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

August 16, 2017

MEMORANDUM

To: Members of the Board of Education

From: Jack R. Smith, Superintendent of Schools

Subject: Update on the Implementation of Board of Education Policy JHC, Child Abuse and Neglect, for Fiscal Year 2017

The purpose of this memorandum is to provide you with information about the number of child abuse and neglect reports that were made by Montgomery County Public Schools (MCPS) staff, volunteers, or contractors during Fiscal Year (FY) 2017, as well as other information as required by Section E.2 of Board Policy JHC, Child Abuse and Neglect.

Significant progress in the implementation of Board Policy JHC was made as we continued to remain vigilant in our efforts to prevent, recognize, and report child abuse and neglect.

I. Implementation of Board Policy JHC in FY 2017

A. Staff Training

As part of the onboarding process for new hires, all MCPS staff are required to complete training on recognizing, reporting, and preventing child abuse and neglect. In addition, current MCPS staff are required to complete annual training at the beginning of each school year. For the 2015–2016 school year, MCPS collaborated with County partner agencies and an outside consultant to develop a new training module, which all new hires and current staff completed. For the 2016–2017 school year, new staff were required to complete this module. For returning staff, a new online refresher course module was developed, which staff was required to complete at the beginning of the school year. In addition, MCPS developed responses to frequently asked questions regarding implementation of Board Policy JHC, which were shared with principals and supervisors.

In our ongoing effort to ensure that every staff member is aware of MCPS’ expectations and has the necessary information to create and maintain a positive, safe, and healthy climate and culture in which all adults and students are able to thrive and do their best work, MCPS created additional mandatory online modules of required compliance training for all employees for FY 2018, all designed to be completed within one-half day. In addition to child abuse and neglect, the modules include: employee code of conduct, equal opportunity in the workplace, workplace bullying, ethics and conflict of interest, student-to-student sexual harassment, student bullying, religious diversity, supporting LGBTQ students, suicide prevention, and gangs and gang behavior.
B. Screening of New and Existing MCPS Employees

All new MCPS employees are required to complete a criminal background check, including fingerprinting. Beginning in September 2013, MCPS also has required a Child Protective Services (CPS) background check for new employees. In addition, MCPS has committed to completing CPS background checks for employees hired prior to September 2013. CPS background checks for elementary school staff were completed during the 2016–2017 school year. Secondary school staff will be addressed in the 2017–2018 school year.

During the 2015–2016 school year, MCPS also implemented MCPS Regulation GCC-RA, *Staff Self-Reporting of Arrests, Criminal Charges, and Convictions*. Effective October 1, 2016, MCPS employees are required to self-report any arrests, charges, convictions, or other disposition of cases pertaining to crimes delineated in the regulation. 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. To communicate this new requirement, MCPS developed informational materials, including responses to frequently asked questions, which are available on the [MCPS Regulation GCC-RA web page](#).

C. Training and Screening for Volunteers and Contractors

During the 2016–2017 school year, training and screening requirements for volunteers were expanded. As with all visitors, volunteers sign in and out of the building using the Visitor Management System (VMS) during designated school hours and wear a name badge at all times. VMS enables staff to scan a visitor’s driver’s license or identification card to produce a visitor badge and check the volunteer’s information with state sex offender registries. In addition, MCPS developed a new online training module for volunteers on recognizing, reporting, and preventing child abuse and neglect, which became available on the [Child Abuse and Neglect Information web page](#) at the beginning of the 2016–2017 school year.

All volunteers who regularly support schools and students and those who attend field trips were required to complete this online volunteer training, and MCPS also posted an informational document, *Volunteer Frequently Asked Questions*, on the MCPS website. To date, more than 36,420 volunteers have completed the online training.

In addition to these training requirements, MCPS expanded the categories of volunteers requiring criminal background checks, including fingerprinting. During the 2015–2016 school year, criminal background checks were required for volunteer coaches and overnight chaperones for Grade 6 Outdoor Environmental Education Programs. During the 2016–2017 school year, MCPS also began requiring criminal background checks for volunteer chaperones for overnight field trips, as well as for field trips that extended beyond 7:00 p.m. in the evening, except law enforcement employees who have completed a criminal background check as a requirement of employment. In total, 1,385 volunteers completed criminal background checks during FY 2017.
With respect to contractors, MCPS continued 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, including fingerprinting, if the individuals will work in an MCPS school facility in circumstances where they have direct, unsupervised, and uncontrolled access to children. For the 2016–2017 school year, MCPS developed an online training module on recognizing, reporting, and preventing child abuse and neglect, which those individuals in a contractor’s workforce, who are subject to the criminal background check, also are required to complete. A link to the module is available on the Child Abuse and Neglect Information web page. In addition, the MCPS website includes answers to frequently asked questions regarding requirements for contractors and other relevant information materials on the Required Criminal Background Checks for Contractors web page. To date, more than 7,780 contractors have completed the online training, and 1,104 completed background checks during FY 2017.

Further, staff in the Office of Student and Family Support and Engagement conducted 11 Parent Academy Workshops on the topic of recognizing and reporting child abuse and neglect. These workshops were held in fall 2016 for parents/guardians and community members in various schools across the county.

D. Student Learning Continuum in the Areas of Child Abuse and Personal Body Safety

For many years our MCPS students, elementary through high school, have received personal body safety lessons within the safety and injury prevention content standard of the MCPS Comprehensive Health Education curriculum that includes early prevention education to be able to recognize and act on suspicion of child abuse and neglect. For the 2016–2017 school year, this health education work was enhanced with prekindergarten lessons regarding “safe” versus “unsafe/unwanted touches.” This topic is a common objective across all grades. To complement the Comprehensive Health Education curriculum, MCPS staff developed Personal Body Safety Lessons for all grades, Pre-K through 12, which are led by the school counselors. A portion of this content was piloted during the 2015–2016 school year with full implementation during the 2016–2017 school year, either in health classes or other classes.

II. Collaboration with County Partner Agencies

Monthly meetings and ongoing collaboration and communications with the Multi-Disciplinary Team of our county partner agencies was a key component of the MCPS strategy to effectively address reports and issues of child abuse and neglect in a timely fashion. This highly positive and productive collaboration included representatives from MCPS, CPS, the State’s Attorney’s Office, the Montgomery County Attorney’s Office, the Special Victims Unit of the Montgomery County Police Department (MCPD), and the Tree House Child Assessment Center of Montgomery County, Maryland.
III. Total Number of Suspected Cases Reported

During FY 2017, 2,993\(^1\) incidents were reported by MCPS staff, volunteers, or contractors to the Montgomery County Department of Health and Human Services, Child Welfare Services, commonly known as CPS, or Adult Protective Services (APS). This is a decrease from FY 2016, when 3,347 incidents were reported. These data are based on written reports submitted using MCPS Form 335-44, Report of Suspected Abuse and Neglect, and other MCPS records, updated as of June 30, 2017.

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

During FY 2017, the Office of Human Resources and Development received information regarding 309 cases reported to CPS and/or MCPD involving alleged abuse or neglect by a MCPS employee, volunteer, or contractor.\(^2\) This number includes cases of alleged abuse involving MCPS employees with their own children. The final disposition of these cases by CPS is detailed in the following table. In some of these cases, the Special Victims Investigations Division of MCPD also may have investigated the alleged abuse or neglect, and any outcomes of these cases that resulted in criminal charges also are noted in the following table.

<table>
<thead>
<tr>
<th>Type</th>
<th>Pending from FY 2016</th>
<th>Number of Reports</th>
<th>Screened out</th>
<th>Ruled Out</th>
<th>Unsubstantiated</th>
<th>Indicated</th>
<th>Pending (as of June 30, 2017)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employee</td>
<td>7</td>
<td>309</td>
<td>268</td>
<td>26</td>
<td>13</td>
<td>12</td>
<td>4</td>
</tr>
<tr>
<td>Volunteer</td>
<td>0</td>
<td>5</td>
<td>5</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Contractor</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

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

\(^2\) This count does not include cases in which an incident was reported but CPS and MCPS were unable to identify the alleged maltreater.

\(^3\) 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.
Disclosure of the information from CPS reports to MCPS is subject to the provisions and penalties of Maryland Human Services Article 1-202.

Per Board Policy JHC 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 indicates the actions taken by MCPS subsequent to those investigations.

<table>
<thead>
<tr>
<th>Type</th>
<th>No Action Warranted</th>
<th>Conference or Memo for the Record</th>
<th>Reprimand or Other Disciplinary Letter</th>
<th>Suspension Without Pay</th>
<th>Termination/Resignation/Retirement</th>
<th>Pending (as of June 30, 2017)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employee</td>
<td>46</td>
<td>180</td>
<td>46</td>
<td>7</td>
<td>29</td>
<td>8</td>
</tr>
<tr>
<td>Volunteer</td>
<td>1</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>Contractor</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
</tr>
</tbody>
</table>

Board Policy JHC also requires that the Board be informed of criminal charges filed against MCPS employees, volunteers, and contractors related to allegations of abuse and neglect of children. An accounting of charges filed during FY 2017 and their adjudication status, based on publicly available records follows.4

- An assistant track coach pleaded guilty to one count of second degree assault and one count of fourth degree sex offense. The charges did not involve any MCPS students and did not occur at an MCPS facility.
- A baseball coach pleaded guilty to the charge of travel with intent to engage in illicit sexual conduct with a person under 18 years of age. The charges did not involve any MCPS students and did not occur at an MCPS facility.
- A building service worker was arrested and charged with second degree sex offense involving a MCPS student at the school where he was employed. The charge was subsequently dismissed.
- A teacher and field hockey coach received a criminal citation and pleaded guilty to furnishing alcohol to a minor, who was a student at the school where the teacher was employed.
- A bus operator was arrested and charged with two counts of sex abuse of a minor, four counts of third degree sex offense, and four counts of fourth degree sex offense, related to inappropriate conduct that occurred on a MCPS school bus with two MCPS students. These charges currently are pending.

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4 Pursuant to the Memorandum of Understanding between MCPS and County partner agencies, CPS and APS provide, to the extent permitted by law, summary data on an annual basis, regarding: (1) all reports involving suspected abuse or neglect by MCPS employees, contractors, or volunteers of students; and (2) the final disposition of those reports by action taken. Please note that some of these charges filed in FY 2017 involve incidents that occurred or were reported prior to the beginning of the fiscal year.
• A security team leader was arrested and charged with one count of sexual abuse of a minor and one count of fourth degree sex offense arising from inappropriate conduct involving a student at the school where he was employed. Charges currently are pending.
• A security assistant was arrested and charged with one count of sexual abuse of a minor, one count of third degree sex offense, and one count of fourth degree sex offense arising from inappropriate conduct involving a MCPS student. Charges currently are pending.

The following arrests and charges that were pending from FY 2016 were resolved in FY 2017:

• A former teacher and baseball coach was found guilty of two counts of sexual abuse of a minor, arising from inappropriate conduct involving a student at the school where he was employed.
• A building service worker pleaded guilty to second degree child abuse against his own child.
• A jury found a teacher guilty of five counts of third degree sex offense and four counts of sex abuse of a minor, arising from inappropriate conduct involving students at the school where he was employed.

V. Incidents Resulting in Requests for Suspension or Revocation of Certification

The Code of Maryland Regulations (COMAR) requires that the superintendent of schools notify the state superintendent of schools of various charges against certificated employees. These charges include 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 2017 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 in such a case during FY 2017, 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).

<table>
<thead>
<tr>
<th>Incident</th>
<th>State Superintendent Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employee resigned while under investigation for misconduct involving a student.</td>
<td>Revocation</td>
</tr>
<tr>
<td>Employee was dismissed for misconduct involving a student.</td>
<td>Pending</td>
</tr>
<tr>
<td>Employee resigned while under investigation for misconduct and falsification of application.</td>
<td>Revocation</td>
</tr>
<tr>
<td>Employee was dismissed for misconduct involving a student.</td>
<td>Pending</td>
</tr>
<tr>
<td>Employee resigned while under investigation for misconduct involving a student.</td>
<td>Revocation</td>
</tr>
<tr>
<td>Employee resigned while under investigation for misconduct involving a student.</td>
<td>Suspension</td>
</tr>
<tr>
<td>Employee resigned while under investigation for misconduct involving a student.</td>
<td>Pending</td>
</tr>
</tbody>
</table>
We will continue to provide updates regarding the implementation of the policy and regulation. If you have any questions, please contact Dr. Donna S. Hollingshead, associate superintendent of school administration, at 301-279-3253, or Mr. Sherwin Collette, associate superintendent of Employee Engagement and Labor Relations, at 240-314-4899.

JRS:AMZ:sro

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