

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

September 10, 2020

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 2020

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) 2020, 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.

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 enhance our practices and protocols, and consistently apply our processes for each incident that violates the standards we expect of our staff. Our practices are informed by on-going 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 are aligned with the enhancements we are making more broadly to our protocols in all areas of school safety, consistent with the recently enacted Maryland Safe to Learn Act of 2018. For more information, see: <https://www.montgomeryschoolsmd.org/departments/security/resources/>.

**COVID-19 Pandemic**

On March 16, 2020, MCPS went into remote distant learning, *Continuity of Learning*, for the remainder of the FY20 school year, due to the health crisis in our county, state and nation. Throughout this time, MCPS worked closely with county agencies and community partners to navigate this dynamic situation and provide critical supports and resources for staff, students, families, and the community at large;

- All MCPS guidelines and protocols, including *Recognizing and Reporting Suspected Child Abuse and Neglect*, remained in full effect during this time of *Continuity of Learning* and throughout the

COVID-19 pandemic. Student Welfare and Compliance (SWC) prepared and/or distributed support resources and guidelines to ensure that all staff, students, and families were safe and supported:

### **Student Welfare & Compliance Resources**

- [Chief of Staff, Student Welfare and Compliance Resources](#)
  - [Guide for Student Welfare Check Protocols](#)
  - [COVID-19 School System and Community Resources](#)
  - [Helping Victims of Domestic Violence During COVID Pandemic](#)
  - [Serious Incidents Protocols - Student Welfare and Compliance](#)
  - [Child Abuse Infographic](#)
- 
- The Office of Student and Family Support and Engagement (OSFSE) created a series of *Waymaking* Videos on important topics, which included managing stress and social and emotional supports for students, parents, guardians, and the community at large, during COVID-19. Student Welfare and Compliance, along with the State's Attorney's Office (SAO) was featured on May 25, 2020: [Child Abuse and Neglect Waymaking Video](#)
  
  - MCPS collaborated with the SAO and the Montgomery County Family Justice Center (MCFJC), and launched the Montgomery County Family Violence Awareness and Prevention Campaign. This campaign helped to promote awareness and prevent domestic violence, child abuse, and other inter-familial abuse. [Montgomery County Family Violence Awareness and Prevention Campaign](#)

## **I. Implementation of Policy JHC in FY20**

### **A. Staff Training**

MCPS employees complete districtwide mandatory compliance training, eleven modules 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 previous years, this training was a component of a larger set of mandatory 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. Each interactive 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. This module was refreshed to include more engaging and contemporary content for the 2020-2021 school year.

MCPS continuously improved the modules based on multi-stakeholder feedback gathered through employee surveys, labor association focus groups, external county partner agencies, well as a multi-stakeholder community group. All modules were enhanced with the latest content, updated to align with changes in law and regulations at the state and federal levels, and to address common questions regarding processes. Also of note is the revisions to the modules to be more inclusive and sensitive to students and families who are not native English speakers or undocumented.

*Safety in the Digital Age* module, which was introduced in FY20, effectively encompassed [Social Media: Best Practices for Employees](#) for email and other electronic communications, while underscoring the importance of maintaining a high standard of professionalism in all forms of communication with staff, students and members of the community.

For FY21, returning staff were provided the opportunity to take pre-assessments for seven of the eleven modules. Staff who received a score of 100% accuracy, were able to by-pass the introductory content of those modules. Note that the module on Preventing, Recognizing, and Reporting Child Abuse and Neglect is the most extensive and detailed module and is mandatory for all staff – new and veteran – to take in its entirety, with no option for a pre-assessment.

### **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 committed to completing CPS background checks for all employees hired prior to September 2013.

<i>Level</i>	<i>Completion Year</i>
Elementary Schools	2016-2017
Middle Schools	2017-2018
High Schools	2018-2019

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 is made available to local school districts in Maryland, and in FY18, MCPS began conducting reviews to supplement the monitoring of educator's credentials undertaken by the Maryland State Department of Education (MSDE).

MCPS also continues to implement [MCPS Regulation GCC-RA, Staff Self-Reporting of Arrests, Criminal Charges, and Convictions](#). Since 2016, MCPS employees have been 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.

As of 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 Md. Code, Educ. §6-113.2. The law requires that a county board, nonpublic school, or contracting agency shall 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 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 FY20, all volunteers who regularly support schools and those who attend field trips were to be required to 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, 104,761 volunteers have completed the online training (as of August 27, 2020). Specifically for FY 2020, 16,946 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, day and 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. or otherwise require approval by the Office of School Support and Improvement. MCPS also worked to provide clarity and consistency in fingerprinting and background check requirements for volunteers and chaperones supporting student participation in arts and athletic events.

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 FY20, MCPS continued to require completion of the online Recognizing and Reporting Child Abuse and Neglect training module for the aforementioned contractor's workforce.

During the COVID-19 Pandemic, schools were provided an *update on volunteerism*, confirming the decision not to permit the use of individual volunteers in the support of instructional and educational programming (virtual or in person). This decision was made in order to ensure the safety and well-being of our staff, students, and our communities. A workgroup was developed to look more closely into the use of volunteers as we move into new phases of our recovery planning. This workgroup included school-based and central office representatives, including principals, directors, and other key stakeholders. The decisions from this workgroup included the continuation of *not* permitting volunteers to assist in our work throughout the summer of 2020. As a district, we want to ensure we are focused specifically on the health, well-being, and instructional programming for our students, and the staff development and planning necessary to ensure success.

### **D. Staff Learning Continuum in the Areas of Student Welfare**

Student Welfare and Compliance created Student Welfare Liaisons for every school. This designated staff member served as the Child Abuse and Neglect/Title IX coordinator for the school. Over 162 counselors and school-based administrators were trained on the latest updates and regulations regarding child abuse and Title IX/sexual harassment from September 2019 thru February 2020.

Student Welfare and Compliance collaborated with the Office of General Counsel and Office of Student and Family Support and Engagement for School-Based Critical Staff. This mandatory training was offered to school counselors, pupil personnel workers, school psychologists, Bilingual Assessment Team, parent community coordinators, and English for Speakers of Other Languages transition counselors. This training was attended by 722 staff members over six sessions during the summer of 2020.

During FY20, Student Welfare and Compliance benchmarked with twelve randomly selected MCPS schools, at the elementary, middle and high school levels. During these on-site school visits, valuable information, resources, and best practices, were shared with each school administration. Conversations were held to spark new ideas, and to identify improvement opportunities in Recognizing and Reporting Child Abuse and Neglect, student bullying and student sexual harassment.

MCPS continued to implement age-appropriate content-level 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. The State's Attorney's Office and Special Victims Division regularly commends MCPS on the PBSLs and shares 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 developed supporting resources for these lessons to help parents and guardians discuss and instruct their children on these challenging topics. These lessons and additional resources are available to the parent and wider community on the MCPS [Personal Body Safety Lessons web page](#).

Enhancements to the implementation of *Be Well 365* work to ensure that students have the necessary skills to become positive members of the school and broader community; manage their emotions; build academic and social resilience; identify and access support for themselves or a friend; peacefully resolve conflict; and make positive decisions. The district has launched a [webpage](#) with more information on each component of this initiative for the start of school year.

Additionally, the Board of Education adopted [Policy COA, Student Well-being and School Safety](#), demonstrating a strong commitment to providing for the safety of all persons on Montgomery County Public Schools (MCPS) property and to creating and maintaining safe, peaceful schools and workplaces where students and staff can do their best work, achieve, and thrive. The policy takes position on; promoting positive school climate, accountability, behavior threat assessment, facilities, security staff, technology, collaboration with county partners (*including health, law enforcement, and public safety agencies*), and emergency planning and preparedness.

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

The Student Welfare Stakeholder Team was formed and convened to discuss the work of the district and share updates of interest to the community group. The group is comprised of MCPS staff from Student Welfare and Compliance, The Office of Employee Engagement and Labor Relations, the Montgomery County Council of PTAs (MCCPTA) including the MCCPTA president and leaders of the MCCPTA Safety Committee, as well as community members and representatives from the State's Attorney's Office, the Special Victims Investigations Division of the Montgomery County Police Department (SVID), and Child Welfare Services in the Montgomery County Department of Health and Human Services (commonly known as Child Protective Services or CPS). The participants have expressed their appreciation for this forum that promotes and supports the positive and open two-way communications among MCPS and critical partners in preventing, recognizing, and reporting suspicions of child abuse and neglect.

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.

## **III. Total Number of Suspected Cases Reported**

During FY20, 2,720 suspected incidents of child abuse or neglect were reported by MCPS staff, volunteers or contractors to CPS or Adult Protective Services (APS). This is in comparison to FY19 when 3,133 suspected cases of child abuse or neglect were reported and in FY18 when 3,087 incidents were reported. 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. The vast majority of cases reported did not involve MCPS employees, volunteers or contractors. Data from previous years are available on the [Child Abuse and Neglect web page](#).

On July 1, 2019, the *MCPS Form 335-44, Report of Suspected Abuse and Neglect* was activated for MCPS staff, parents and the Montgomery County community for [online submissions](#). Of the 2,720 suspected incidents reported, 2,463 were online submissions and 257 were paper copies.

During COVID-19, while in Continuity of Learning between March 15, 2020 through June 30, 2020, **200** suspected incidents of child abuse or neglect were reported. This is in comparison to March 15, 2019 through June 30, 2019, when **1,132** suspected incidents were reported. [The significant decline in reporting numbers](#) led to discussions and planning from internal and external partners to ensure we are connecting with our families and communities to be vigilant in our work. MCPS collaborated with DHHS and Child Welfare Services to develop a [Child Abuse Infographic](#) to provide guidance on signs of abuse and reporting procedures while operating in a virtual modality of learning.

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

During FY20, the Office of Employee Engagement and Labor Relations received information regarding 270 cases reported to CPS and/or MCPD involving alleged abuse or neglect by an MCPS employee, volunteer, or contractor.<sup>1</sup> This is in comparison to FY19 when 307 cases were reported, FY18 when 357 cases were reported and FY17 when 309 cases were reported. 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 SVID 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 <sup>2</sup>				
		Screened Out	Ruled Out	Unsubstantiated	Indicated	Ongoing
Employee	259	220	11	11	7	10
Volunteer	2	2	0	0	0	0
Contractor	9	5	2	0	0	2

*+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

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

<sup>2</sup> 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.

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 (Aug 12, 2020)
Employee	68	106	48	0	14	35
Volunteers	0	1	0	0	1	0
Contractor	4	2	0	0	1	1

\* Thirteen cases were resolved in FY20, from the FY19 school year: No actions warranted 2; Reprimand or other disciplinary letter 2; Removal from employment 8, pending 1.

Policy JHC also requires that the Board of Education 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 FY20 and based on publicly available records.<sup>3</sup>

- A former special education teacher at Colonel Zadok Magruder High School was charged with sex abuse of a minor and fourth-degree sex offense by a person in a position of authority. The charges, which stem from inappropriate conduct with an MCPS student, remain pending. ([Community Letter](#))
- Although not an MCPS case at the time of arrest, a Quince Orchard High School volunteer was arrested on multiple counts of child pornography unrelated to their work as a volunteer coach. The former volunteer pled guilty to two counts of possession of child pornography. ([Community Letter](#))

The following is an accounting of charges and adjudication status of cases filed during FY 2019 and based on publicly available records.<sup>4</sup>

- A former bus operator was charged with multiple counts of second-degree rape, sex abuse of a minor, third-degree sex offenses, sex abuse of a minor, and vulnerable adult abuse. The charges, which stem from inappropriate conduct with MCPS students, remain pending. ([Community Letter](#))
- An employee of a construction contractor working on a field reconstruction at a MCPS high school was arrested on multiple charges of second-degree rape and third-degree sexual offenses. The charge stemmed from an incident that was not related to his work on MCPS property. The individual pled guilty to third-degree rape and third-degree sex offense. He is currently awaiting sentencing. ([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.

<sup>3</sup> 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 2020 involve incidents that occurred or were reported prior to the beginning of the fiscal year.

<sup>4</sup> 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 2020 involve incidents that occurred or were reported prior to the beginning of the fiscal year.

The following chart includes cases where MCPS sought suspension or revocation of a teaching certificate in FY 2019 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 regarding certification, 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.	Revocation
Employee dismissed after being criminally charged for sexual assault.	Pending
Employee resigned while under investigation for misconduct involving a student.	Suspension
Employee dismissed for misconduct involving students.	Suspension
Employee dismissed for misconduct involving students.	Suspension
Employee dismissed for misconduct involving students.	Revocation
Employee dismissed after notice of alleged sexual child abuse	Revocation
Employee dismissed for misconduct involving a student.	Revocation

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. Lawuits 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 five 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). The circumstances giving rise to the case have been reported by the news media (see, for example, [Rockville Patch](#)). The case was dismissed after a settlement including \$5,000 in monetary relief.
- *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. The filing of this case was reported by the news media (see, for example, [Bethesda Magazine](#)).
- Three other cases were filed in Montgomery County Circuit Court involving two other victims of the same former employee in the preceding case (Docket No. 445786V, 455268V, 454939V). One case was dismissed by the Circuit Court and is under review in the Court of Special Appeals. Another case was dismissed and the remaining case is still pending. All three of these cases were settled for \$500,000.

The full docket for each of these cases is publicly available on the [Maryland Judiciary Case Search website](#).



## **VII. FY21 Considerations**

In addition to maintaining a high level of fidelity in the ongoing work described above, MCPS is exploring a number of initiatives and enhancement for the FY21 school year. These include the following:

- Participation and completion of the *Certified Praesidium Guardian Program* through the collaboration with Praesidium, a national leader in organizational abuse risk management.
- Continue to 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.
- Monitoring newly implemented online reporting process for suspected online child abuse and neglect cases and expanding the implementation procedures countywide.
- Monitoring proposed new state requirements for reporting disqualified substitute teachers and implementing those requirements when they are adopted.
- Enhancing 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.
- Monitoring the implementation of revised Personal Body Safety Lessons (PBSLs) at all levels, based on student feedback and input.

We will continue to provide updates regarding the implementation of the policy and regulation. If you have any questions, please contact Mr. Gregory S. Edmundson, director, Student Welfare and Compliance, Office of the Chief of Staff, at 240-740-3215 or Mr. Sherwin Collette, associate superintendent, Office of Employee Engagement and Labor Relations, at 240-740-2888.

Copy to:

Executive Staff  
Ms. Webb