

# POLICY BOARD OF EDUCATION OF MONTGOMERY COUNTY

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<b>Related Entries:</b>	ACF, ACF-RA, COB-RA, GME-EA, IOH-RA, IJA-RA, IRB-EA, IRB-RA, JGB-EA, JHC-RA, JHF, JHF-RA, JOA-RA
<b>Responsible Office:</b>	School Support and Improvement Human Resources and Development Special Education and Student Services
<b>Related Sources:</b>	<i>Annotated Code of Maryland</i> : 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; <i>Code of Maryland Regulations</i> 07.02.07.04-.05, 13A.12.05.02, and 13A.08.01.03

## Child Abuse and Neglect

### A. PURPOSE<sup>1</sup>

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;

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<sup>1</sup> 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.

2. cooperating fully with investigations of suspected abuse and/or neglect by Montgomery County (County) partner agencies, including the Montgomery 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.<sup>2</sup>
  - 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.

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<sup>2</sup>Cases 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.