

Office of the Chief Operating Officer
MONTGOMERY COUNTY PUBLIC SCHOOLS
Rockville, Maryland

October 16, 2023

MEMORANDUM

To: Members of the Board of Education Policy Management Committee

From: M. Brian Hull, Chief Operating Officer

Subject: Update on the Implementation of Board of Education Policy JHC, Child Abuse and Neglect, for Fiscal Year 2023

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) 2023, 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 and vulnerable adults who are the subject of reports of suspected abuse and/or neglect.

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 continues to demonstrate our commitment to holding the perpetrator accountable. To that end, we continue to refine and improve our practices and protocols, which are informed by ongoing input and feedback, both internally within our school district and externally from our Montgomery County partner agency experts, as well as stakeholder representatives in the greater community. In addition, our work on child abuse and neglect aligns with the broader protocol enhancements we are making in all areas of school safety to be consistent with the *Maryland Safe to Learn Act of 2018*. More information about these initiatives can be found on the MCPS website at <https://www.montgomeryschoolsmd.org/departments/security/resources/>.

I. Implementation of Policy JHC

A. Staff Training

All MCPS employees complete districtwide compliance training that includes a module specific to the topic of child abuse and neglect, developed in collaboration with county partner agencies and an outside consultant. As in previous years, this training was a component of a larger set of mandatory compliance training to ensure every MCPS staff member is aware of 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. In addition to the compliance modules, all administrators were trained during the school year specifically on updates to Recognizing Child Abuse and Neglect, as well as bullying, harassment and hate-bias reporting.

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](#).

Potential hires of certificated staff are vetted through the National Association of State Directors of Teacher Education and Certification (NASDTEC). Certificated staff include: teachers, counselors, media specialists, psychologists, principals, and assistant principals. The NASDTEC Educator Identification Clearinghouse is a national collection point for professional educator discipline actions taken by fifty states, the District of Columbia, U.S. Department of Defense Educational Opportunity schools, and Guam. This screening helps to ensure that an educator's credentials have not been suspended or revoked.

Potential hires of all staff (e.g., certificated and noncertificated employees); certain volunteers designated for background checks in MCPS [Regulation IRB-RA](#), *Volunteers in Schools*; and contractors working on MCPS property are fingerprinted, and those fingerprints are submitted to Rap Back Service provided by the Federal Bureau of Investigation (FBI). The FBI's Rap Back Service identifies persons arrested and/or prosecuted for misdemeanors and felonies which may span a range of offenses (e.g., misdemeanors such as disorderly conduct, or felony offenses such as assault). Not all offenses identified in the Rap Back Service are reportable offenses specified under the Code of Maryland Regulations (COMAR) Article §13A.08.01.17, *School Use of Reportable Offenses*; however, the MCPS Office of Human Resources and Development (OHRD) reviews all incidents identified by the Rap Back Service. This service eliminates the need for repeated background checks by providing MCPS with ongoing status notifications of any criminal history record information reported to the FBI and the State of Maryland (if available) regarding fingerprinted employees, contractors, and specific volunteers. Currently, the Rap Back Service receives information from all 50 states and U.S. territories.

MCPS contracts with the Montgomery County Child Protective Services (CPS) to review all databases available to them to determine whether any potential hires and new volunteers specified in MCPS Regulation IRB-RA have been "indicated" for abuse and neglect of a child or vulnerable adult. "Indicated" means that a CPS unit in any particular locale has investigated and found evidence to

support a reported claim of abuse or neglect. Databases available to Montgomery County CPS contain records for the State of Maryland. Retroactive reviews of all existing MCPS staff hired prior to 2013 are ongoing and have been prioritized for review in the following order: school-based staff, transportation and maintenance staff, psychologists, and other staff who have direct contact with students, followed by all other staff who do not have regular contact with students.

MCPS also continues to implement [MCPS Regulation GCC-RA, Staff Self-Reporting of Arrests, Criminal Charges, and Convictions](#). All MCPS employees are required to self-report any arrests, charges, convictions, or other disposition of cases pertaining to crimes delineated in MCPS 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.

Since 2019, all applicants must comply with House Bill 486, *Child Sexual Abuse and Sexual Misconduct Prevention*. This law is intended to assist public and nonpublic schools and contracting agencies with implementing the provisions of COMAR Article §6-113.2. The law requires that a county board, nonpublic school, or contracting agency review an applicant’s employment history by contacting the current employer, all former school employers, and all former employers in which the applicant had direct contact with minors to request dates of employment and answers to the questions posed to applicants. Additionally, the law requires request of a report from the Maryland State Department of Education (MSDE) regarding whether the applicant holds an active and valid certificate and has ever been the subject of professional discipline related to child sexual abuse or sexual misconduct.

C. Training and Screening for Volunteers and Contractors

For the 2022–2023 school year, volunteers, contractors and partnership agencies who regularly supported schools were asked to complete certain compliance measures within our school district. All volunteers and contractors were required to complete the online [Recognizing and Reporting Child Abuse and Neglect training module](#) and the COVID-19 Vaccination Attestation module. The COVID-19 Vaccination Attestation module required volunteers and contractors to attest to being fully vaccinated, upload their Certificate of COVID-19 Vaccination from the State of Maryland Department of Health, and agree to specific expectations of masking and social distancing while in MCPS facilities. The requirement for volunteers and contractors to attest to being vaccinated was removed on May 1, 2023.

For FY 2023, 18,579 volunteers completed the online training during the school year, showing a progress towards pre-pandemic numbers of volunteers being trained.

Total Number of Parents/Guardians/Volunteers/Contractors who Completed the Volunteer Child Abuse and Neglect Module

| FY 2023 | FY 2022 | FY 2021 | FY 2020 | FY 2019 |
|---------|---------|---------|---------|---------|
| 18,579 | 16,021 | 3,320 | 16,946 | 25,018 |

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. 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](#). In Fiscal Year (FY) 2023, MCPS required completion of the online Recognizing and Reporting Child Abuse and Neglect training module and the COVID-19 Vaccination Attestation module.

D. Staff Learning Continuum in the Areas of Student Welfare

Required training for all mental health professionals, including school-based student welfare liaisons, school counselors, pupil personnel workers, school psychologists, school-based English language development counselors, social workers, and behavioral specialists, were held during monthly in-service meetings, professional development days, and department team meetings. This training provided an enhanced look at the following Board policies: [ACF, Sexual Misconduct and Sexual Harassment of Students](#); and [ACI, Sexual Harassment of MCPS Employees](#), with applications and implications involving Title IX/sexual harassment incidents and incidents of hate-bias. All reports of alleged sexual abuse called into CPS prompted an immediate outreach to school administration to increase awareness and protection.

E. Student Learning Continuum in the Areas of Child Abuse and Neglect Awareness

In 2022, the *Culture of Respect 2.0* student training module was revised to include recognizing and reporting incidents of hate-bias, as well as allegations of bullying and sexual harassment. This allowed the reporting and recognizing child abuse protocols to expand the knowledge and make connections between the training and the Personal Body Safety Lessons received from the counseling department.

II. Collaboration with County Partner Agencies, Montgomery County Department of Health and Human Services and the Greater Community

Montgomery County Department of Health and Human Services (MCDHH) Child Welfare Services held a 2023 Stakeholders' Meeting to provide county partner agencies updates on assessment data for calls screened, accepted reports, and in-home and out-of-home services for families.

The MCPS Pride Alliance stakeholder committee continued its support for students and staff, involving parents and county Lesbian, Gay, Bisexual, Transgender, Queer+ (LGBTQ+) partner agencies to promote inclusivity in curriculum, create a safe atmosphere in schools, expand professional development for staff, and strengthen partnerships in the community. The Alliance hosted the 5th Annual Pride Town Hall 2023 at Walter Johnson High School.

III. Total Number of Reports of Suspected Abuse and Neglect

During FY 2023, 3,972 suspected incidents of child abuse or neglect were reported by MCPS staff, volunteers, or contractors to CPS or Adult Protective Services (APS). The data is based on online and written reports submitted using [MCPS Form 335-44, Report of Suspected Abuse and Neglect](#), and other

MCPS records. Data from previous years is available on the [Child Abuse and Neglect web page](#). Of the 3,972 suspected incidents reported, 3,834 were online reports and 138 were written reports.

Total Number of Reports of Suspected Abuse and Neglect

| FY 2023 | FY 2022 | FY 2021 | FY 2020 | FY 2019 |
|---------|---------|---------|---------|---------|
| 3,972 | 3,750 | 1,784 | 2,720 | 3,133 |

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

During FY 2023, OHRD received information regarding 211 cases reported to CPS and/or the Montgomery County Police Department (MCPD) involving alleged abuse or neglect by an MCPS employee, volunteer, or contractor¹. This is in comparison to FY 2022 when 76 cases were reported; FY 2021 when 40 cases were reported; FY 2020 when 270 cases were reported; and FY 2019 when 307 cases were reported. This number includes cases of alleged abuse involving MCPS employees with students. The final disposition of these cases by CPS is summarized in the following table. In some of these cases, MCPD Special Victims Investigation Division (SVID) also may have investigated the alleged abuse or neglect, and any outcomes of these cases that resulted in criminal charges are noted.

**CPS Reports Involving Alleged Abuse or Neglect
By an MCPS Employee, Volunteer, or Contractor**

| FY 2023 | FY 2022 | FY 2021 | FY 2020 | FY 2019 |
|---------|---------|---------|---------|---------|
| 211 | 76 | 40 | 270 | 307 |

**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 | Ongoing |
| Employee | 203 | 179 | 10 | 8 | 2 | 4 |
| Volunteer | 1 | 10 | 0 | 0 | 0 | 0 |
| Contractor | 7 | 4 | 1 | 0 | 1 | 1 |

¹Disclosure 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 Board Policy JHC and MCPS 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 rule 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 MCPD, 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 October 6, 2023) |
|------------|---------------------|-----------------------------------|--|------------------------|-------------------------|---------------------------------|
| Employee | 74 | 83 | 37 | 0 | 7 | 2 |
| Volunteers | 0 | 0 | 0 | 0 | 1 | 0 |
| Contractor | 4 | 0 | 0 | 0 | 3 | 0 |

¹This 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 that has not been satisfactorily refuted that abuse or neglect occurred.

Board 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 2023:

- A security assistant was arrested on one count of sexual abuse of a minor and one count of displaying obscene items to a minor.
- A volunteer football coach was arrested on multiple charges of sexual offenses.
- A football coach was arrested on multiple charges of sexual offenses.
- A volunteer photographer was arrested on multiple charges of sexual abuse of a minor.
- A building service worker was arrested on multiple charges of sexual offenses, including a charge of sexual abuse of a minor.

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

The Code of Maryland Regulations (COMAR) 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. In FY 2023, there was one case where MCPS sought

suspension or revocation of a teaching certificate, but the teacher retired after given notice of the alleged misconduct and voluntarily surrendered their certificate.

A full list of former Maryland school district employees whose state certifications were revoked is available to the public 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 the State of Maryland court cases and in the Public Access to Court Electronic Records (PACER) database for federal court record, there was one case filed by parents/guardians or students involving child abuse or neglect against the Montgomery County Board of Education and/or its employees or officers, which were pending or resolved in FY 2023:

- **DOE, JANE mother of JOHN DOE, MINOR v. MONTGOMERY COUNTY BOARD OF EDUCATION**
Plaintiffs claim injuries and damages inflicted on their minor son resulting from an alleged physical assault by a former teacher. This case was filed on January 27, 2023, and is still pending in Montgomery County Circuit Court. More details are found in the court docket at Case No. 15-CV-22-004514.

The full docket for this case is publicly available on the [Maryland Judiciary Case Search website](#).

VII. FY 2025 Considerations

Continuous improvement efforts in recognizing and reporting child abuse and neglect are ongoing and implemented throughout the year. The monthly Multi-Disciplinary Team (MDT) meetings are held to respond to and support specific allegations of child abuse and neglect, as well as ensure processes are aligned between the members of the Memorandum of Understanding. These members include MCPD SVID, the State's Attorney's Office, CPS, SWCU, and the MCPS Department of Compliance and Investigations. The district will continue to seek input from schools, as well as Child Welfare Services, regarding the training necessary to educate staff for the safety of students.

In addition, the following recommendations will be implemented:

- Revise the *Culture of Respect 2.0* student training module to elevate student awareness regarding signs of neglect, abuse, and harassment. (Released October 2, 2023)
- Continue to monitor online reporting process for suspected online child abuse and neglect cases and expanding the implementation procedures countywide. (Ongoing)
- Enhance the training plan for our Student Welfare Liaisons and school-based critical staff, providing staff development-training plans for refresher training for staff in schools. (January 2024)

- Monitor the implementation of revised Personal Body Safety Lessons at all levels, based on student feedback and input. (January 2024)

We will continue to provide updates regarding the implementation of the child abuse and neglect policy and regulation as we continue working to provide a safe and welcoming learning environment for all students.

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