

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 Offices:	Chief of Staff Chief Academic Officer Chief of School Support and Improvement 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 engaging in exposure or voyeurism; making sexual advances; kissing or fondling; grooming for sexual activity; committing a sexual crime in any degree including rape, sodomy, or prostitution; allowing, encouraging, or engaging in obscene or pornographic

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.

display, photographing, filming, or depiction of a child or vulnerable adult in a manner prohibited by law; sex trafficking; or allowing a 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. *Grooming a child or vulnerable adult for sexual activity* means forming an emotional connection with a child or vulnerable adult with the intent of making the child or vulnerable adult more receptive to sexual contact.
- F. *Mental Injury* is the observable, identifiable, and substantial impairment of a child's or vulnerable adult's mental or psychological ability to function.
- G. *MCPS Employees* are both certificated and non-certificated personnel employed by MCPS, including substitute teachers.
- H. *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.
- I. *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.
- J. *MCPS Systemwide Child Abuse Contact* – The superintendent of schools shall designate a Systemwide Child Abuse Contact in the Office of the Chief of Staff, Student Welfare and Compliance, 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.
- K. *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.
- L. *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

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.

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. Mental injury to the child or vulnerable adult or a substantial risk of mental injury.
- M. *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.
- N. *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.
- O. *Vulnerable Adults* are persons 18 years of age or older who are 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. Beginning in the 2019-2020 school year, MCPS staff and others, as appropriate, are encouraged to submit written reports through the online electronic portal linked on the website, which automatically transmits copies to the offices and agencies specified below. If a paper alternative is utilized, 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 or submitted electronically.

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 student.
- 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; and

- c) coordinate other MCPS staff members including MCPS representatives from OEELR, the Office of Student and Family Support and Engagement, OSSI, the Office of the General Counsel, the Department of School Safety and Security, and the Department 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; and
- 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 (OCOO) 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 OCOO 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/or other guidance including the *MCPS Employee Code of Conduct*, 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 *MCPS 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, Board policies, and MCPS regulations, contracts, and/or other guidance including the *MCPS Employee Code of Conduct*, and whether additional professional development or other process enhancements are warranted.

- (4) The investigation shall comply with Board policies and MCPS regulations, contracts, and/or other guidance including the *MCPS Employee Code of Conduct*, 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, OSSI, the MCPS Department 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 Department 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 or supervisor shall collaborate with the MCPS Systemwide Child Abuse Contact, the MCPS Department 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. Maryland law also establishes criminal penalties for knowing failure to report and intentionally interfering with reporting.
- B. 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.

- C. 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.
- D. 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.

VII. PROHIBITION ON RECOMMENDATIONS FOR FUTURE EMPLOYMENT WHEN SEXUAL MISCONDUCT IS SUSPECTED OR ALLEGED

- A. As set forth in federal law, no MCPS employee may assist an MCPS employee, contractor, or volunteer in obtaining a job, apart from the routine transmission of administrative and personnel files, if the individual knows, or has probable cause to believe, that such employee, contractor, or volunteer engaged in sexual misconduct regarding a minor or student.
 - 1. Prohibited forms of assistance include, but are not limited to, providing a reference or referral to a prospective employer. Assistance is prohibited regardless of whether or not the employee, contractor, or volunteer is seeking a job that involves children or students.
 - 2. Permissible administrative actions are routine transmission of administrative and personnel files according to established procedures, and includes, but are not limited to, providing a copy of a transcript, or confirming dates of employment.
- B. This prohibition shall not apply if –
 - 1. the matter has been officially closed, or has been investigated and there is insufficient information to establish probable cause;
 - 2. the employee, contractor, or volunteer has been charged with, and acquitted or otherwise exonerated of the alleged misconduct; or
 - 3. the case or investigation remains open and there have been no charges filed within four years.
- C. MCPS employees who have questions about such permissible or prohibited actions should contact OEELR.

VIII. 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, contracts, or guidance, including the *MCPS Employee Code of Conduct*, the individual shall be subject to discipline up to and including suspension or dismissal. Further, 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.
- 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.

IX. 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 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 the mandatory training 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 and/or other guidance including the *MCPS Employee Code of Conduct* 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:

Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act Section 8546 (20 U.S.C. §7926); *Annotated Code of Maryland*: Criminal Law Article §3-602.2, Education Article §6-113 and §6-113.2, 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; revised July 18, 2019.