

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

October 20, 2022

MEMORANDUM

To: Members of the Board of Education

From: Monifa B. McKnight, Superintendent of Schools

Subject: Update on the Implementation of Board of Education Policy JHC, Child Abuse and Neglect, for Fiscal Year 2022

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) 2022, 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 outcomes as follows:

- 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 will efficiently and effectively 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/>.

I. Implementation of Policy JHC

A. Staff Training

MCPS employees complete districtwide compliance training that includes an extensive module specific to the topic of child abuse and neglect, 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 to ensure every MCPS 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.

For FY22, MCPS continuously improved the modules based on multi-stakeholder feedback gathered through employee surveys, labor association focus groups, county partner agencies including the Montgomery County Police Department's (MCPD) Special Victims Investigation Division (SVID), the State's Attorney's Office, and Child Protective Services (CPS), as well as a multi-stakeholder community group.

This past year, human trafficking was inserted into the Gangs and Gang Behavior module to train staff on how to better understand, recognize, and report human trafficking and the exploitation of children and youth. Collaborative efforts with the University of Maryland Support, Advocacy, Freedom and Empowerment (SAFE) Center led to enhanced training for our health educators in our secondary schools. The district will be expanding training in this area for school-based administrators and counselors.

MCPS is a participant in the Montgomery County Human Trafficking Prevention Committee to help combat human trafficking and keep current on federal and local policies, as well as the Montgomery County Committee Against Hate and Violence (CAHV).

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 fifty 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 staff (e.g., 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 Rap Back, a service provided by the Federal Bureau of Investigations (FBI). The FBI's 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 revives 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. "Indicated" means 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, then staff from transportation and maintenance units, 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 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 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 Md. Code, Educ. §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 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 2021–2022 school year, volunteers, contractors and partnership agencies who regularly supported schools were asked to complete certain compliance measures within our school district. All volunteers and contractors were required to complete the online [Recognizing and Reporting Child Abuse and Neglect training module](#) and the COVID-19 Vaccination Attestation module. The COVID-19 Vaccination Attestation module required volunteers and contractors to attest to being fully vaccinated, upload their Certificate of COVID-19 Vaccination from the State of Maryland Department of Health, and agree to specific expectations of masking and social distancing while in MCPS facilities.

Since the inception of the volunteer training in January 2016, 124,102 volunteers have completed the online training (as of August 1, 2022). For FY22, 16,021 volunteers completed the online training during the school year. This shows a return to pre-pandemic numbers, when significantly less volunteers completed the training during the FY21 school year. Frequently Asked Questions for Volunteers are posted on the [Child Abuse and Neglect web page](#).

School Year	# of vCAN Module Completers
FY22	16,021
FY21	3,320
FY20	16,946

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 a 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 including regularly revised Frequently Asked Questions on the [Required Criminal Background Checks for Contractors web page](#). In FY22, MCPS required completion of the online Recognizing and Reporting Child Abuse and Neglect training module and the COVID-19 Vaccination Attestation module reviewing/attesting to MCPS COVID-19 safety protocols for the aforementioned contractor’s workforce.

D. Staff Learning Continuum in the Areas of Student Welfare

Student Welfare and Compliance (SWC) collaborated with the Office of General Counsel, Equity Initiatives Unit, Student Leadership and Extracurricular Activities Unit, Department of Compliance and Investigations and the Department of Systemwide Safety and Emergency Management to develop required training for all mental health professionals, including school-based student welfare liaisons, school counselors, pupil personnel workers, school psychologists, ESOL transition counselors, social workers and behavioral specialists. This training provided an enhanced look at revisions of BOE Policy ACA: *Nondiscrimination, Equity and Cultural Proficiency*, BOE Policy ACF: *Sexual Misconduct and Sexual Harassment of Students* and new BOE Policy ACI: *Sexual Harassment of MCPS Employees* with applications and implications involving Title IX/sexual harassment and incidents of hate-bias. All reports of alleged sexual

abuse called into CPS prompted an immediate outreach to school administration to increase awareness and protection.

E. Student Learning Continuum in the Areas of Child Abuse and Neglect Awareness

In 2022, the Culture of Respect 2.0 student training module was revised to include recognizing and reporting incidents of hate-bias, as well as allegations of bullying and sexual harassment. It is important to create awareness and educate students to child abuse and harassment reporting. In doing so, several high school newspapers included aspects of the Culture of Respect training in their publications, sharing staff training requirements. This allowed the reporting and recognizing child abuse protocols to expand the knowledge to student writers and give students a voice to protect themselves and each other.

II. Collaboration with County Partner Agencies, Montgomery County Department of Health & Human Services and the Greater Community

Montgomery County Department of Health & Human Services (MCDHH) Child Welfare Services held a 2022 Stakeholders' Meeting to provide county partner agencies updates on assessment data on calls screened, accepted reports and in-home and out-of-home services for families. Also discussed were two MCDHH programs, Center for Excellence (CFE) and Sobriety Treatment and Recovery Teams (START), which unites families together. The purpose of the CFE is to support foster parents and families to work together on behalf of the child in an out-of-home placement. The goals of START are to ensure child safety and well-being, support parents in achieving and maintaining recovery, increase family stability and parental capacity and reduce repeat maltreatment.

In August 2021, the *MCPS Pride ALLiance* for students, staff, parents and county LGBTQ+ partner agencies was established to promote inclusivity in curriculum, create a safe atmosphere in schools, expand professional development for staff and strengthen partnerships in the community. Students in the LGBTQ+ community are some of our most vulnerable students and providing alliances with internal and external supports is critical to ensuring safety both in our schools, as well as at home.

The Pride Alliance planning committee hosted the in person 4th Annual Pride Town Hall 2022 held at Walter Johnson High School. The town hall was well attended and covered by Bethesda Beat and Washington Post. The keynote speaker was Mr. Gavin Grimm, a nationally known advocate for transgender rights. MoCo Pride Center, MoCo Pride Youth, PFLAG and Montgomery County Family Justice Center had tables at the event and are also active members of the *MCPS Pride ALLiance*.

III. Total Number of Reports of Suspected Abuse and Neglect

During FY22, 3,750 suspected incidents of child abuse or neglect were reported by MCPS staff, volunteers or contractors to CPS or Adult Protective Services (APS). During FY21, 1,784 suspected incidents of child abuse or neglect were reported by MCPS staff, volunteers or contractors to CPS or APS. During FY20, 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

FY19 when 3,133 suspected cases of child abuse or neglect 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. Data from previous years is available on the [Child Abuse and Neglect web page](#). Of the 3,750 suspected incidents reported, 3,607 were online reports and 143 were written reports.

Total Number of Reports of Suspected Abuse and Neglect

FY22	FY21	FY20	FY19	FY18
3,750	1,784	2,720	3,133	3,087

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

During FY22, the Department of Compliance and Investigations received information regarding 76 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 FY21 when 40 cases were reported, FY20 when 270 cases were reported, FY19 when 307 cases were reported and FY18 when 357 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 following table. In some of these cases, SVID may also 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	75	55	11	1	7	1
Volunteer	1	0	0	0	0	1
Contractor	0	0	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 Policy JHC and 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 rule 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 the police, 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	21	36	4	0	5	6
Volunteers	0	0	0	0	0	1
Contractor	0	0	0	0	0	0

Eleven cases were resolved in FY21 school year: No actions warranted; Reprimand or another disciplinary letter 3.

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 that has not been satisfactorily refuted that abuse or neglect occurred.

Policy JHC also requires that the Board of Education is 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 FY22 and based on publicly available records.³

- A bus operator is charged with one count of sexual abuse of a minor and one count second-degree assault stemming from his work as a private driving instructor.
- A high school teacher was arrested on multiple charges of sexual abuse of a minor. ([Community Letter](#))
- A security assistant was arrested on multiple charges of sexual abuse of a minor. ([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. 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 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 2022

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 certifications were 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 (PACER) database for federal court record, there were five cases 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 2022:

- **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 5/27/2021 and more details are found in the docket: Case # 485884-V.

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

VII. FY23 Considerations

Continuous improvement efforts in recognizing and reporting child abuse and neglect are ongoing and implemented throughout the year. The district will continue to seek input from schools, as well as Child Welfare Services, regarding the training necessary to educate staff for the safety of students.

We will continue to provide updates regarding the implementation of the policy and regulation. If you have any questions, please contact Mr. Gregory S. Edmundson, director, Student Welfare and Compliance, Office of District Operations, at 240-740-3215 or Mrs. Michaelae Simmons, director, Department of Compliance and Investigations, Office of Human Resources and Development at 240-740-2888.

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