

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

July 20, 2016

MEMORANDUM

To: Members of the Board of Education

From: Jack R. Smith, Superintendent of Schools

Subject: Summary Information on Child Abuse and Neglect Cases—Fiscal Year 2016

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) 2016, as well as other information as required by Section E.2 of Board of Education Policy JHC, *Child Abuse and Neglect*. The information contained in this memorandum supplements the summary of MCPS' implementation of this policy provided in prior reports to the Board, dated July 1, 2015, October 20, 2015, February 17, 2016, and June 1, 2016. Those reports also included information regarding collaborative efforts with county partner agencies.

As noted in the most recent memorandum of June 1, 2016, we have made significant progress toward implementing strategies related to Policy JHC. This year, I have charged staff with continuing to build on the work we have started as we strive to ensure that our schools offer safe learning environments for every one of our students.

Number of Suspected Cases Reported

During FY 2016, 3,347¹ 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 Child Protective Services (CPS), or Adult Protective Services (APS). This was an increase from prior years, which we anticipated due to our efforts to significantly increase awareness about this topic, and our instructions to staff to err on the side of reporting, when in doubt. The vast majority of cases reported did not involve MCPS employees, volunteers, or contractors. 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, 2016.

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

During FY 2016, the Office of Human Resources and Development (OHRD) received information regarding 345 cases reported to CPS and/or the Montgomery County Police Department involving alleged abuse or neglect by an 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 listed below. In some of these cases, the Special Victims Investigations Division of the Montgomery County Police Department also may have investigated the alleged abuse or neglect, and any outcomes of these cases that resulted in criminal charges are noted below.

**Outcomes of CPS Reports Involving Alleged Abuse or Neglect
by an MCPS Employee, Volunteer, or Contractor**

Type	Number of Reports	CPS Outcomes ³				
		Screened Out	Ruled Out	Unsubstantiated	Indicated	Pending (as of June 30, 2016)
Employee	338	283	32	4	5	14
Volunteer	2	2	0	0	0	0
Contractor	5	4	0	0	0	1

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

Of the four unsubstantiated cases, three of the employees no longer are employed, and one case is pending. Of the five indicated cases, three of the employees no longer are employed, and two are on administrative leave pending final action. (These three pending cases are not included in the “Pending” column in the table above.)

Per Policy JHC, as such cases may involve potential violations of Board policies, MCPS regulations, contracts, and/or other guidance, an internal investigation will be conducted by MCPS consistent with all applicable Board policies and MCPS regulations. The table below indicates the actions taken subsequent to those investigations.

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.

MCPS Actions Based on Internal Follow-up Investigations

Type	No Action Warranted	Conference or Other Forms of Action, Including Retraining	Reprimand or Other Disciplinary Letter	Suspension Without Pay	Termination/Resignation/Retirement	Pending (as of June 30, 2016)
Employee	73	146	63	14	26	16
Volunteer	1	1	0	0	0	0
Contractor	1	1	1	0	2	0

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. Below is an accounting of charges filed during FY 2016 and their adjudication status, based on publicly available records.⁴

- A teacher was arrested and charged with two counts of sexual abuse of a minor and five counts of a third degree sex offense. The victims were students at the school where the teacher was employed. These charges currently are pending.
- A teacher was arrested and charged with three counts of sexual abuse of a minor. The victims were students at the school where the teacher was employed. These charges currently are pending.
- A building service worker was arrested and charged with second degree child abuse against his own child. These charges currently are pending.
- A teacher was arrested and charged with a variety of charges, including second degree child abuse of her own child. All charges were nolle prosequied.

In addition, another MCPS teacher, who was arrested in 2014 on the charge of possession of child pornography, pled guilty to that charge during FY 2016 and was sentenced to 45 months in prison.

Incidents Resulting in Request of Suspension or Revocation of Teaching Certificate

The Code of Maryland Regulations (COMAR) requires that the superintendent of schools notifies the state superintendent 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 2016 for MCPS employees

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 2016 involve incidents that occurred or were reported prior to the beginning of the fiscal year.

who were investigated for suspected child abuse or neglect involving a MCPS student, or the state superintendent made a determination in such a case during FY 2016, even if the underlying action occurred or was reported in prior years.

Cases Where MCPS Sought Suspension or Revocation of a Teaching Certificate

Incident	State Superintendent Action
Employee resigned while under investigation of misconduct involving a student.	Pending
Employee resigned while under investigation of misconduct involving a student.	Pending
Employee resigned while under investigation of misconduct involving a student.	Pending
Employee resigned while under investigation of misconduct involving a student.	Pending
Employee resigned while under investigation for distribution of child pornography.	Revocation
Employee resigned while under investigation of misconduct involving a student.	Revocation
Employee resigned while under investigation of misconduct involving a student.	Revocation

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, Office of School Support and Improvement, at 301-279-3253 or Mrs. Lance Dempsey, associate superintendent, Office of Human Resources and Development, at 301-279-3270.

JRS:AMZ:jnc

Copy to:

Executive Staff

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