

Update on the Implementation of Board of Education Policy JHC, Child Abuse and Neglect for Fiscal Year 2020

Policy Management Committee
December 10, 2020

Annual Update

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.

POLICY BOARD OF EDUCATION OF MONTGOMERY COUNTY

JHC

Related Entries: ACF, ACF-RA, COB-RA, IOH-RA, IJA-RA, IRB-RA, JHC-RA, JHF, JHF-RA, JOA-RA
Responsible Office: School Support and Improvement
Human Resources and Development
Special Education and Student Services
Related Sources: *Annotated Code of Maryland*: Education Article §6-113, Family Law Article, §§5-560, 5-561, 5-701, 5-702, 5-705.2, 5-704, 5-705, 5-708, and Human Services Article, §1-202;
Code of Maryland Regulations 07.02.07.04-.05, 13A.12.05.02, and 13A.08.01.03

Child Abuse and Neglect

A. PURPOSE¹

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

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

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

COVID Pandemic

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](#)

COVID Pandemic

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](#)

Implementation of Policy JHC

Staff Training

- 11-module Districtwide mandatory compliance training
- Enhanced training sessions for new administrators (Leadership Development Prog.)
- Enhanced training sessions to include all counselors, PPWs, PCCs, Bilingual Assessment Team
- Emphasized training on Safety in a Digital Age module (communication expectations for employees)

Screening of New and Existing MCPS Employees

- National Association of State Directors of Teacher Education
- and Certification Clearinghouse (NASDTEC)
- House Bill 486, Child Sexual Abuse and Sexual Misconduct Prevention

Training and Screening for Volunteers and Contractors

- Rebuilt vCAN Module (Volunteer/Contractor Online course)

Staff Learning Continuum in the Areas of Student Welfare

- Benchmarked with randomly selected schools to attain *best practices, school-based protocols*

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

Student Welfare Stakeholder Improvement Team → Internal/External collaborative group, reimagined to include Child Abuse and Neglect, as well as hate-bias incidents, bullying / cyber bullying, harassment (including sexual harassment, hazing, intimidation, and student gender identity norms).

Increased collaboration with external partners in a virtual setting

- Montgomery County Council of PTAs (MCCPTA)
- State's Attorney's Office
- Special Victims Investigations Division of Montgomery County Police Department (SVID)
- Child Welfare Services (CPS)

Total Number of Suspected Cases

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.

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

**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	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.

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

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.*

Incidents Resulting in Requests for Suspension or Revocation of Certification

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

Lawsuits Related to Child Abuse and Neglect

- *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.

FY21 Considerations

- 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.

Questions and Comments