

# Implementation of Board Policy and MCPS Regulation on Recognizing and Reporting Abuse and Neglect of Children and Vulnerable Adults \*

## Responses to Frequently Asked Questions

### MCPS Employees

#### **S.1 Do I have to report all physical injuries to Child Protective Services (CPS)?**

No. As summarized in the online training, Montgomery County Board of Education (Board) Policy JHC, *Child Abuse and Neglect*, and Montgomery County Public Schools (MCPS) Regulation JHC-RA, *Reporting and Investigating Child Abuse and Neglect*, state: "If an individual has any doubt about whether to report suspected abuse and/or neglect, he/she shall err on the side of reporting the allegation to CPS." But if a child has a bruise on her knee, tells her teacher that she fell off her bike over the weekend, and the teacher has no reason to suspect otherwise (either from the nature of the bruise, the demeanor of the child, or other indications), a report to CPS likely is *not* required.

#### **S.2 Are MCPS employees permitted to ask any follow-up questions prior to reporting an allegation of child abuse or neglect?**

Yes. While it is not the role of any MCPS employee to investigate to determine the validity of a case of suspected abuse or neglect, MCPS Regulation JHC-RA notes: "If a child or vulnerable adult provides information pertaining to suspected abuse or neglect to an MCPS employee, contractor, or volunteer, that individual may ask limited follow-up questions to assist in obtaining a brief description of the incident and injuries, where they occurred, and the name or a description of the alleged offender." For example, if a child tells his teacher that he fell over the weekend and has a bruise on his cheek, the teacher could ask the child to share what happened, as long as the teacher or other MCPS employees do not interrogate the child or collect written statements.

#### **S.3 If CPS requests an MCPS employee to ask additional questions after the employee reports abuse or neglect, what should the employee do?**

Under Board Policy JHC and MCPS Regulation JHC-RA, all MCPS employees are required to collaborate fully with CPS, the Special Victims Investigations Division of the Montgomery County Police Department (MCPD), and other County partner agencies in investigations of child abuse and neglect. Thus, if CPS requests that an MCPS employee ask follow-up questions to the alleged victim or others, the MCPS employee should comply and assist CPS in ascertaining next steps. If this occurs, the reporter makes note in his/her written report on MCPS Form 335-44, *Report of Suspected Abuse and Neglect* that CPS requested follow-up questions.

#### **S.4 Should MCPS employees wait until the end of their duty day to make an oral report to CPS?**

No. Under Board Policy JHC, MCPS Regulation JHC-RA, and state law, all employees are required to make an oral report immediately to CPS. Therefore, arrange for class coverage as soon as possible. This will reduce the CPS response time and need for returning calls; CPS receives its highest volume of calls from 3:30–5:00 p.m. Also, waiting until the end of the school day to report an incident makes it more difficult for CPS to promptly track down alleged victims or witnesses to determine whether to launch an investigation or screen out the report.

#### **S.5 What is the deadline for completing a written report?**

The MCPS employee who made the oral report of abuse or neglect must complete a written report, using MCPS Form 335-44, *Report of Suspected Abuse or Neglect*, within 48 hours after the contact that disclosed the existence of suspected abuse and/or neglect. The written report must be made even if CPS, Adult Protective Services (APS), and/or the MCPD informs the reporter that it is declining to proceed with or screening out the investigation. In addition, if CPS social workers are occupied with other investigations when a MCPS employee calls to make an oral report, the CPS receptionist will

request that the MCPS employee wait to submit the required written report until either a CPS social worker calls back to determine next steps or the 48-hour timeline elapses. If the MCPS employee does not receive a call back within the 48-hour timeline, the employee should call CPS again. If a CPS social worker is not available to respond, and the school believes it is an urgent situation requiring immediate follow up, the principal should contact The Office of School Support and Improvement (OSSI) or the appropriate agency. If the situation is an emergency, call 911.

#### **S.6 How detailed does my written report need to be?**

When using MCPS Form 335-44 to complete a written report, the reporter should provide as much information as is available. Completely fill in all of Parts I, II, and III (leave no blanks). In Part IV, please provide detailed information describing the specific situation and any contributing factors or prior history. In Part V, document CPS response and directions (such as follow-up questions that CPS requested that the MCPS staff ask the alleged victim). Do not leave any section blank; instead, write “not applicable” or “n/a” when appropriate.

#### **S.7 Will CPS notify MCPS if it screens out a report or determines that an investigation is necessary?**

CPS will often notify the reporter, at the time that the reporter makes an oral report, whether CPS will screen out the case or undertake an investigation. If a call back from CPS is necessary and the school-based staff member is not available, CPS will follow up with the principal of the school where the suspected child abuse has been reported. In addition, the principal or OSSI may contact CPS to seek further information. Because Maryland law prohibits unauthorized disclosure of information regarding a report or investigation of child abuse, there may be limits on how much CPS can share about its investigation of any particular report.

#### **S.8 What are the steps after an oral report of suspected abuse or neglect has been made to Child Protective Services (CPS) or Adult Protective Services (APS)?**

MCPS Regulation JHC-RA, *Reporting and Investigating Child Abuse and Neglect* (<http://www.montgomeryschoolsmd.org/departments/policy/pdf/jhcra.pdf>), provides a detailed list of actions that should occur once an oral report has been made to CPS (for children) or APS (for vulnerable adults). The first step after the oral report has been made is for the MCPS employee, contractor, or volunteer to immediately notify the school principal, if the person reporting is school-based. If the person reporting is not school-based, he/she shall notify the direct supervisor in the MCPS office where he/she works, as well as the principal of the school which the child or vulnerable adult attends. Notification should be made even if CPS or APS informs the reporter that it is declining to proceed with or screening out the investigation. The principal/supervisor will follow up as further specified in MCPS Regulation JHC-RA. In addition, the person making the oral report must submit a written report within 48 hours and copies of the report should be distributed to the appropriate offices listed on MCPS form 335-44.

#### **S.9 What does CPS do when it receives a report?**

CPS and other County agencies have agreed to conduct their investigations of suspected abuse or neglect in a timely manner that minimizes disruption to the classroom and school community. CPS collaborates closely in its investigations with the Special Victims Investigations Division of the MCPD, as well as the Montgomery County State’s Attorney’s Office. After receiving a report, CPS will either:

- screen out the case and take no further action,
- ask for more information before making a decision whether to investigate; or
- initiate an investigation.

If CPS initiates an investigation, CPS will make one of the following determinations:

- Indicated by preponderance of the evidence: a finding that there is credible evidence, which has not been satisfactorily refuted, 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.

The State's Attorney makes a separate determination as to whether to bring criminal charges.

**S.10 May CPS or the MCPD interview a student at school in connection with a child abuse investigation?**

Yes. During the course of an abuse or neglect investigation, CPS, APS, or the MCPD may question a student on MCPS property during school hours. Pursuant to *Code of Maryland Regulations* (COMAR) 13A.08.01.13, the principal shall determine whether a school official should be present during the questioning. In making this determination the principal shall consult with representatives from CPS, APS, or the MCPD. The school official should be selected, with input from the student who is being interviewed, on a case-by-case basis for the purpose of providing support and comfort to the student.

**S.11 Who will notify the parents about an investigation into suspected abuse or neglect?**

As outlined in MCPS Regulation JHC-RA, principals will collaborate with OSSI, CPS, APS, and/or the Special Victims Investigations Division of the MCPD to determine who will notify parents/guardians of students involved in an alleged abuse or neglect situation and when that notification will occur. In these cases where notification is not MCPS' responsibility, CPS, APS, or the Special Victims Investigations Division of the MCPD are responsible for notification of the parents/guardians.

Examples of cases in which MCPS is not responsible for notification are:

- a. cases where the alleged offender is not an MCPS employee, contractor, or volunteer, and the alleged abuse did not occur on MCPS property; or
- b. cases where, in the judgment of the principal and CPS, APS, and/or the Special Victims Investigations Division of the MCPD, notification of parents/guardians could create a threat to the well-being of the student (such as when a parent/guardian or family or household member is suspected of committing abuse or neglect) or impede a pending investigation.

**S.12 In cases of suspected sexual abuse reports, who should call the Montgomery County Police Department?**

Under MCPS Regulation JHC-RA, the principal or direct supervisor of the MCPS employee who made the oral report is responsible for immediately notifying the Special Victims Investigation Division of the MCPD if they receive notification of a suspected abuse incident involving an alleged sexual offense. If the MCPS employee who made the report is not school-based, he or she is also responsible for notifying the principal of the school where the alleged victim attends. Upon notification, the principal will ask if the Special Victims Investigations Division has been notified and, if not, the principal should initiate the contact. Please note that it is MCPS' understanding that CPS consults closely with the Special Victims Investigations Division so MCPD may already be aware of the incident when the principal or supervisor calls, but MCPD has requested that MCPS make this direct contact as well for suspected sexual abuse incidents. In responding to other suspected abuse or neglect incidents, MCPS may also seek assistance from the Special Victims Investigations Division and, in all emergency situations, MCPS employees should call the Public Safety Communications Center (911) or 301-279-8000.

**S.13 Who should MCPS employees contact if they have additional questions that are not listed here?**

School-based staff should collaborate with the principal and/or school-based liaison who will follow-up with their director in OSSI, as well as Dr. Donna S. Hollingshead, who is the designated MCPS systemwide child abuse contact, for support and guidance. Non-school based staff should collaborate with their supervisor in the Office of the Chief Operating Officer or the Office of the Chief Academic

Officer. Dr. Hollingshead and other MCPS staff meet regularly with staff from CPS and other County partner agencies to debrief incidents, assess lessons learned, and identify opportunities for continuous improvement

## **Volunteers and Partners**

### **V.1 What are the screening/training requirements for volunteers?**

Volunteers serve in schools and offices in accordance to MCPS Regulation IRB-RA, *Volunteers in Schools*. 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. The VMS enable 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. Volunteers working with students should be in view of others (e.g. either through a window in a door, a door left open, or in a public space).

- a. All volunteers must complete the online Child Abuse and Neglect volunteer training module.
- b. Fingerprinting and background checks are required for all volunteer coaches and all volunteer chaperones for overnight field trips (including Grade 6 outdoor education) and field trips that require approval of OSSI, except law enforcement employees that have completed a criminal background check as a requirement of employment.

\*For detailed information reference the August 15, 2016, memorandum *Child Abuse Prevention Initiatives for the 2016–2017 School Year, for Volunteers and Contractors, including Updates to Training, Fingerprinting and Background Checks, and Reporting Procedures*.

### **V.2 How do these requirements apply to Montgomery County Government (MCG) employees?**

MCG employees, such as nurses and health room technicians, undergo a criminal background check, including fingerprinting, at the time of hire. They must have their MCG-issued identification badge visible or on their person while in the schools. MCPS issues identification badges for county staff in the Linkages to Learning program who have completed the criminal background check screening requirements.

### **V.3 Who should I contact if I have questions about volunteer training and background checks?**

The Office of Student and Family Support and Engagement, 240-453-2426

### **V.4 If a school's PTA sponsors an after-school activity, enrichment program, or other program, are the providers subject to the requirements applicable to MCPS contractors regarding fingerprinting/background checks?**

No. Under a recently enacted Maryland law, any contractor or member of the contractor's work for who will be working in a Montgomery County Public Schools (MCPS) facility where they have direct, unsupervised, and uncontrolled access to students must undergo a criminal background check, including fingerprinting. If the contract is solely sponsored by the Parent Teacher Association, the law does not apply. Under MCPS regulations, the contractors involved in a PTA-sponsored activity must check in at the school's main office, be screened through the Visitor Management System (VMS) with their driver's license, and then be escorted throughout the building. In addition, the PTA or the Interagency Coordinating Board may have additional requirements. However, if the after-school program is funded or sponsored by MCPS or MCPS is part of the contract (principal's signature on the contract), then the contractor regulations apply, if the after-school program providers have direct, unsupervised, and uncontrolled access to students in an MCPS facility.

## **Contractors**

The Procurement Unit has posted answers to frequently asked questions regarding the new requirements for MCPS contractors at this link:

<http://www.montgomeryschoolsmd.org/departments/procurement/Contractors.aspx>.