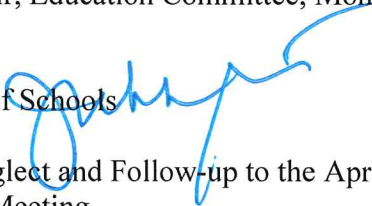


Office of the Superintendent of Schools
MONTGOMERY COUNTY PUBLIC SCHOOLS
Rockville, Maryland

September 12, 2018

MEMORANDUM

To: The Honorable Craig Rice, Chair, Education Committee, Montgomery County Council

From: Jack R. Smith, Superintendent of Schools 

Subject: Update on Child Abuse and Neglect and Follow-up to the April 18, 2018, County Council Education Committee Meeting

On April 18, 2018, Montgomery County Public Schools (MCPS) provided the members of the Montgomery County Council's Education Committee a briefing regarding Board of Education Policy JHC, *Child Abuse and Neglect*. We appreciated the Education Committee's questions and suggestions that informed and will continue to guide our ongoing continuous improvements in the critical areas of preventing, recognizing, and reporting child abuse and neglect.

My memorandum of August 29, 2018, to the Members of the Board of Education, Update on the Implementation of Board of Education Policy JHC, Child Abuse and Neglect, for Fiscal Year 2018, is attached for your reference. The memorandum provides a comprehensive update on our district implementation of the policy, including 2017–2018 data regarding cases of suspected and confirmed child abuse, as well as pertinent information in response to questions and comments you shared at the close of the meeting on April 18, 2018. At your request, we are providing responses to the areas you highlighted for MCPS consideration for the 2018–2019 school year. Your questions and comments that were captured (in italics) and our team's responses follow.

1) Consider forming a committee on child abuse and neglect for next school year.

During the 2018–2019 school year, the Compliance Unit will be forming a committee consisting of internal and external stakeholders invited from across the County on the topic of recognizing, reporting, and preventing child abuse. The committee will receive information regarding MCPS protocols and practices (excluding individual and confidential cases), as well as provide input and feedback to continuously improve our practices to further ensure the safety of our students.

Note: Meetings with this committee will serve in addition to and apart from: our standing Multidisciplinary Team, which addresses issues of child abuse and neglect and includes high level representatives from Child Welfare Services, the Montgomery County State's Attorney's Office, the Montgomery County Police Department, and MCPS; as well as other meetings on the topic (i.e., The Safety and Climate Committee of the Montgomery County Council of Parent Teacher Associations, Inc.; and the Maryland State Department of Education local educational area meetings on the topic).

- 2) *Public Statements to the Community: MCPS does many good things – need to use incidents to inform and improve practices and policies and share good work occurring in MCPS with the public.*

Both school-level and central services administration regularly communicate to their communities about steps taken to keep children safe. On September 3, 2018, MCPS released a message to all community members outlining the dozens of protocols and practices the district has in place to ensure student safety including information on preventing, recognizing, and reporting child abuse and neglect. Additionally, in summer 2018, MCPS redesigned its website. The website features additional engaging content and visuals that highlight important and timely information for our community. This includes the [Child Abuse and Neglect webpage](#) that was revised for ease of access to critical topics, such as how to report suspicions of abuse, resources for children and families, training for volunteers, as well as related policies, regulations, and annual district reporting of data on abuse and neglect. Our Board policies and MCPS regulations are translated into multiple languages. In addition, in the interest of sharing information with the greater community, we provide multiple links to messages disseminated to specific communities regarding arrests for charges related to child abuse to ensure the entire community can easily access this information (also summarized in our annual reports to the Board of Education).

- 3) *Policies regarding communications – sharing information with community on how to report as well as information regarding Employee Code of Conduct (distribute to parents and students, not just for staff).*

MCPS includes on our Child Abuse webpage information for parents/guardians on how to recognize and report suspicions of child abuse and neglect in a step-by-step process; noting that it is never too late to report. This information has been simplified on the webpage that was revised this summer. There is a large button on the top of the webpage with a “one-click” to report. Regarding the sharing of the MCPS 2017 *Employee Code of Conduct*, the Public Information Office provided a link to this document in the July 1, 2018 “MCPS *QuickNotes*,” which is distributed to the community, and includes links on our website to the [Employee Code of Conduct](#), which is translated into multiple languages. The revised 2018 *Code of Conduct* was shared the first week of September with all community members as a component of the start of the school year [safety message](#).

Additionally, this information is communicated with all parents/guardians who volunteer in schools with MCPS as part of the child abuse prevention [training module](#). Since 2016, 62,951 volunteers have been trained, most of whom are parents/guardians.

- 4) *Curriculum: Personal Body Safety Lessons – Post information on the lessons and information for parents on how to discuss the topic with children.*

The PBSL (Personal Body Safety Lessons) course objectives are posted online, by grade level and MCPS staff members are expected to deliver the appropriate level curriculum to all students. In addition, these lessons are adapted for students in specific special education programs. Furthermore, during summer 2018, MCPS Counseling and Health Education staff developed PBSL information

at the elementary and secondary levels for parents/guardians to use in discussing the topic with their children. This was in response to parents/guardians in the Cloverly Elementary School community seeking a [resource on body safety](#) that they could use to address the topic of child abuse with their children.

5) Provide more with family resources – student and family resources.

MCPS reviews, revises, and updates our webpages of information to reflect new resources that are useful to our community, as well as are responsive to requests. For example, MCPS has developed personal body safety information for parents/guardians to use in discussions with their children; easier and faster access to child abuse reporting processes; updated FAQs for volunteers and contractors—please reference Questions 2, 3, 4, and 8).

6) Dr. Smith should tell the public MCPS is taking child abuse and neglect seriously (similar to his messages to the community regarding cyberbullying and tragedies in general).

Dr. Smith is clear in his communications that the safety of our students is our first priority as evidenced by the mandatory training on preventing, recognizing, and reporting child abuse and neglect for all MCPS staff, as well as contractors and regular volunteers. He regularly shares this message with the MCPS community directly and through the media. Within the MCPS community, since the 2015–2016 school year, we have provided training on the subject including Personal Body Safety lessons to more than 250,000 individuals (staff, parents/guardians, community members, contractors, and students). Data regarding the training of staff, volunteers, and contractors is included in his annual update to the Board of Education that is posted on the MCPS webpage for the public. Examples of Dr. Smith’s most recent messages to the community regarding the [Kabongo case](#) and the [Katz case](#), he emphatically condemns their criminal and despicable actions.

7) Human Resources – Standardization – who is doing background checks? How many are doing this work?

MCPS conducts multipoint background checks on employees to ensure that they are qualified, ethical, responsible, and meet high expectations for professionalism prior to being hired or interacting with students. A [summary of the requirements](#) is available on the website.

Fingerprinting and background checks for staff, volunteers, or contractors currently may be obtained through the following options:

- MCPS Office of Human Resources Development
 - 45 West Gude Drive, Rockville, Maryland 20850 or
- American Identity Solutions (AIS)
 - 6701 Democracy Boulevard, Suite 110, Bethesda, Maryland 20817
 - 12501 Prosperity Drive, Suite 200, Silver Spring, Maryland 20904
 - 7361 Calhoun Place, Rockville, Maryland 20855

MCPS will be issuing a Request for Proposals in the near future to expand options for fingerprinting.

All certified educators' credentials are checked 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. In addition, MCPS is committed to re-fingerprinting all existing employees to ensure we have the most up-to-date information possible regarding their backgrounds.

8) How to report – Make steps clear for parents on how to report child abuse.

As noted in the response to Question 3, our revised MCPS Child Abuse webpage provides information on how to recognize and report suspicions of child abuse and neglect in a step-by-step process and provide easy access to reporting forms. Pursuant to our memorandum of understanding on recognizing and reporting child abuse with County agencies, MCPS directs that for our staff, contractors, and volunteers, all child abuse should be reported to Child Protective Services (CPS). In addition, child sexual abuse should be reported to the Special Victims Investigative Division of the Montgomery County Police Department (SVID), and if there is an immediate danger, to call 911. We also post Frequently Asked Questions (FAQs) for volunteers and contractors. These FAQs with answers are updated annually with links to critical information.

9) On Webpage – List on the website information about employees who have been charged with child abuse.

As discussed previously, MCPS provides an annual update to the Board of Education regarding strategies implemented to prevent, recognize, and report child abuse and neglect. MCPS is the only jurisdiction in Maryland and the region to proactively share a comprehensive report of this nature with the community. In addition, the data regarding child abuse and neglect reports that were made by MCPS staff, volunteers, or contractors are included. Data included in the update specific to MCPS staff reported as well as outcomes and actions taken are included. These updates are provided on the Child Abuse webpage with links to community notifications regarding arrests by name, and are also included in the updated annual report to the Board of Education:

- Update on the Implementation of Board of Education Policy JHC, [Child Abuse and Neglect](#), for Fiscal Year 2018 (August 29, 2018);
- Update on the Implementation of Policy JHC, [Child Abuse and Neglect](#), for Fiscal Years 2016 and 2017 (January 25, 2018);
- Update on the Implementation of Board of Education Policy JHC, [Child Abuse and Neglect](#), for Fiscal Year 2017 (August 16, 2017); and
- Update on the Implementation of Board of Education Policy JHC, [Child Abuse and Neglect](#), for Fiscal Year 2016 (July 20, 2016).

MCPS generally is unable to share information until individuals have been arrested, per our Memorandum of Understanding with the Montgomery County Police Department and the State's Attorney's Office, and Child Welfare Services to avoid prejudicing an investigation. Prejudicing an investigation could lead to a suspect fleeing or tampering with potential evidence.

10) Employee Code of Conduct – Review and include option to document all code violations.

The *Employee Code of Conduct* is reviewed and revised annually. The documentation of code violations is dependent on the infraction. For example, an employee may be late to work one day, and the supervisor may decide to meet with the employee to clarify expectations orally; but determine that an employee’s conduct does not warrant formal disciplinary action or written documentation of the incident and the response, especially if this is the first time that such conduct has occurred, and the employee otherwise does not have a disciplinary record. However, revisions incorporated into the *Employee Code of Conduct* for 2018–2019 clarify that, “A written response, after consultation with [the Office of Employee Engagement and Labor Relations], is required in all cases involving allegations of sexual misconduct or harassment.”

11) Timing of response to community following incident to include as much information as possible.

MCPS is committed to swiftly communicating to parents/guardians and/or the community regarding allegations of abuse that affects their child (children), while mindful not to jeopardize an ongoing SVID and/or CPS investigation. MCPS works closely with County partner agencies to communicate this information. When MCPS learns that of an arrest for alleged abuse involving an employee, the principal and central services staff collaborate with County partner agencies regarding if and when the community is notified. As soon as MCPS has an agreement with the agencies, MCPS—at the earliest possible time—releases information. This ensures that we are protecting the identities of our children and families, procuring the resources and support for potential victims, and are in no way interfering or impeding investigations.

Per MCPS [Regulation JHC-RA, Reporting and Investigating Child Abuse and Neglect](#) (page 13 of 17): “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 Office 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.

When cases of abuse involve an arrest and extend beyond one school community, a communication is sent to those affected via the MCPS ConnectED system. For individual school cases of abuse arrests, the principal communicates with the school community via e-mail and/or the ConnectED system. MCPS continues to examine its practices on how to maximize communications and how it works with individual principals to provide direction and support in determining actions and communication for each case.

12) Attachment E1, had a list of items for FY 16, 17, need FY 18. What is the progressive discipline with child abuse?

Progressive discipline actions depend on the incident. After a report of child abuse involving a MCPS staff member, contractor, or volunteer, MCPS Regulation JHC-RA requires its Office of Employee Engagement and Labor Relations to conduct an internal investigation to determine whether

any violations of MCPS policies, regulations, or rules have occurred—even when Child CPS or the Montgomery County Police Department screens out or closes the case without taking action and/or the Montgomery County State’s Attorney’s Office declines to bring criminal charges. The annual memorandum to the Board of Education notes personnel actions short of dismissal for alleged child abuse reports—such as suspensions, reprimands, or cautionary memorandum. A variety of matters may fall into this category—such as a brief touching of a student’s arm to redirect that student or an employee’s well-meaning effort to intervene in a fight in a way that unintentionally results in a minor scrape to a student. Because we train our staff that when in doubt they should err on the side of reporting, such incidents may be logged as reports to CPS, and therefore they are counted in the statistics provided in the annual memorandum to the Board of Education. When such incidents occur, MCPS does believe that they merit investigation and, in many cases, a disciplinary consequence; but progressive discipline short of dismissal may be warranted taking into account the totality of the circumstances. By contrast, a serious infraction that results in a criminal conviction for child abuse would almost certainly result in termination, even for a first-time offense. This distinction is set forth in the section of the *Employee Code of Conduct* on progressive discipline.

13) Has anyone from MCPS been transferred to another school after being reported for child abuse?

There is no option for an employee to transfer in lieu of a thorough investigation of allegations of child abuse. A transfer to another school never replaces an external investigation by CPS and SVID, followed by a robust internal investigation by the MCPS Compliance and Investigations Department. MCPS reports all allegations of child abuse and neglect to CPS and law enforcement. Even if a case is ruled out by CPS and law enforcement does not proceed with charges, MCPS conducts an internal investigation. If and when allegations prove unfounded, MCPS may consider transferring the employee or the employee may seek a transfer according to MCPS protocols if it is in the best interest of the school community.

14) How do we compare to other LEA’s? Are incidents of child sex abuse in MCPS disproportionate to other LEA’s?

Staff in the MCPS Public Information Office and the Compliance Unit has reviewed the practices of reporting child sex abuse by other local education agencies in Maryland. We have found no other district in Maryland or the region that provides the type of extensive reporting on cases and data regarding child sex abuse to the public on their websites as that of MCPS.

Statistics from the Child Welfare League of America (CWLA.org) regarding the state of Maryland: [“MARYLAND’S CHILDREN 2017”](#) in “Maryland’s Children at a Glance” cited the following 2015 statistics:

- “In 2015, Maryland had 51,349 total referrals for child abuse and neglect. Of those, 20,623 reports were referred for investigation.
- In 2015, there were 6,790 victims of abuse or neglect in Maryland, a rate of 5.0 per 1,000 children, a decrease 25.5% from 2014. Of these children, 59.7% were neglected, 22.7% were physically abused, and 23.8% were sexually abused.

- The number of child victims has decreased 50.6% in comparison to the number of victims in 2011.
- In 2015, there were 28 child deaths resulting from abuse or neglect reported in Maryland.”

According to the [Centers for Disease Control and Prevention, Child Maltreatment](#): Facts at a Glance (2014), in 2012, U.S. state and local CPS received an estimated 3.4 million referrals of children being abused or neglected.

- CPS estimated that 686,000 children (9.2 per 1,000) were victims of maltreatment.
- Of the child victims, 78 percent were victims of neglect; 18 percent of physical abuse; 9 percent of sexual abuse; and 11 percent were victims of other types of maltreatment, including emotional and threatened abuse, parent’s drug/alcohol abuse, or lack of supervision.
- CPS reports of child maltreatment may underestimate the true occurrence. A non-CPS study estimated that one in four U.S. children experience some form of child maltreatment in their lifetimes.

In a 2017 U.S. Justice Department report, an estimated 10 percent of K–12 students will experience sexual misconduct by a school employee by the time they graduate from high school. Such misconduct can result in lifelong consequences for students including negative physical, psychological, and academic outcomes.

- Grant, Billie-Jo; Wilkerson, Stephanie B.; Pelton, deKoven; Cosby, Anne; & Henschel, Molly. (2017). A [case study](#) of K–12 school employee sexual misconduct. National Institute of Justice, Office of Justice Programs, U.S. Department of Justice.

Through [case studies](#), the *Chicago Tribune* delineated failures to respond, failures in district oversight, and conflicts of interest in cases of child sexual abuse in the Chicago Public Schools. The district’s failure to protect students from abuse resulted in lasting damage.

As evidenced in the references included and noted, child abuse and neglect is a national, state, and local problem. MCPS is not alone when addressing these concerns; however, we will continue to make it our priority to have in place proactive and reactive strategies that will deter child abusers and would-be child abusers from entering our district.

Please contact Dr. Donna S. Hollingshead, associate superintendent of school administration, at 240-740-3214, for further information or clarification. We appreciate your continued collaboration and support for the safety and security of all the students and families in MCPS.

JRS:DSH:HRJ:lgp

Attachment

Copy to:
Members of the Board of Education
Executive Staff
Mr. Ikheloa