


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

August 29, 2018

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 2018

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) 2018, 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.

Throughout the 2017–2018 school year, we continued to be vigilant in our critical work to keep all students safe by preventing, recognizing, and reporting child abuse through continuous improvements to the processes, infrastructure, and training that undergirds the fidelity of implementation of Policy JHC. To intensify the district's focus on and integration of this work to respond to suspected cases of child abuse and neglect, the Compliance Unit was formed and incorporated the work of the MCPS Systemwide Child Abuse and Neglect Contact under Policy JHC. Throughout the year, the Compliance Unit continued to build and refine the compliance infrastructure, processes, and most importantly, the cross-office collaboration for the follow up and support required to ensure our staff and students work and learn in a lawful, positive, safe, and healthy climate.

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 is committed to holding the perpetrator accountable.

While we have made significant improvements to our practices and protocols, we are deeply concerned by each and every incident that violates the standards we expect of our staff. We continuously learn and improve our practices as guided by ongoing input and feedback, both internally within our school district and externally from our Montgomery County partner agency experts, as well as stakeholders in the greater community.

### **I. Implementation of Policy JHC in FY 2018**

Many of the initiatives and resources described in the following paragraphs, including this memorandum, are available on the MCPS [Child Abuse and Neglect web page](#), which was redesigned and augmented with additional resources during FY 2018.

#### **A. Staff Training**

A required component of the onboarding process for new hires is the completion of training on recognizing, reporting, and preventing child abuse and neglect. In addition, existing MCPS staff complete annual mandatory 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 2017–2018, this training was a component of a larger set of mandatory training to ensure every MCPS staff member is aware of the 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 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.

In FY 2018, MCPS completed its annual updating of the *Employee Code of Conduct* and developed [Social Media: Best Practices for Employees](#) that delineate the district's expectation for staff interaction with students, parents/guardians, colleagues, and the community with integrity and professionalism when participating in social media activity. Social media has become a powerful tool to enhance education and MCPS expects employees to model positive digital citizenship. These guidelines articulate how employees engage responsibly in social media activities.

#### **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](#).

Beginning in 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, and CPS background checks for middle school staff were completed during the 2017–2018 school year. High school staff CPS background checks will be completed in the 2018–2019 school year.



For teachers and all certified educators, an additional review is undertaken by checking credentials against the National Association of State Directors of Teacher Education and Certification (NASDTEC) Clearinghouse, a national collection point for professional educator discipline. This screening helps to ensure that an educator's credentials have not been suspended or revoked. Access to the NASDTEC Clearinghouse recently has been made available to local school districts in Maryland, and in FY 2018, MCPS began conducting reviews to supplement the monitoring of educator's credentials undertaken by the Maryland State Department of Education (MSDE).

During FY 2018, MCPS also continued to implement [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 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.

### **C. Training and Screening for Volunteers and Contractors**

Enhancements to MCPS requirements for screening and training volunteers are codified in [MCPS Regulation IRB-RA, Volunteers in Schools](#), revised August 16, 2017. 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 identification card to produce a visitor badge and check the person's information with state sex offender registries.

For the 2017–2018 school year, all volunteers who regularly support schools and those who attend field trips continue to be mandated to access and 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, 62,951 volunteers have completed the online training (as of June 30, 2018). Specifically for FY 2018, 22,103 volunteers completed the online training during the school year. Frequently Asked Questions for Volunteers are posted on the [Child Abuse and Neglect web page](#).

In addition to these volunteer training requirements, MCPS requires criminal background checks for volunteer coaches, overnight chaperones for Grade 6 Outdoor Environmental Education Programs, and volunteer chaperones for overnight field trips, as well as for field trips that extend beyond 7:00 p.m. There is an exception for law enforcement employees who have completed criminal background checks as a requirement of employment. A total of 1,593 volunteers completed criminal background checks during FY 2018.

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. In FY 2018, MCPS continued to require

completion of the online Recognizing and Reporting Child Abuse and Neglect training module for the aforementioned contractor's workforce. During FY 2018, 940 contractors completed child abuse and neglect training, background checks, and were approved for badges. During FY 2017, 1,104 contractors were badged with the same requirements. 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](#).

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

For FY 2018, MCPS staff continued to implement age-appropriate content-level content on personal body safety for students in Grades pre-K to 12. Personal Body Safety Lessons (PBSLs) reinforce and complement the Comprehensive Health Education curriculum that includes pre-K through high school lessons on early prevention education to be able to recognize and act on suspicion of child abuse and neglect. Lessons are tailored by grade level and are modified, as needed, for students receiving special education services. These lessons were developed with input from national stakeholders and Montgomery County partner agencies and are designed to empower students to recognize and report suspected cases of abuse without fear of reprisal. The chief of the State's Attorney's Office—Special Victims Division has commended MCPS on the PBSLs and shared publicly that these lessons are making a difference in children reporting incidents of abuse and neglect. In addition, embedded in the MCPS elementary and secondary health curriculum are age-appropriate lessons on safety and injury prevention, family life and human sexuality, cyberbullying and social media, healthy relationships, harassment, and intimidation.

Based on interest from parents/guardians, MCPS has developed supporting resources for these lessons to help parents and guardians discuss and instruct their children on these challenging topics. MCPS customized the PBSLs to fit parents'/guardians' needs at the elementary and secondary student levels. These lessons will be shared with the parent community in fall 2018. More information, including the parent resources, is available on the MCPS [Personal Body Safety Lessons web page](#).

MCPS also partners with the Montgomery County Family Justice Center Foundation and youth service providers in sponsoring the annual Choose Respect Montgomery Conference. Through interactive workshops, students learn about healthy teen relationships, teen dating violence prevention, and where to seek help.

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

As delineated in Policy JHC and codified in a Memorandum of Understanding, a high-functioning and effective Multi-Disciplinary Team (MDT) was formed by MCPS and county partner agencies to establish procedures for the purpose of reporting and investigating child abuse and neglect. This highly positive and productive team includes representatives from MCPS, CPS, the Montgomery County State's Attorney's Office, the Montgomery County Attorney's Office, the Special Victims Investigations Division of the Montgomery County Police Department (MCPD), and the Tree House Child Assessment Center of Montgomery County. The MDT meets regularly and is the infrastructure



for immediate interagency communication and collaboration in response to allegations of suspected child abuse and neglect, including support to impacted families and the school district. MDT provides expert consultation on MCPS employee, volunteer, and contractor training on preventing, recognizing, and reporting child abuse and neglect, as well as participates in training module review, revisions, and videos.

Beginning in April 2018, MCPS staff participated in a MSDE work group led by MSDEs Division of Educator Certification and Program Approval. Composed of representatives from multiple school districts, the work group has shared best practices across school districts and explored possibilities for a statewide database to track noncertificated school personnel who are dismissed for misconduct with students, building upon the system that already exists for teachers and other credentialed educators.

In the wake of three high-profile child abuse cases that impacted Cloverly Elementary School, MCPS increased focus on working with the entire school community on how to move forward by identifying specific actions to assist students, staff, and parents/guardians. On April 3, 2018, a multi-stakeholder community meeting was held at Cloverly Elementary School and dedicated to being “solutions-focused” during which large- and small-group input was gathered and later analyzed by the Cloverly Elementary Advisory Committee. This smaller committee, led by the MCPS chief operating officer and composed of representatives from the Cloverly Elementary School Parent Teacher Association, school staff, and central services staff, was formed to collaboratively address the proposed solutions to rebuilding trust and a safe climate and culture at the school. Topic and action areas addressed include communications (information-sharing), school facility safety and security review, human resources practices, counseling support for students, and parent resources for PBSLs.

In April 2018, the superintendent of schools and MCPS staff briefed the Montgomery County Council’s Education Committee on MCPS’ implementation of child abuse and neglect procedures. Briefing materials and a video of the briefing are available on the [Child Abuse and Neglect web page](#).

### **III. Total Number of Suspected Cases Reported**

During FY 2018, 3,087 suspected incidents of child abuse or neglect 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 an increase from FY 2017 when 2,993 incidents were reported. The data are based on written reports submitted using [MCPS Form 335-44, Report of Suspected Abuse and Neglect](#), and other MCPS records. The vast majority of cases reported the past three years did not involve MCPS employees, volunteers, or contractors. Data from previous years are available on the [Child Abuse and Neglect web page](#).

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

During FY 2018, the Office of Employee Engagement and Labor Relations received information regarding 357 cases reported to CPS and/or MCPD involving alleged abuse or neglect by an MCPS

employee, volunteer, or contractor.<sup>1</sup> This number includes cases of alleged abuse involving MCPS employees with students, as well as with their own children. The final disposition of these cases by CPS is summarized in the following table. In some of these cases, the MCPD Special Victims Investigations Division 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 <sup>2</sup> |           |                 |           |
|------------|-------------------|---------------------------|-----------|-----------------|-----------|
|            |                   | Screened Out              | Ruled Out | Unsubstantiated | Indicated |
| Employee   | 353               | 317                       | 20        | 6               | 10        |
| Volunteer  | 4                 | 4                         | 0         | 0               | 0         |
| Contractor | 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 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 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 (as of August 10, 2018) |
|------------|---------------------|-----------------------------------|--|------------------------|-------------------------|---------------------------------|
| Employee   | 98                  | 143                               | 66                                     | 9                      | 24                      | 13                              |
| Volunteers | 1                   | 1                                 | 0                                      | 0                      | 2                       | 0                               |
| Contractor | 0                   | 0                                 | 0                                      | 0                      | 0                       | 0                               |

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

<sup>2</sup> 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 also requires that the Board 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 FY 2018 and based on publicly available records.<sup>3</sup>

- An evening building service worker was arrested and charged with sexual abuse of a minor, second-degree child abuse, second-degree sexual offense, third-degree sexual offense, and fourth-degree sexual offense. The charges are not related to his role as a MCPS employee, and the alleged abuse did not occur on school property. The charges remain pending. ([Community Letter](#))
- A building service worker was arrested and charged with assault and multiple counts of sexual abuse of a minor and fourth-degree sexual contact stemming from allegations of inappropriate contact with family members at his home. The charges are not related to his role as a MCPS employee, and the alleged abuse did not occur on school property. The charges remain pending. ([Community Letter](#))
- A short-term substitute was charged with sexual abuse of a minor, as well as a fourth-degree sex offense. The charges, which stem from inappropriate contact with MCPS students, remain pending. ([Community Letter](#))
- A former paraeducator and lunch hour aide, who also worked for a before- and after-school care program in MCPS schools, was arrested and charged with two counts of sexual abuse of a minor, stemming from inappropriate contact with two MCPS students who attended the before- and after- school care program. The charges remain pending. ([Community Letter](#))
- A former paraeducator and lunch hour aide, who also worked for two non-MCPS extracurricular after-school programs, was arrested and charged with sex abuse of a minor and third-degree sexual offense. These charges stem from an incident that occurred during the 2010–2011 school year and involved an elementary school student reaching into the former employee’s pocket to look for candy. The alleged incident was not reported until March 2018. The charges remain pending. ([Community Letter](#))
- A former temporary part-time lunch hour aide, who also worked at a before- and after-school care program in a MCPS school, was arrested on multiple charges of possession and distribution of child pornography, stemming from recovery of digital images shared and downloaded from the internet. The former employee pleaded guilty to three counts of possession of child pornography, and on August 8, 2018, he was sentenced to five years of supervised probation. ([Community Letter](#))
- A high school counselor was arrested and charged with second-degree assault and second-degree sexual offense. These alleged offenses did not occur on MCPS property, are not related to any MCPS students, and do not involve any minors. The case remains pending. ([Community Letter](#))

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<sup>3</sup> 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 2018 involve incidents that occurred or were reported prior to the beginning of the fiscal year.



- A long-term high school substitute teacher and assistant football coach was arrested and charged with one count of sexual abuse of a minor. The charges stem from an alleged inappropriate relationship with a 16-year-old MCPS student. The individual pleaded guilty to contributing to the delinquency of a minor and was sentenced to three years of supervised probation. ([Community Letter](#))
- A former temporary part-time paraeducator, who also worked for a before- and after-school care program in a MCPS school, was arrested and charged with second-degree assault and fourth-degree sex offense for inappropriate contact of a student in the after-school care program. The former employee pleaded guilty to second-degree assault and was sentenced to five years of supervised probation. ([Community Letter](#))
- A former teacher and athletic director who retired in 2010 was arrested and charged with child abuse and molestation. The charges stem from allegations that during the 1984–1985 school year, he had a sexual relationship with a student when he was a teacher at a MCPS high school. The charges remain pending. ([Community Letter](#))

The following arrests and charges that were pending from FY 2017 were resolved in FY 2018:

- 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. The bus operator pleaded guilty to two counts of third-degree sex offense and was sentenced to 11 months in prison and 5 years of supervised probation. ([Community Letter](#))
- 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 a school where he was employed. The security team leader pleaded guilty to sexual abuse of a minor and was sentenced to 18 months in prison and 5 years of supervised probation. ([Community Letter](#))
- A security assistant was arrested and charged with one count of sex abuse of a minor, one count of third-degree sex offense, and one count of fourth-degree sex offense of a minor arising from inappropriate conduct involving a MCPS student. The security assistant pleaded guilty to second-degree assault and fourth-degree sex offense and was sentenced to five years of probation. ([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 2018 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 2018, 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 2018**

| Incident  | State Superintendent of Schools Action |
|---|--|
| Employee dismissed for misconduct involving a student.                          | Pending                                |
| Employee resigned while under investigation for misconduct involving a student. | Revocation                             |
| Employee was dismissed for misconduct involving a student.                      | Suspended                              |
| Employee resigned while under investigation for misconduct involving a student. | Suspended                              |

A full list of former Maryland school district employees whose state certification 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 three 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 2018:

- *Doe et al. v. Montgomery County Board of Education, et al.*, initially was filed in Montgomery County Circuit Court (Docket No. 443277V), removed to the U.S. District Court for Maryland (Docket No. 8:18-cv-01127), voluntarily dismissed by the plaintiffs, and then refiled in Montgomery County Circuit Court (Docket No. 448213V), where it is currently pending. The circumstances giving rise to this case have been reported by the news media (see, for example, the [Rockville Patch](#)).
- *Doe et al. v. Montgomery County Board of Education, et al.*, initially was filed in Montgomery County Circuit Court (Docket No. 435268V), and removed to the U.S. District Court for Maryland (Docket No. 8:17-cv-03325), where it remains pending (Docket No. 435268V). The filing of this case was reported by the news media (see, for example, [Bethesda Magazine](#)).
- *Doe et al. v. Montgomery County Board of Education, et al.*, was filed in Montgomery County Circuit Court (Docket No. 445786V). The circumstances giving rise to this case involved the other victim of the same former employee as the preceding case. The case was dismissed by the Circuit Court on July 24, 2018.

None of these cases were settled during FY 2018. The full docket for each of these cases is publicly available on the [Maryland Judiciary Case Search website](#). There was another case before the Montgomery County Circuit Court in FY 2018, but the court granted a motion by the plaintiff to place the case under seal, which precludes MCPS from providing records or information related to it.

**VII. Future Considerations**

MCPS continuously examines and addresses areas of our practices for ongoing improvement. The following are items MCPS is considering for future implementation and review:

- Ensure that MCPS training on child abuse and neglect is in alignment with House Bill 1072 regarding Education, Child Sexual Abuse Prevention—Instruction and Training (effective July 1, 2018).
- In addition to overnight volunteers, expand fingerprinting and background check requirements for outdoor education volunteers to include daytime volunteers.
- Beginning in the 2018–2019 school year, track and report the number of prospective employees who were denied employment based on the results of criminal and CPS background checks.
- Beginning in the 2018–2019 school year, track and report the number of prospective volunteers who were denied access to schools based on the results of background checks.
- Collaborate with the Montgomery County Interagency Coordinating Board (ICB) to establish and enact safety measures and procedures that are aligned to MCPS expectations for ICB contracted users in the building.
- In addition to MCPS volunteers, explore the possibility of more widely sharing the [Recognizing and Reporting Child Abuse and Neglect training module](#) with the public.

At the time of transmittal of this memorandum, there are pending cases of suspected abuse/neglect that are in the investigative process. These cases will be resolved with appropriate action taken, reviewed for continuous improvement, and reported in the 2018–2019 update to the Board of Education.

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 the Chief of Staff, at 240-740-3214 or Mr. Sherwin Collette, associate superintendent, Office of Employee Engagement and Labor Relations, at 240-740-2888.

JRS:sro

Copy to:

Executive Staff  
Mr. Ikheloa