and/or staff case discussion (confidentiality) 2) Vendor participation on the committee (avoid conflicts of interest) 	<p>Team Members: (based on discussions with MCCPTA reps) <i>One year commitment - rotation of parent representatives:</i></p> <ul style="list-style-type: none"> • Mr. Bruce Adelson, President Churchill HS PTSA • Mr. James Allrich, Principal, Argyle MS • Ms. Sonja Bloetner, MCPS Supervisor, ESOL • Ms. Evelyn Chung, esq, Parent • Dr. Christina Conolly, Director, MCPS Psychological Services • Mr. Sunil Dasgupta, Chairperson, MCCPTA Health and Safety Committee • Mr. Gregory Edmundson, MCPS Compliance Office • Ms. Debbie Feinstein, Chief of Special Victims Division, States Attorney for Mont Co • Ms. Wendy Grier, Supervisor, Mont Co Child Welfare Services • Ms. Lynne Harris, MCCPTA President • Lt. Jonathan Heiderick, MCPD Special Victims Investigations Unit • Dr. Donna Hollingshead, MCPS Compliance Office • Ms. Gillian Huebner, MCCPTA • Ms. Helga Luest, MCCPTA, TraumaInformed.org • Dr. Elizabeth Rathbone, Coordinator Student Health and Wellness, MCPS • Ms. Susanne Shook, Social Worker, Mont Co Child Welfare Services • Regional/State expert (University, State?) TBD <p><i>*Please provide corrections/edits to titles and affiliations.</i></p>
<p>Critical to Quality:</p> <ol style="list-style-type: none"> 2) Positive, meaningful, productive, and timely two-way communications (MCPS to Community and the Community to MCPS) <ol style="list-style-type: none"> 1) communications 2) Commitment to attend meetings and be well-prepared to participate 3) Latest research and information on content 4) Participants share the views of the group he/she is representing (avoiding personal interests) 5) Confidentiality as appropriate 	

**CAN Stakeholder
Continuous Improvement Team**
CESC, Room 162C
Tuesday, January 22, 2019
3:30 p.m. – 4:30 p.m.



Outcomes

By the end of this session, participants will have:

- Welcomed members and provided introductions
- Discussed the purpose of the team and the goals for the year
- Viewed updated web resources for child, abuse, and neglect, as well as the compliance unit
- Brainstormed potential topics and possible resources for the committee to consider
- Provided feedback and evaluated the meeting

Time	Content	Facilitator
15 min.	Welcome & Introductions <ul style="list-style-type: none"> • Coffee/Conversation • Introduction Activator 	Donna Hollingshead Greg Edmundson All
15 min.	CAN Committee Purpose and Goals <ul style="list-style-type: none"> • Development Process • Vision for the group • Shared meeting dates 	Greg Edmundson All
10 min.	Viewed Web Resources	Greg Edmundson All
15 min.	Brainstormed future topics, possible guest speakers, and available resources	All
5 min.	Evaluated the meeting	All

NOTES:

COMPLIANCE UNIT

MAINTAINING A LAWFUL, POSITIVE, SAFE, AND HEALTHY CLIMATE AND CULTURE

Volunteers and Contractors Online Compliance Training

Compliance Unit → Compliance Training Resources

COMPLIANCE TRAINING RESOURCES

I. BUILDING A RESPECTFUL WORKPLACE COURSE

a. Employee Code of Conduct

- MCPS Regulation GCC-RA, Staff Self-Reporting of Arrests, Criminal Charges, and Convictions
- MCPS Form 230-41, Staff Self-Reporting of Arrests, Criminal Charges, and Convictions
- Culture of Respect Compact
- Employee Code of Conduct

b. Equal Opportunity in the Workplace

- Board Policy ACA, Nondiscrimination, Equity, and Cultural Proficiency
- MCPS Regulation GBA-RA, Equal Employment Opportunity
- MCPS Regulation GKA-RA, Administrative Complaint
- MCPS Form 430-42, Administrative Complaint

c. Workplace Bullying

- Board Policy ACH, Workplace Bullying
- MCPS Regulation ACH-RA, Workplace Bullying
- MCPS Regulation GKA-RA, Administrative Complaint
- MCPS Form 430-42, Administrative Complaint

d. Ethics, Conflict of Interest, Expectations, and Guidance

- Ethics Website
- Board Policy BBB, Ethics
- MCPS Regulation GCA-RA, Employee Conflict of Interest

II. CREATING A SAFE AND RESPECTFUL ENVIRONMENT FOR STUDENTS COURSE

a. Student Sexual Harassment

- Board Policy ACF, *Sexual Harassment*
- MCPS Regulation ACF-RA, *Sexual Harassment*
- MCPS Sexual Harassment Information Webpage

b. Supporting LGBTQ Students in MCPS

- Guidelines for Students: *Gender Identity*
- MCPS Form 560-80, *Intake Form: Supporting Student, Gender Identity*

c. Religious Diversity

- Guidelines for Respecting Religious Diversity
- MCPS Form 230-36, *Bullying, Harassment, or Intimidation Incident School Investigation Form*
- MCPS Regulation JFA-RA, *Student Rights and Responsibilities*

d. Suicide Prevention

- MCPS Regulation IOH-RA, *Mental Health Referrals*
- MCPS Form 335-54, *Suicide Risk Reporting Form*

e. Bullying, Harassment, or Intimidation

- MCPS Regulation JHF-RA, *Bullying, Harassment, or Intimidation*
- Board Policy JHF, *Bullying, Harassment, or Intimidation*
- MCPS Form 230-35, *Bullying, Harassment, or Intimidation Reporting Form*
- MCPS Form 230-36, *Bullying, Harassment, or Intimidation Incident School Investigation Form*
- MCPS Resources on Bullying

f. Gangs and Gang Behavior

- MCPS Regulation JHG-RA, *Gangs, Gang Activity, or Other Similar Destructive or Illegal Group Behavior Prevention*
- MCPS Form 230-37, *Gang-Related Incident Reporting Form*
- MCPS Form 230-38, *Gang-Related Incident Investigation Form for Administrators*

g. Preventing, Recognizing, and Reporting Child Abuse and Neglect

- Child Abuse and Neglect Information, including Board Policy JHC, *Child Abuse and Neglect*
- MCPS Regulation JHC-RA, *Reporting and Investigating Child Abuse and Neglect*
- MCPS Form 335-44, *Report of Suspected Abuse and Neglect*

REVISIONS TO POLICY JHC—CHILD ABUSE AND NEGLECT

STANDARD—POLICY JHC—REVISIONS

ONLINE TRAINING FOR EDUCATORS

Preventing, Recognizing and Reporting Child Abuse and Neglect

PUBLIC PROSECUTORIAL REPORTS

Montgomery County Public Schools is committed to the safety and wellbeing of all students. If children do not feel safe, they are far less likely to learn, thrive, and succeed. That is why in June 2015, the Montgomery County Board of Education approved significant changes to Policy JHC—Child Abuse and Neglect. The policy guides Montgomery County Public Schools (MCPS) procedures and protocols for recognizing, reporting, and preventing suspected child abuse and neglect of students. The revisions to Policy JHC outline strategies for ensuring that:

WORLD OFF

Reporting Child Abuse and Neglect

- To make a report of child abuse and neglect or mental injury, call **Child Welfare Services (240) 777-4417** (24 hours)
- To make a report of child sexual abuse, call **Child Welfare Services (240) 777-4417** and the *Special Victims Investigation Division, Montgomery County Police Department (240) 773-5400* (24 hours)
- **IF IT IS AN EMERGENCY, CALL 911**
- Report of Suspected Child Abuse, Neglect, and Mental Injury Form (MCPS Form)
- Understanding Child Maltreatment Fact Sheet~
- Maryland Department of Human Resources
- Office of the State's Attorney for Montgomery County, MD
- Children's Protective Services Montgomery County, MD
- Adult Protective Services Information (for vulnerable adults) (240) 777-3000

Student & Family Resources

Community Resources

- [The Tree House](#), Montgomery County, MD
- [The Family Tree](#), Baltimore, MD
- [Prevent Child Abuse America](#)
- [Child Sexual Abuse Fact Sheet](#)
- [Substance Abuse and Mental Health Services Administration](#)
- [Child Maltreatment Prevention](#), Centers for Disease Control and Prevention
- [Department of Health and Human Services](#), Montgomery County, MD
- [Victim Assistance and Sexual Assault Program \(VASAP\)](#), Montgomery County, MD
- [Call MC311- Montgomery County Information Line](#)
- [The Montgomery County Family Justice Center](#)
- [The Compliance Unit website](#)

Discussion Resources for Students and Families

- [Tips for Parents When Talking With Your Children](#)
- [Activities and Games for Families to Teach Children about Child Abuse](#)
- [Resources and Books](#)
- [MCPS Digital Citizenship Resources](#)
- [Rules for safety \(English\) ^](#), [Rules for safety \(Spanish\) ^](#)
- [Student Code of Conduct](#)
- [Information on Personal Body Safety Lessons](#)

Volunteer Training Module on Reporting Child Abuse and Neglect

ONLINE TRAINING FOR
VOLUNTEERS/CONTRACTORS
RECOGNIZING AND REPORTING CHILD ABUSE AND NEGLECT

- [español](#) / [tiếng Việt](#) / [français](#) / [中文](#) / [한국어](#) / [አማርኛ](#)

MCPS values the volunteers who work in our schools to enrich our students' experiences. As a community, we are mindful of our shared responsibility to create safe, nurturing

Frequently Asked Questions for Volunteers

[Frequently Asked Questions for Volunteers \(English\): Recognizing and Reporting Child Abuse and Neglect](#)

- [Cómo Reconocer y Denunciar Abuso y Negligencia Infantil, Preguntas Frecuentes de los Voluntarios ^](#) (Spanish)
- [Reconnaître et Signaler la Maltraitance et la Négligence d'Enfants, Questions Fréquemment Posées par les Bénévoles ^](#) (French)

environments for our students. This training provides guidance for volunteers to help keep students safe.

(Note: To view this module, the following browsers are recommended: Internet Explorer, Google Chrome, Safari, Mozilla Firefox)

- [發現和舉報虐待和忽視兒童事件, 義工常見問題 \(Chinese\)](#)
- [Nhận Biết và Báo Cáo Trẻ Em bị Lạm Dụng và Bỏ Bê, Tình Nguyên Viên và Những Câu Hỏi Thường Được Đề Cập \(Vietnamese\)](#)
- [아동 학대와 아동 방치를 인지하고 신고하기, 자원봉사자를 위한 자주 받는 질문 \(Korean\)](#)
- [የተበደለ፣የተጎዳለ፣ እና የተተወገኑ ራት የተነፈገው ልጅ ማጤን እና ራፖርት ማድረግ ለበጎ ፈቃደኛነት ዘወትር የሚቀርቡ ጥያቄዎች \(Amharic\)](#)

Policy, Regulation and Reports

Policy JHC, Child Abuse and Neglect

- [JHC, Child Abuse and Neglect](#)
- [JHC, ABUSO Y NEGLIGENCIA INFANTIL](#)
- [JHC, የልጅ ማጎሳቁል እና ቸልተኝነት](#)
- [JHC, 虐待和忽視兒童](#)
- [JHC, MALTRAITANCE ET NÉGLIGENCE DES ENFANTS](#)
- [JHC, 아동 학대와 아동 방치](#)
- [JHC, HÀNH HA VÀ BỎ BÊ TRẺ EM](#)

Regulation JHC-RA Reporting and Investigating Child Abuse and Neglect

- [JHC-RA Reporting and Investigating Child Abuse and Neglect](#)
- [JHC-RA, Denuncia e Investigación de Casos de Abuso y Negligencia Infantil \(Spanish\)](#)
- [JHC-RA, Signaler et Enquêter la Maltraitance et la Négligence d'Enfants \(French\)](#)
- [JHC-RA, 舉報和調查虐待和忽視兒童事件 \(Chinese\)](#)
- [JHC-RA, Báo Cáo và Điều Tra Các Bước Tội về Hành Hạ và Bỏ Bê Trẻ Em \(Vietnamese\)](#)
- [JHC-RA, 아동 학대와 아동 방치에 대한 보고와 조사 \(Korean\)](#)
- [JHC-RA, የልጅ ማጎሳቁል እና ቸልተኝነትን ማስተወኛና መመርመር \(Amharic\)](#)

Memorandum of Understanding with Law Enforcement

- [Memorandum of Understanding with Law Enforcement Regarding Child Abuse and Neglect](#)

Reports to the Board of Education on Child Abuse and Neglect

- [Discussion of Policy JHC, Child Abuse and Neglect with Policy Management Committee](#)
- [Update on the Implementation of Board of Education Policy JHC, Child Abuse and Neglect for Fiscal Year 2018](#)
- [Update on the Implementation of Policy JHC, Child Abuse and Neglect, for Fiscal Years 2016 and 2017 \(January 25, 2018\)](#)
- [Board of Education Policy Management Committee Meeting October 24, 2017](#)
- [Update on the Implementation of Board of Education Policy JHC, Child Abuse and Neglect, for Fiscal Year 2017 \(August 16, 2017\)](#)

- [Update on the Implementation of Board of Education Policy JHC, *Child Abuse and Neglect*, for Fiscal Year 2016 \(July 20, 2016\)](#)

Reports to the Community

- [Community Message: Lopez \(September 27, 2018\)](#)
- [Community Message: Ridges \(September 17, 2018\)](#)
- [Update on Child Abuse and Neglect to County Council Education Committee \(September 12, 2018\)](#)
- [Community Message: Kabongo \(August 6, 2018\)](#)
- [Video: Montgomery County Council Briefing on Child Abuse and Neglect Policy \(April 25, 2018\)](#)
- [Montgomery County Council Briefing on Child Abuse and Neglect Policy \(April 25, 2018\)](#)
- [Community Message: Escobar \(May 25, 2018\)](#)
- [Community Message: Diaz \(May 9, 2018\)](#)
- [Community Letter Riley \(May 1, 2018\)](#)
- [Community Message: Katz \(March 17, 2018\)](#)
- [Community Message: Alvarado \(March 2, 2018\)](#)
- [Community Message: Kelley \(January 25, 2018\)](#)
- [Community Message: Black \(October 19, 2017\)](#)
- [Community Message Simmons \(October 5, 2017\)](#)
- [Community Message: Boatman \(October 6, 2017\)](#)
- [Community Letter Lagos Toro \(April 2018\)](#)

Employee Code of Conduct

- [Employee Code of Conduct](#) (English)
- [Código de Conducta de los EMPLEADOS](#) (Spanish)
- [Code de Conduite de l'Employé](#) (French)
- [員工行為守則](#) (Chinese)
- [QUY LUẬT HÀNH KIỂM NHÂN VIÊN](#) (Vietnamese)
- [교직원의 행동 규범](#) (Korean)
- [ሰራተኛዎች ለሰራተኛ ስነ ምግባር ደንብ](#) (Amharic) (coming soon)

A Student's Guide Rights and Responsibilities

- [A Student's Guide Rights and Responsibilities](#) (English)

Ensuring Student Safety

- [Vetting and Training of Employees, Contractors and Volunteers](#)

**Recognizing and Reporting Child Abuse and Neglect
Volunteer Frequently Asked Questions**

Montgomery County Public Schools (MCPS) values the volunteers who work in our schools to enrich our students' experiences. As a community, we are mindful of our shared responsibility to create safe, nurturing environments for our students. These answers to frequently asked questions (FAQs) serve to clarify volunteer training and background check requirements.

Visitor Management System:

Q1: What should visitors, including volunteers, do when they arrive at schools?

A1: During designated school hours, all visitors, including volunteers, must continue to sign into schools using the MCPS Visitor Management System (VMS).

Q2: What is the Visitor Management System (VMS)?

A2: The VMS scans the visitor's driver's license or state-issued identification card against the state sex offender registry. The VMS also produces a nametag that should be worn at all times while in the school building.

Volunteer Training Requirements:

Q3: Do volunteers need to be trained in *Recognizing and Reporting Child Abuse and Neglect for Volunteers and Contractors*?

A3: Yes. All volunteers who *regularly* support schools and students and those who attend field trips must complete the Child Abuse and Neglect volunteer training. This training requirement also applies to volunteers who regularly support school-sponsored activities (Montgomery County Board of Education Policy JHC, *Child Abuse and Neglect*, and Montgomery County Public Schools Regulation IRB-RA, *Volunteers in Schools*).

Q4: How do I access this training?

A4: The training is available online on the Child Abuse and Neglect webpage (www.montgomeryschoolsmd.org/childabuseandneglect). Supported browsers include Internet Explorer and Google Chrome.

Q5: Does everyone who provides support for schools need to complete the training requirement?

A5: While we encourage all community members to engage in this important, informative training, currently we only require individuals who *regularly* support schools to complete the Child Abuse and Neglect training. However, this requirement does not apply to individuals who support at large events or those who assist at one-time events under supervision of school staff members. Following are examples of the types of activities that do not require completion of the volunteer training (not an exhaustive list):

- Guest readers and speakers in classrooms where they will be supervised by a MCPS employee,
- High school/college recruiters and volunteers at job and college fairs,
- Parents/guardians or other relatives who are observing or supporting a celebration (e.g., a parade) or helping with a class party, and
- Parents/guardians staffing concessions and ticket booths at large events.

How will Volunteers Receive Training?

Q6: When will the volunteer training be available online?

A6: The volunteer training is online at www.montgomeryschoolsmd.org/childabuseandneglect.

Q7: If I already completed MCPS training in the 2016–2017 school year, do I have to do so again in the 2017–2018 school year?

A7: No. If MCPS records reflect that an individual completed MCPS training offered last year, the individual does not have to undergo additional training in the 2017 – 2018 school year. The training is required every three years. If volunteer training was taken in:
2016-2017 renew in 2020-2021
2017-2018 renew in 2020-2021
2018-2019 renew in 2021-2022

Q8: Do all volunteers have to complete the training module online?

A8: All volunteers are encouraged to complete the online training module that is available on the Child Abuse and Neglect website (www.montgomeryschoolsmd.org/childabuseandneglect) in order to receive electronic confirmation that this requirement has been completed.

Schools have the option of using the online module as a resource to provide individual or small group training sessions for their volunteers, especially if accommodations, such as language interpretation, are needed. Parents/guardians will not be barred from participation in their schools due to the need for accommodations. If schools provide trainings, the school is responsible for collecting a list of participant names and contact information and e-mailing the list to the Office of Student and Family Support and Engagement (OSFSE) at OSFSE@mcpsmd.org for input into the volunteer training database.

Q9: What if I require accommodations for disabilities to complete the training?

A9: Principals and school staff should accommodate individuals within their schools as appropriate, in consultation with OSFSE, if needed.

Q10: Will the online volunteer training be provided in multiple languages?

A10: Yes. The online training is currently available in Spanish, Chinese, French, Korean, Amharic and Vietnamese.

Q11: How will we know that volunteers have completed the training?

A11: As volunteers complete the training, participation is recorded and tracked by MCPS.

Q12: Once volunteers have been trained, may they work with students?

A12: Yes, volunteers may support the school in the various ways the school has established.

Q13: Do parents/guardians who are eating lunch with their child need to complete the Child Abuse Neglect training?

A13: No. Parents/guardians eating lunch in the cafeteria with their children are not considered regular volunteers.

Q14: Do parents/guardians need training if they are helping at dismissal or at recess?

A14: Yes. Parents/guardians who regularly work with students in school or during school-sponsored activities should complete the online training prior to volunteering at school.

Q15: Do MCPS student volunteers who are helping in schools have to complete Child Abuse and Neglect training?

A15: No. MCPS student volunteers who are helping in schools must be supervised at all times by an MCPS employee.

Q16: Do student teachers and interns have to complete Child Abuse and Neglect training?

A16: Yes. Student teachers and interns are required to complete mandatory Child Abuse and Neglect training.

Fingerprinting and Background Check Requirements:

Q17: What are the background check requirements for volunteers?

A17: The following categories of volunteers are required to complete fingerprinting and background checks:

- Volunteer coaches,
- Grade 6 Outdoor Environmental Education Programs (Outdoor Education) overnight chaperones,
- Volunteers on overnight field trips, and
- Volunteers on extended day trip that require Office of School Support and Improvement approval. (e.g., if departure time is not within the MCPS operations start time and/or return time is later than 7:00 p.m.)

Active federal, state, and local law enforcement personnel who have completed a criminal background check as a requirement of employment are exempt from the MCPS background check requirement. However, they are required to provide a copy of their official law enforcement agency issued policy identification to verify exemption from fingerprinting requirement. For all others who have been fingerprinted for their work (White House, a government agency, etc.), they must be fingerprinted through MCPS or American Identity Solutions (AIS) in order for MCPS to receive the reports from the authorities (past and future criminal activities).

Q18: Where do volunteers go for background checks and how long does it take to be cleared?

A18: Fingerprinting and background checks may be obtained at the following location(s) **by appointment**:

- The Office of Human Resources Development (OHRD), located at 45 West Gude Drive, Rockville, Maryland 20850, 301-279-3276.
- American Identity Solutions (AIS), located at:
 - 6701 Democracy Boulevard, Suite 110, Bethesda, Maryland 20817, 301-571-9479
 - 12501 Prosperity Drive, Suite 200, Silver Spring, Maryland 20904, 240-670-7952
 - 7361 Calhoun Place, Rockville, Maryland 20855, 301-296-4499
- It takes approximately four weeks to complete the background check process.

Q19: Who pays for volunteers to complete their background check?

- A19:**
- The volunteer is responsible for the cost of the background check. The cost is \$54 at OHRD and \$59 at AIS. On a case-by-case basis, schools may work with volunteers to make alternative arrangements to cover the cost.
 - Outdoor Education overnight chaperones will have no cost for background checks if fingerprinting is completed through OHRD. However, chaperones who use AIS will pay \$20.00.
 - Volunteer coaches will continue to pay for their background checks, as arranged through the Athletic Department.

Q20: Do I need to undergo another background check if I completed a MCPS background check last year?

A20: If a parent/guardian/community member has previously completed the MCPS background check process during the 2016–2017 school year, that person will not have to complete the process again during the 2017–2018 school year.

Q21: If a school's Parent Teacher (Student) Association (PTA/PTSA) sponsors an after-school activity, enrichment program, or other program, are the providers subject to the requirements applicable to MCPS contractors regarding fingerprinting/background checks?

A21: Fingerprinting and background checks are required for school-sponsored events only.

- If the after-school program is funded or sponsored by MCPS, or MCPS is part of the contract (i.e., *the principal's signature is on the contract*), training is required and if the after-school program providers will have direct, unsupervised, and uncontrolled access to students in an MCPS facility, background checks are required.
- If the contract is not school-sponsored and sponsored solely by the PTA/PTSA or other organization, or arranged solely through the Interagency Coordinating Board (ICB), MCPS does not require background checks or training. However, the PTA/PTSA or ICB may have additional requirements for their contractors.

Q22: Who informs potential volunteers that they have been approved or not approved?

A22: Potential volunteers will receive notification by mail of the background check results. MCPS OHRD will conduct a case-by-case analysis and promptly follow up with the potential volunteer regarding information about sexual offenses, child sexual abuse offenses, and crimes of violence, as well as any offenses involving distribution of drugs or other controlled substances, or any other criminal information that may significantly affect the safety and security of MCPS students. OHRD will not share any details regarding a potential volunteer's criminal background check with school-based staff members.

Q23: Who should I contact if I have questions about volunteer training and background checks?

A23: If you have any questions or concerns about volunteer requirements, please contact your school. In addition, concerns not addressed at the school level may be directed to Dr. Jonathan T. Brice, associate superintendent, OSFSE, at 240-453-2426.

Q24: How do these requirements apply to Montgomery College staff working at MCPS sites?

A24: Montgomery College employees working with the dual enrollment program undergo a criminal background check, including fingerprinting, at the time of hire. They must have their Montgomery College-issued identification badge visible or on their person while in the schools.

Q25: How do these requirements apply to Montgomery County Government (MCG) employees?

A25: MCG employees, such as nurses and health room technicians, undergo a criminal background check, including fingerprinting, at the time of hire. They must have their MCG-issued identification badge visible or on their person while in the schools. MCPS issues identification badges for county staff in the Linkages to Learning program who have completed the criminal background check screening requirements.

COMPLIANCE UNIT

MAINTAINING A LAWFUL, POSITIVE, SAFE, AND HEALTHY CLIMATE AND CULTURE

Volunteers and Contractors Online Compliance Training

The mission of the Compliance Unit is to serve as a resource for schools and central offices in providing institutional accountability and ensuring that every staff member is aware of our MCPS expectations and has the necessary information to create and maintain a lawful, positive, safe, and healthy climate and culture in which all adults and students are able to thrive and do their best work.

News & Announcements

Montgomery County Public Schools is committed to the safety and security of all students. In 2015, MCPS made updates to our policy and protocols for preventing, recognizing and reporting child abuse and neglect. These updates included enhanced employee vetting, mandatory training for all staff, contractors and regular volunteers on combating child abuse and neglect, and personal body safety lessons for students.

More information about these efforts at [https://www.montgomeryschoolsmd.org/~/media/ComplianceUnit/2015-2016/ChildAbuseandNeglectPolicyUpdate.pdf](#) Additionally, MCPS has also made significant investments in security infrastructure, including a visitor management system, controlled building access, school resource officers supporting every school cluster, and thousands of security cameras in our schools and buses. More about MCPS security processes are at [https://www.montgomeryschoolsmd.org/~/media/ComplianceUnit/2015-2016/SecurityProcesses.pdf](#)

Who We Are



Contact Us

Phone: 240-740-3214

Email: COS-SchoolAdministration@mcpsmd.org

Compliance Training Resources



The compliance unit provides training for staff on the following topics. Select a topic to find resources, Board policies, MCPS regulations, and MCPS forms pertaining to that topic.

I. Building a Respectful Workplace Course

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Address: Carver Educational Services Center
850 Hungerford Drive, Room 162
Rockville, Maryland 20850

Dr. Donna Shimoda Hollingshead

Associate Superintendent of School Administration
Office of Chief of Staff

Mrs. Marti Gray, Administrative Services Manager to
Dr. Hollingshead

Mr. Greg Edmundson, Compliance Unit: *Systemwide
Child Abuse & Neglect / Title IX Contact*

The Compliance Unit (*Operational Excellence, Community Partnerships and Engagement*) The Office of the Chief of Staff works with the Compliance Unit to monitor the implementation of policies, procedures, and system and local processes, in key areas of compliance to provide leadership, support and interventions to address factors that create barriers to student success. ***The mission of the Compliance Unit is to serve as a resource for schools and central offices in providing institutional accountability and ensuring that every staff member is aware of our MCPS expectations and has the necessary information to create and maintain a lawful, positive, safe, and healthy climate and culture in which all adults and students are able to thrive and do their best work.*** The unit works collaboratively with schools, the Office of the General Counsel and other MCPS offices, and community agencies to ensure consistency and coherence with implementation of policies and regulations such as: issues related to human relations, Title IX; bullying, harassment, and intimidation; and reporting and recognizing child abuse and neglect.

Montgomery County Board Policy

ACA, Nondiscrimination, Equity, and Cultural

Proficiency, grounded in the Board of Education's five

1. Employee Code of Conduct
2. Equal Opportunity in the Workplace
3. Workplace Bullying
4. Ethics, Conflict of Interest, Expectations, and Guidance

II. Creating a Safe and Respectful Environment for Students Course

1. Student Sexual Harassment
2. Supporting LGBTQ Students in MCPS
3. Religious Diversity
4. Suicide Prevention
5. Bullying, Harassment, and Intimidation
6. Gangs and Gang Behavior
7. Preventing, Recognizing, and Reporting Child Abuse and Neglect

Information/FAQ's

Frequently Asked Questions for Volunteers - Recognizing and Reporting Child Abuse and Neglect

MCPS Nondiscrimination Statement

Support for a student who believes he/she is the target of sexual harassment or sexual assault by force or threat of force can be found by visiting our website at: <https://www.montgomeryschoolsmd.org/info/sexualh>

Support for anyone who suspects the abuse or neglect of a child or vulnerable adult can be found by visiting our website at: <https://www.montgomeryschoolsmd.org/childabusea>

Compliance Training Access Guide

1. Video Guide
2. Documentation: Support Guide

core values of: learning, respect, relationships, equity, and excellence; reflects the district's commitment to support student and staff success, regardless of actual or perceived personal characteristics. This policy also articulates implementation strategies including the "identification of multiple indicators necessary to monitor student performance and specific data that will be used to ensure accountability for student school, and systemwide performance to reduce variability and outcomes and to ensure that academic outcomes will not be predictable by personal characteristics." The policy further states that the superintendent of schools will designate an appropriate lead to implement this policy with support from other offices as appropriate and assume responsibility for among other responsibilities: monitoring and ensuring MCPS compliance with our federal, state, and local nondiscrimination laws, promptly investigating and resolving complaints of discrimination, promoting training and outreach to improve equity and cultural proficiency, and maintaining appropriate records.