

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

September 15, 2021

MEMORANDUM

To: Members of the Board of Education

From: Monifa B. McKnight, Interim Superintendent of Schools

Subject: Update on the Implementation of Board of Education Policy JHC, Child Abuse and Neglect, for Fiscal Year 2021

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) 2021, 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 following 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 efficiently and effectively will 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 refine and improve 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 ongoing 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 enacted Maryland Safe to Learn Act of 2018. For more information about these initiatives, see:

<https://www.montgomeryschoolsmd.org/departments/security/resources/>.

COVID-19 Pandemic

In July 2020, Montgomery County Board of Education approved the MCPS Recovery of Education plan. Specifically, the *Fall 2020: Reimagine, Reopen, Recover* plan provided a high-quality virtual learning experience to ensure the safety and wellness of students and staff. The plan provided a robust and dynamic virtual learning experience, which included the use of resources and stakeholder engagement in the plan development. Student Welfare and Compliance (SWC) staff developed “*Searching for Signs*” to assist and support school-based staff in recognizing and reporting child abuse and neglect in a virtual learning environment.

MCPS worked with the Department of Health and Human Services (DHHS) to permit Child Protective Services (CPS) social workers to visit our school buildings for the purpose of interviewing students during the second semester of the 2020-2021 school year. CPS social workers completed the *Return to In Person Learning 2021: COVID-19 Health and Safety Training* module and completed the health-attestation consent form for each school visit conducted.

MCPS closely worked 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.

- Student Welfare and Child Welfare Services regularly teleconferenced to review student cases and examine procedures.
- All MCPS guidelines and protocols, including *Recognizing and Reporting Suspected Child Abuse and Neglect*, remained in full effect during the *Fall 2020: Reimagine, Reopen, Recover* plan and throughout the COVID-19 pandemic. SWC staff prepared and distributed support resources and guidelines to ensure that all staff, students, and families were safe and supported. Specific resources are available on the [SWC website](#).

The Office of Student and Family Support and Engagement worked with school administrators to assist in the formation of the School-based Student Well-being Team (SWT) for each school location. Each SWT consists of pupil personnel workers, parent community coordinators, school counselors, school psychologists, English for Speakers of Other Languages transition counselors and staff members with strong connections to students, families, and the school communities. The SWT is a collaborative problem-solving group focusing on unique student needs and family outreach efforts including Wellness Checks.

I. Implementation of Policy JHC in Fiscal Year 2021

A. Staff Training

MCPS employees complete a mandatory eleven-module districtwide compliance training, including an extensive module specific to the topic of child abuse and neglect, which was 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 modules to ensure every 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.

For Fiscal Year (FY) 2021, MCPS continuously improved the modules based on multi-stakeholder feedback gathered through employee surveys, labor association focus groups, and county partner agencies—including the Montgomery County Police Department’s (MCPD) Special Victims Investigation Division (SVID), the State’s Attorney’s Office, and CPS, as 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. Of note are the revisions to the modules made to be more inclusive and sensitive to students and families who are not native English speakers or may have undocumented status.

For FY 2021, 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 bypass the introductory content of those modules. However, 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 complete 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](#).

Potential hires of certificated staff are vetted through the National Association of State Directors of Teacher Education and Certification (NASDTEC). Certificated staff include: teachers, counselors, librarians, media specialists, psychologists, principals, assistant principals, or certain other administrators who hold a state-issued certificate that proves they have obtained the necessary credentials and knowledge for their position. The NASDTEC Educator Identification Clearinghouse is a national collection point for professional educator discipline actions taken by all 50 states, the District of Columbia, U.S. Department of Defense Educational Opportunity schools, and Guam. This screening helps to ensure that an educator’s credentials have not been suspended or revoked. Access to the NASDTEC Clearinghouse is available to local school districts in Maryland.

Potential hires of all certificated and non-certificated employees; certain volunteers designated for background checks in MCPS Regulation IRB-RA, *Volunteers in Schools*; and contractors working on MCPS property are fingerprinted, and those fingerprints are submitted to the Federal Bureau of Investigations’ (FBI) Record of Arrest and Prosecution Background (Rap Back) service. Rap Back identifies persons arrested and/or prosecuted for misdemeanors and felonies which may span a range of offenses (e.g., misdemeanors such as disorderly conduct, or felony offenses such as assault). Not all offenses identified in Rap Back are reportable offenses specified under the Code of Maryland Regulations §13A.08.01.17, but the MCPS Department of Compliance

and Investigations reviews all incidents identified by Rap Back. Rap Back eliminates the need for repeated background checks by providing MCPS with on-going status notifications of any criminal history record information reported to the FBI and State (if available) regarding fingerprinted employees, contractors, and specific volunteers. Currently, Rap Back reviews information from all 50 states and U.S. territories.

MCPS contracts with CPS to review all databases available to them to determine whether any potential hires and new volunteers specified in MCPS Regulation IRB-RA, *Volunteers in Schools*, have been “indicated” for abuse and neglect of a child or vulnerable adult, meaning that a CPS unit in any particular locale has investigated and found evidence to support a reported claim of abuse or neglect. Databases available to Montgomery County CPS contain records for the state of Maryland. Retroactive reviews of all existing MCPS staff hired prior to 2013 are ongoing and have been prioritized for review in the following order: school-based staff, transportation and maintenance staff, psychologists, and other staff who have direct contact with students, followed by all other staff who do not have regular contact with students.

MCPS also continues to implement [MCPS Regulation GCC-RA, Staff Self-Reporting of Arrests, Criminal Charges, and Convictions](#). All MCPS employees are required to self-report any arrests, charges, convictions, or other disposition of cases pertaining to crimes delineated in MCPS 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.

Since 2019, all applicants must comply with Maryland 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 Maryland Code, Education §6-113.2. The law requires that a county board, nonpublic school, or contracting agency 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 the request of a report from 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 the 2020-2021 school year, parents/guardians or community volunteers were not permitted in schools as recommended by county and state regulations, due to COVID-19 restrictions.

For the 2021–2022 school year, all volunteers who regularly support schools and those who attend field trips continue 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, 108,081 volunteers have completed the online training as of August 1, 2021. For FY 2021, 3,320 volunteers completed the online training during

the school year. Frequently Asked Questions for Volunteers are posted on the [Child Abuse and Neglect web page](#).

With respect to contractors, MCPS continues 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 and fingerprinting if the individuals will work in an 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 and regularly revised Frequently Asked Questions on the [Required Criminal Background Checks for Contractors web page](#). In FY 2021, MCPS continued to require completion of the online Recognizing and Reporting Child Abuse and Neglect training module for the aforementioned contractor's workforce.

D. Staff Learning Continuum in the Areas of Student Welfare

Student Welfare and Compliance collaborated with the Office of General Counsel, the Equity Initiatives Unit, the Student Leadership and Extracurricular Activities Unit, the Department of Compliance and Investigations and the Department of Systemwide Safety and Emergency Management to develop required training for all school-based administrators and athletics specialists. This training provided an enhanced look at revisions of Board Policy ACA: *Nondiscrimination, Equity and Cultural Proficiency*, Board Policy ACF: *Sexual Misconduct and Sexual Harassment of Students* and new Board Policy ACI: *Sexual Harassment of MCPS Employees* with applications and implications for school leadership involving Title IX/Sexual Harassment and incidents of hate-bias. This training also included student survey data from the *2021 Culture of Respect Student Training Module* to assist school administrators and athletics specialists address the *School Climate for Students and Families* section of the 2021-2022 School Improvement Action Plan.

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

A DHHS/Child Welfare Services Spring Stakeholders Forum was held to provide county partner agencies updates on COVID-19; the local review of federal practices; the increased number of children's mental health referrals for suicidal ideations; focus on child and family safety; and the decreased number of referrals due to school buildings being closed.

Staff in the Student Welfare and Compliance and the Student Leadership and Extracurricular Activities Unit collaborated with the Montgomery County Council of PTAs, Inc. Lesbian Gay Bisexual Transgender and Queer (LGBTQ) Sub-Committee, MoCo Pride Center, Trans Maryland, and Supporting and Mentoring Youth Advocates and Leaders (SMYAL) to host the 2021 PRIDE Town Hall. The virtual event, offered six interactive workshops. Dr. Amena Johnson, Montgomery County Government LGBTQ Liaison, was the keynote speaker. The workshop topics included Gender Identity Norming in Schools; Mental Health Supports; LGBTQ Resources, administrator-led Welcoming Schools; and Support at the Elementary Level. Students, families, staff, and the community had an opportunity to connect and to learn about LGBTQ supports and resources, as well as MCPS gender identity policies and procedures.

III. Total Number of Suspected Cases Reported

During FY 2021, 1,784 suspected incidents of child abuse or neglect were reported by MCPS staff, volunteers or contractors to CPS or Adult Protective Services (APS). During FY 2020, 2,720 suspected incidents of child abuse or neglect were reported by MCPS staff, volunteers or contractors to CPS or APS. This is in comparison to FY 2019, when 3,133 suspected cases of child abuse or neglect were reported, and FY 2018, 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](#). Of the 1,784 suspected incidents reported in FY 2021, 1,703 were online reports and 81 were written reports.

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

During FY 2021, the Office of Employee Engagement and Labor Relations received information regarding 40 cases reported to CPS and/or MCPD involving alleged abuse or neglect by an MCPS employee, volunteer, or contractor.¹ This is in comparison to FY 2020 when 270 cases were reported, FY 2019 when 307 cases were reported, FY 2018 when 357 cases were reported and FY 2017 when 309 cases were reported. This number includes cases of alleged abuse involving MCPS employees with students. The final disposition of these cases by CPS is summarized in the table below. In some of these cases, SVID also may 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 ² | | | | |
|------------|-------------------|---------------------------|-----------|-----------------|-----------|---------|
| | | Screened Out | Ruled Out | Unsubstantiated | Indicated | Ongoing |
| Employee | 38 | 27 | 3 | 1 | 2 | 3 |
| Volunteer | 0 | 0 | 0 | 0 | 0 | 0 |
| Contractor | 2 | 2 | 0 | 0 | 0 | 0 |

+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 Board Policy JHC, *Child Abuse and Neglect* and MCPS 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 following table summarizes the actions taken by MCPS after MCPS, 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. 3, 2020) |
|------------|---------------------|-----------------------------------|--|------------------------|-------------------------|------------------------|
| Employee | 15 | 8 | 2 | 0 | 5 | 8 |
| Volunteers | 0 | 0 | 0 | 0 | 0 | 0 |
| Contractor | 1 | 1 | 0 | 0 | 0 | 0 |

**Thirteen cases were resolved in FY 2021, from the FY 2019 and FY 2020 school years: No actions warranted 9; Reprimand or other disciplinary letter 4; Removal from employment 22.*

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

² 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.

Policy JHC, *Child Abuse and Neglect* also requires that the Board of Education be 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 FY 2021 and based on publicly available records.

- A middle school teacher was arrested on multiple charges of possession of child pornography. Charges are pending. ([Community Letter](#))
- A former high school coach is charged with one count of sexual abuse of a minor related and fourth-degree sexual conduct. Charges as pending. ([Community Letter](#))
- A high school teacher, and coach is accused of sex abuse of a minor and multiple counts of third-degree sex offense stemming from alleged inappropriate sexual contact between the teacher and a middle school student during the 2014-2015 school year. Charges are pending. ([Community Letter](#))

- An MCPS bus operator is charged with one count of sexual abuse of a minor and one count second degree assault stemming from his work at as a private driving instructor.

The following is an accounting of charges and adjudication status of cases filed in FY 2019 and FY 2020 based on publicly available records.

- A former bus operator was charged with multiple counts of second-degree rape, sex abuse of a minor, third-degree sex offenses, and vulnerable adult abuse. The charges stem from inappropriate conduct with MCPS students. Due to delays related to COVID-19, the charges remain pending. ([Community Letter](#))
- An employee of a construction contractor working on a field reconstruction project at an 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 pleaded guilty to third-degree rape and third-degree sex offense. Due to delays related to COVID-19, the construction contractor employee currently is awaiting sentencing. ([Community Letter](#))
- An individual who led a non-MCPS after-school program located at an elementary school was charged with six counts of indecent exposure, stemming from inappropriate contact with two MCPS students who attended the after-school program. The individual pleaded guilty to indecent exposure and was sentenced to two years, suspend all, and four years' probation. ([Community Letter](#))
- A bus attendant was arrested and charged with second-degree assault, stemming from inappropriate conduct with MCPS students. The bus attendant received probation before judgment and was placed on probation for two years. ([Community Letter](#))
- A former special education teacher at Col. 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 due to delays related to COVID-19. ([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 including 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. The following chart includes cases where MCPS sought suspension or revocation of a teaching certificate in FY 2021 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 2021

| Incident | State Superintendent of Schools Action |
|--|--|
| Employee dismissed for sexual misconduct involving a student. | Pending Revocation Requested by MCPS |
| Employee dismissed for sexual misconduct involving a student. | Pending Revocation Requested by MCPS |
| Employee dismissed after criminal charges of alleged sexual child abuse. | Pending Revocation Requested by MCPS |
| Employee resigned after notice of misconduct involving students. | Pending Suspension Requested by MCPS |
| Employee dismissed for sexual misconduct involving students. | Pending Revocation Requested by MCPS |
| Employee dismissed after criminal charges of alleged sexual misconduct. | Pending Revocation Requested by MCPS |
| Employee dismissed for misconduct involving a student. | Pending Suspension Requested by MCPS |

A full list of former Maryland school district employees whose state certification was 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. Lawsuits 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 database for federal court record, five cases were 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 2021:

- **DOE, JOHN AND JANE, ET. AL. v. MONTGOMERY COUNTY BOARD OF EDUCATION**

Plaintiffs claim injuries and damages inflicted on their minor daughter resulting from alleged sex assault by a school bus driver. A summary of the case has been reported by the media. (See, for example, <https://wtop.com/montgomery-county/2021/06/mcps-sued-by-family-of-girl-sexually-assaulted-on-a-school-bus/>). There is a settlement in progress on this matter. This case was filed on May 27, 2021. More details are found in the docket: Case # 485884-V.

- **DOE, JANE, BY GUARDIAN v. BOE**

The minor Plaintiff, through her Guardian, claims injuries and damages as a result of her alleged sexual abuse over a period of time by an MCPS teacher due to the deliberate indifference and negligence of Defendant BOE and its administrators. This case has also been reported by the media. (see, for example, https://www.washingtonpost.com/local/education/he-was-warned-about-getting-too-close-to-students-but-this-maryland-teacher-was-allowed-to-stay-in-the-classroom/2017/08/25/5ac2ad76-7bbe-11e7-a669-b400c5c7e1cc_story.html)

This case has been settled, but the settlement is sealed. CCMC - Case # 435268-V removed to USDC # 8:17-cv-03325-PX

- **DOE, JOHN & JANE, next Friends JANE DOE v. BOE**

Plaintiffs claim their minor child sustained injuries and damages arising from an alleged sexual assault by a school bus operator. This case involves the same school bus driver as Case No. 485884-V and details can be found at <https://bethesdamagazine.com/bethesda-beat/police-fire/mcps-school-bus-driver-charged-with-rape-abuse-of-special-education-student-placed-on-leave/>. This matter settled for \$300,000. The case number for this matter is # 483171.

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

VII. FY 2022 Considerations

Continuous improvement efforts in recognizing and reporting child abuse and neglect are ongoing and implemented throughout the year. Input from schools regarding the return to school buildings, aligned with the interim superintendent's Prosper 100 vision, will lead to enhanced responsiveness for the safety of student.

We will continue to provide updates regarding the implementation of Board Policy JHC, *Child Abuse and Neglect*, and MCPS Regulation JHC-RA, *Reporting and Investigating Child Abuse and Neglect*.

If you have any questions, please contact Mr. Gregory S. Edmundson, director, Student Welfare and Compliance, Office of Districtwide Services and Supports, at 240-740-3215, or Mrs. Michaela O. Simmons, director, Department of Compliance and Investigations, Office of Human Resources and Development at 240-740-2888.

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