

I. Policy Statement

It is the responsibility of the Howard County Public School System to provide a safe and nurturing school environment for all students. The Board of Education affirms its position that all children and vulnerable adults have the right to be protected from abuse and neglect. The Board therefore acknowledges the necessity for the school system to ensure that employees and service providers are able to recognize and report instances of abuse and neglect of children and vulnerable adult students. The Board further acknowledges the necessity for the school system to collaborate with child and adult protective service agencies, both private and governmental.

II. Purpose

The purpose of this policy is to establish guidelines and monitoring requirements for ensuring that employees and service providers, working in their professional capacities, recognize and report abuse and neglect of children and vulnerable adult students in accordance with the Annotated Code of Maryland as well as state and local mandates.

III. Definitions

A. Abuse

1. Any physical injury, not necessarily visible, or mental injury of a child or vulnerable adult, by any parent, adoptive parent, family or household member, school system employee, service provider, or other person who has permanent or temporary care or custody or responsibility for supervision of the child or vulnerable adult, under circumstances that indicate that the health or welfare of the child or vulnerable adult is harmed or at substantial risk of being harmed.
2. Any sexual act or acts whether physical injuries are sustained or not involving sexual molestation or exploitation, including but not limited to incest, rape, or sexual offense in any degree, sodomy or unnatural or perverted sexual practices on a child or vulnerable adult by a parent, adoptive parent, family, or household member, school system employee, service provider, or other person who has the permanent or temporary care, custody, or responsibility for supervision of a minor child or vulnerable adult. Sexual molestation or exploitation includes, but is not limited to, contact or conduct with a child or vulnerable adult ranging from exposure, voyeurism, sexual

advances, kissing, or fondling to sexual crime in any degree, rape, sodomy, prostitution, or allowing, permitting, encouraging, or engaging a child or vulnerable adult in pornographic display, photographing, filming, or depiction of a child or vulnerable adult as prohibited by law.

- B. Child – Any person under the age of eighteen (18) years of age.
- C. Employee – Both certificated and non-certificated personnel employed by the Howard County Public School System.
- D. Family or Household Member — A person who lives with, or is a regular presence in a home of a child or vulnerable adult, at the time of the alleged abuse or neglect. Regular presence in a household means visiting or staying in a home with sufficient frequency to make an individual a significant part of the child's, vulnerable adult's, or family's life.
- E. Intimidation – Actions or statements that put an individual in fear of bodily harm.
- F. Mental Injury – The observable, identifiable, and substantial impairment of a child's or vulnerable adult's mental or psychological ability to function.
- G. Multidisciplinary Team – A group of professionals which meets regularly to provide consultation and treatment planning when appropriate on cases referred from Protective Services. This team meets during the investigative or continuing service phase of Department of Social Services (DSS) involvement in abuse and neglect investigations. The team, chaired by DSS, may include, but is not limited to, members of the following agencies:
 - 1. State's Attorney's Office
 - 2. Law enforcement
 - 3. Hospital/medical/public health
 - 4. Education
 - 5. Mental health/psychological/psychiatric
 - 6. Private social services
 - 7. Domestic violence/sexual assault services
 - 8. Licensing (of out-of-home, child care)
 - 9. Department of Juvenile Services
 - 10. Parole and Probation
 - 11. Substance Abuse Treatment Providers
- H. Neglect – The leaving of a child or vulnerable adult unattended or other failure to give proper care or attention, or the provision of improper care or attention, to a child or vulnerable adult by any parent, school system employee, service provider,

or other person who has permanent or temporary care or custody or responsibility for supervision of the child or vulnerable adult under circumstances that indicate:

1. That the child's or vulnerable adult's health or welfare is harmed or placed at substantial risk of harm, or
 2. Mental injury to the child or vulnerable adult or a substantial risk of mental injury.
- I. Parent – Any one of the following, recognized as the adult(s) legally responsible for the child or vulnerable adult:
1. Biological parent – A natural parent whose parental rights have not been terminated.
 2. Adoptive parent – A person who has legally adopted the child or vulnerable adult and whose parental rights have not been terminated.
 3. Custodian – A person or an agency appointed by the court as the legal custodian of the child or vulnerable adult and granted parental rights and privileges.
 4. Guardian – A person who has been placed by the court in charge of the affairs of the child or vulnerable adult and granted parental rights and privileges.
 5. Caregiver– An adult resident of Howard County who exercises care, custody or control over the child or vulnerable adult, but who is neither the biological parent nor legal guardian.
 6. Foster Parent – An adult approved to care for a child who has been placed in their home by a State agency or a licensed child placement agency as provided by section 5-507 of the Family Law Article.
- J. Retaliation —The act or process of threatening or otherwise penalizing a person for reporting an alleged violation of policy or for participating in an investigation of an alleged violation.
- K. School-based Liaisons — Student Services staff members who communicate with the Department of Social Services (DSS) and/or the Howard County Department of Police (police), on a need to know basis, regarding abuse and neglect cases involving students at their assigned schools. School-based liaisons also participate in meetings of the Multidisciplinary Team involving students at their assigned schools in order to plan for the students' educational needs and to provide care that may assist the students.
- L. Service Providers — Individuals who provide services to the Howard County Public School System either through contract or volunteer service, when those

services involve access to students, such as substitute teachers, mentors, chaperones, bus drivers, and individuals who participate in partnership programs.

- M. Vulnerable Adults — Persons 18 years of age or older who are believed to lack the physical or mental capacity to care for their daily needs.

IV. Standards

- A. Target Population

This policy exists to protect all children and vulnerable adult students who come to the attention of employees and service providers when working in their professional capacity.

- B. Reporting Responsibility of Individual Employee or Service Provider

Employees and service providers will comply with requirements for reporting abuse and neglect of children and vulnerable adult students.

1. Any employee or service provider must make an immediate oral report of suspected abuse or neglect of a child or vulnerable adult student, notwithstanding any other provision of law including any law on privileged communications. The employee or service provider who suspects the abuse or neglect is personally responsible for ensuring that a report is made.
 - a. The oral report must be made immediately to the Howard County Department of Social Services (DSS) (Child Protective Services or Adult Protective Services, as appropriate) on business days, or the police on nonbusiness days or hours.
 - b. The employee or service provider must also notify the principal or Superintendent/designee that a report of suspected abuse or neglect has been made. See Standard IV.F if the allegations involve an employee or service provider.
 - c. Upon notification, the principal or Superintendent/designee must make certain that an accurate and complete oral report is made immediately and without modification to the proper authorities.
2. The person making an oral report of abuse or neglect must submit a written report within 48 hours after the contact that disclosed the existence of possible abuse and/or neglect. The principal must make certain that this report is submitted. The form entitled “Report of Suspected

Abuse/Neglect/Mental Injury” is to be used. Copies of the report must be sent to:

- a. School principal or the Superintendent/designee
 - b. Office of Student Services
 - c. DSS (2 copies), and
 - d. In the case of suspected abuse:
 - i. Howard County Department of Police, Child Abuse Section or Adult Protective Services, and
 - ii. State’s Attorney for Howard County.
3. School reporting sources will receive notification of the receipt of the report from DSS if the case is accepted for investigation.
4. It is not the role of the employee, the principal, the school system, or the service provider to investigate or determine the validity of a suspected abuse or neglect situation. Any doubt about reporting a suspected situation is to be resolved in favor of the child or vulnerable adult, and an oral report made immediately. In situations where school personnel or service providers are unsure whether abuse or neglect has taken place, the situation should be discussed with DSS. Once the alleged abuse or neglect has been reported, the Superintendent may pursue an administrative review as provided for in Standard F of this policy when a school system employee is the alleged abuser or neglector.
5. The employee or service provider is required to report any suspected instance of abuse or neglect:
- a. Whether the alleged victim is personally known by the reporting individual or not. Thus, a report must be made even if there is no direct knowledge or contact with the alleged victim.
 - b. Whenever there is reason to believe that abuse occurred in the past, even if the alleged victim is an adult when the incident comes to light.
 - c. That is alleged to have occurred in this state, as well as suspected abuse or neglect of a child or vulnerable adult who lives in this state, regardless of where the suspected abuse or neglect is alleged to have occurred. A report must be made to any county department of social services in Maryland if the alleged victim lives out of state and the suspected abuse or neglect occurred out of state and has come to light in Maryland.
6. Immunity

Any person who in good faith makes or participates in making a report of abuse or neglect or who participates in an investigation or a resultant judicial proceeding is immune from any civil liability or criminal penalty that would otherwise result from making a report of abuse or neglect, or participating in an investigation or a resultant judicial proceeding.

- a. No employee of the school system may prevent or discourage other employees or service providers from making reports of abuse and neglect. The school system shall protect employees from dismissal or other reprisals/retaliation for making a good faith report and/or participating in an investigation of abuse or neglect.
- b. When a case of suspected abuse or neglect has been reported, employees are prohibited from taking any action which may intimidate the alleged victim or non-victim witness, or which may prejudice the outcome of the case.
- c. All persons are required by law to protect the identity of the reporter unless required by court order to reveal the source.
- d. DSS staff may not identify any reporting source to a reported family unless the educator who filed the report has given written permission to reveal his/her identity.
- e. Students who come forward and make good faith reports, as well as students who may be victims or witnesses of abuse or neglect, shall also be protected by the school system from intimidation, harassment, or reprisals/retaliation by other students, staff, service providers, and members of the community to the extent possible.

C. Confidentiality of School System Records and Reports Concerning Abuse and Neglect

Abuse and neglect records and reports will be maintained in a confidential manner and in accordance with State law.

1. Disclosure

All records and reports concerning abuse and/or neglect and their outcomes are protected by Article 88A, Section 6(b). (See also Policy 9050, Student Records and Confidentiality and Policy 7010, Confidentiality of Personnel Records.) Unauthorized disclosure of such records is a criminal offense.

Information contained in reports or records concerning abuse and/or neglect may be disclosed only by DSS or the police.

- a. Such information shall be disclosed by DSS or the police:
 - i. Under a court order; or
 - ii. Under an order of an administrative law judge, if the request for disclosure concerns a case pending before the Office of Administrative Hearings and provisions are made to comply with other State or federal confidentiality laws and to protect the identity of the reporter or other person whose life or safety is likely to be endangered by disclosure; and
- b. Such information may be disclosed only by DSS or the police on request:
 - i. To personnel of local or State departments of social services, law enforcement personnel, and members of multidisciplinary case consultation teams, who are investigating a report of known or suspected abuse or neglect or who are providing services to a child or family that is the subject of the report;
 - ii. To a licensed practitioner who, or an agency, institution, or program which, is providing treatment or care to a child or vulnerable adult who is the subject of a report of abuse or neglect for a purpose relevant to the provision of the treatment or care (school personnel are covered under this provision in accordance with Maryland regulation);
 - iii. To a parent or other individual who has permanent or temporary care and custody of a child or vulnerable adult, if provisions are made for the protection of the identity of the reporter or any other person whose life or safety is likely to be endangered by disclosing the information;
 - iv. To the Superintendent for the purpose of carrying out appropriate personnel or administrative actions following a report of suspected abuse involving a student committed by:
 - A public school employee in that school system;
 - An independent contractor who supervises or works directly with students in that school system; or
 - An employee of an independent contractor, including a bus driver or bus assistant, who supervises or works directly with students in that school system.

2. Student Reports

- a. Abuse and neglect reports are not part of the educational record. They shall be maintained separately from the educational record in a locked file. They are not subject to the disclosure and other requirements of the Federal Education Rights and Privacy Act (FERPA). No school records relating to matters of abuse or neglect shall be available for inspection by parents. However, employees should be aware that in subsequent court action, the court might determine that such records are material to the case and thus subject to subpoena.
- b. Information contained in school health records that is needed during the existence of a health and safety emergency may be disclosed without parental consent and without violating provisions of FERPA. Educators are required to provide copies of a student's medical/health records information, upon request to DSS, as needed as part of an abuse/neglect investigation or to provide appropriate services in the best interest of a student who is the subject of a report of abuse or neglect.
- c. When principals become aware that students who are subjects of investigations of abuse or neglect have withdrawn and/or moved out of their schools' service areas within three months of the initiation of an investigation, they should notify DSS or law enforcement agencies.
- d. Certified copies of relevant custody decrees or civil protection orders provided by parents are placed in the student's cumulative record so that the school system can comply with pertinent stipulations contained within the order, in the instances where the school system becomes aware of a danger to the student of possible abduction, abuse, or neglect.

3. Employee Records

All records and reports of abuse and neglect involving an employee or service provider shall be secured in a locked file cabinet in the Central Office with only designated individuals having access to the files. Other individuals with proper authority and a need to know will record their access on a log maintained by the custodian of the file.

4. Retention of Records

- a. Abuse and neglect records and reports involving employees and service providers shall be kept on file as long as the individual continues to

provide services to the school system and for a period of five (5) years thereafter. These files will then be placed in permanent storage.

- b. Abuse and neglect records and reports involving students shall be retained for a period of five (5) years after the student turns 18, graduates from high school, or after the vulnerable adult turns 21. School-based records and reports concerning abuse or neglect shall be kept on file in the school in which the student was enrolled at the time of the report.

D. Suspected Abuse and Neglect Investigations

Employees and service providers will cooperate with DSS and the police in investigations of suspected abuse and neglect.

1. Validation of suspected abuse or neglect is the responsibility of DSS and the police.
2. School personnel or service providers attempting to determine if there is reason to suspect abuse or neglect should not subject students to undue pressure, nor should students be pressured to recant allegations of abuse or neglect.
3. Once it is determined that a report must be made, the employee or service provider reporting the alleged abuse or neglect, the school principal, or any other school-based employees are not to discuss any aspect of the case with the alleged victim or attempt to conduct any internal investigation or independent review of the facts.
4. School system employees are prohibited, in general, from taking action that prejudices the ongoing case, such as giving an indication to the alleged offender of the report of suspected abuse or neglect.
5. Interviews on School Property
 - a. The principal will permit DSS and the police to question a student who is an alleged victim or a non-victim witness of abuse or neglect on school premises during the school day, whether or not the student has already been interviewed, in an investigation involving suspected abuse or neglect under the Family Law Article.
 - b. The principal shall determine, after consultation with the individual from DSS or the police, whether a school official should be present during questioning. COMAR regulations express a preference for having a school official present during questioning except in circumstances

where, for example, their presence may inhibit the student's responses. The school official should be selected, with input from the victim, on a case-by-case basis for the purpose of providing support and comfort to the student who will be questioned. All questioning of the victim or the non-victim witness must be done by the police or representative of DSS. The Howard County Public School System/Howard County Department of Social Services "Procedures Concerning Abuse Investigations During School Hours" shall be followed.

- c. Decisions as to who will notify parents of a report or interview and when that notification will occur will be made by the principal in consultation with the Division of Protective Services, DSS, or the police. Notification by the principal is not required in a case where, in the judgment of the principal and personnel from the Division of Protective Services, DSS and/or the police, such a disclosure to parents would create a threat to the investigation or well being of the student. In these cases, the social worker or police officer are responsible for the notification of parents.
- d. A student may not be removed from the school grounds for questioning or medical investigation without parental approval unless DSS has guardianship or an authorization for shelter care to remove the student or unless there is a medical emergency which is caused by suspected abuse or neglect. Such an authorization need not be in hand but shall be verified by telephone. Removal from school grounds requires prompt notification of the student's parents. This is not discretionary. When a student is removed, the principal shall ensure that prompt notification of the removal is made to parents. By mutual agreement, such notification may be delegated to DSS or the police, but responsibility for ensuring that prompt notification occurs is that of the principal.

E. Support for Students

Employees and service providers will collaborate with child and adult protective service agencies and the police to provide support to alleged victims of abuse and neglect as well as students who report abuse or neglect.

1. Guidance counselors, school psychologists, pupil personnel workers, school-based liaisons, nurses, and other appropriate school system personnel are available to provide support and counseling to students who come forward to report or confirm allegations of abuse or neglect.
2. Instructional Intervention Team/Student Support Team meetings should be called for the purpose of providing services and supports to students known to be, or suspected of having been, abused or neglected.

3. A school-based liaison may request that DSS convene a multi-disciplinary team meeting to share or obtain information, or to discuss concerns, to the extent permitted by the confidentiality statute in order to coordinate planning services to the student. School-based liaisons and other appropriate school personnel are expected to participate in the team meetings in accordance with the procedures established between DSS and Howard County Public School System. School-based liaisons may also request information outside of the multi-disciplinary team meeting in order to coordinate planning services to the student.

F. Allegations of Abuse or Neglect Against an Employee or Service Provider

The process for addressing allegations of abuse or neglect that involve a school system employee or service provider will adhere to appropriate state law and the Memorandum of Understanding.

1. Whenever an employee or service provider makes an oral report of suspected abuse or neglect against a school system employee or service provider to DSS or the police, the reporter shall also immediately notify the Superintendent/designee and the principal or immediate supervisor as appropriate.
2. In every case of alleged abuse or neglect, an internal investigation will be conducted by the Superintendent's designee and a decision reached regarding discipline where warranted, even when DSS and the police close out a case without taking action. Such investigations must be conducted in accordance with the Memorandum of Understanding.
 - a. There will be no internal investigation of the allegations until it is clear that such investigation will not interfere with the efforts of either the police or DSS.
 - b. To the extent that some preliminary inquiry must be made to determine what action should be taken by the school system on an interim basis, the inquiry may be pursued only with the permission of law enforcement authorities and DSS.
 - c. The DSS and/or the police might decide not to pursue a report. If DSS does investigate, it will make one of three determinations:
 - i. Indicated by preponderance of the evidence: a finding that there is credible evidence, which has not been satisfactorily refuted, that abuse or neglect occurred

- ii. Unsubstantiated: a finding that there is insufficient evidence to support a finding of Indicated or Ruled Out
 - iii. Ruled Out: a finding that abuse or neglect did not occur
 - d. The State's Attorney makes a separate determination as to whether to bring criminal charges.
 - e. The school system's investigation can proceed when permission is granted by DSS and the police. To the extent possible, the system's investigation should make use of police reports, statements, and other information obtained in accordance with Article 88A, Section 6(b) to preclude repetitive questioning of alleged victims and witnesses.
 - f. The primary purpose of the HCPSS investigation is to determine if there is evidence of employee or service provider misconduct. In addition, the investigation should determine whether the matter was reported in a manner consistent with the law and school system policy and procedures.
- 3. Upon learning of allegations of abuse or neglect against a school system employee or service provider, the Superintendent/designee shall immediately:
 - a. Establish a case file.
 - b. Ensure that communication with DSS and the police is established as appropriate.
 - c. If an employee's assignment involves access to students, reassign the employee to remove such access. An exception may be made and employees may be retained in their positions in those instances where there is significant, credible information that reassignment is not warranted. Reassignment may be considered at any time during investigations by DSS, the police, or HCPSS of the allegations.
 - d. Restrict the service provider's access to students or discontinue their services until the investigation is complete.
 - e. Where necessary, ensure that the employee or service provider is notified only of the details pertinent to the reassignment or discontinuation of services. When such notification occurs, care must be taken not to discuss the allegation in order to ensure that the integrity of the investigation is not compromised.
 - f. Ensure that the Howard County Board of Education is informed of allegations against the employee or service provider and provide the

Board with periodic status reports. In the case of a service provider, the appropriate official of the service provider's business (where applicable) must also be notified, following the cautions in Standard IV.F.3.e.

- g. Oversee any internal investigation.
- h. Present findings and a recommendation to the Superintendent.

4. Discipline Procedures

- a. In every case of allegations of abuse or neglect against employees or service providers, the Superintendent shall notify the Board with a summary of the allegations, the finding, the decision regarding discipline, and the rationale.
- b. In cases where discipline of an employee is recommended, the Superintendent will hold a due process meeting with the employee to advise the employee of the charges and present an opportunity for response.
- c. If the Superintendent determines that a preponderance of evidence proves that the employee has not committed acts of abuse or neglect of a child or vulnerable adult or other inappropriate acts, the Superintendent shall return the employee who was reassigned during the investigation to his/her previous assignment or to a substantially equivalent position.
- d. If the Superintendent determines that a preponderance of evidence proves that the employee has committed acts of abuse or neglect of a child or vulnerable adult or other inappropriate acts, the Superintendent must advise the employee in writing of the disciplinary action to be taken. However, where the Superintendent determines that the appropriate punishment is the suspension or dismissal of the employee, the Superintendent shall notify the State's Attorney's office to allow for a request that administrative discipline be held off if such an administrative action would jeopardize the State's criminal case. In the case of a certificated employee, the notification to the State's Attorney shall take place before preparation of a recommendation to the Board of Education that the employee be suspended or dismissed, in accordance with Section 6-202 of the Education Article of the Annotated Code of Maryland.
- e. In the case of service providers, after the investigation is complete, the Superintendent/designee shall make a decision whether to continue services.

- G. Consequences for Failure to Report and for Crimes with Respect to Abuse or Neglect
1. Knowing Failure to Report
 - a. Knowing failure to report suspected abuse or neglect in violation of the reporting requirements constitutes misconduct in office for which an employee may be suspended or dismissed.
 - b. Knowing failure to report suspected abuse or neglect in violation of the reporting requirements by a service provider may result in discontinuation of services.
 - c. Knowing failure to report on the part of employees or service providers will be communicated to the appropriate certification or licensing agency. Any certificate issued under the State Board of Education's regulations may be suspended or revoked by the State Superintendent.
 - d. In every case of allegations of failure to report child abuse and neglect against employees or service providers, the Superintendent shall notify the Board with a summary of allegations, the finding, the decision regarding discipline, and the rationale.
 2. Crimes with Respect to Abuse or Neglect
 - a. An employee involved in abuse or neglect shall be subject to discipline up to and including termination of employment.
 - b. If a certificated employee pleads guilty or Nolo Contendere, receives probation before judgment, is convicted of a crime with respect to child abuse or neglect, or is dismissed or resigns after notice of allegations of misconduct involving a student or any minor, the Superintendent shall initiate the process for having his/her Maryland Certificate revoked by the State Superintendent of Schools.
 - c. The Howard County Public School System's Superintendent shall notify the State Superintendent in writing of charges under COMAR 13A.12.05 against a certificate holder, if the certificate holder was employed by the school system at the time the conduct occurred or if the conduct was reported to the system in a criminal background investigation. When a certificate holder is not employed by the Howard County Public School System, such reports may be made through the Assistant State Superintendent in Certification and Accreditation.

- d. If a service provider pleads guilty, Nolo Contendere, receives probation before judgment, or is convicted of a crime with respect to abuse or neglect, services will be discontinued.
- e. The Superintendent will report misconduct under this standard by non-certificated employees or service providers to any appropriate certification or licensing boards.

H. Multidisciplinary Team

The school system shall collaborate with DSS and be actively involved in multidisciplinary team meetings.

1. Investigations

In cases of alleged abuse or neglect where the accused is a school system employee or service provider, the Superintendent's designee shall be involved in a multidisciplinary team meeting for the purpose of ascertaining information and determining the appropriate course of action. The agreements contained in the Memorandum of Understanding shall be followed.

2. Support Services

The school-based liaison may be involved in a multidisciplinary team meeting for the purpose of assisting in the care and providing coordinated services to a student or family that is the subject of the report.

I. Professional Development

The school system, in collaboration with child protective service agencies and the police, will provide appropriate professional development to ensure that employees and service providers will carry out this policy.

- 1. All new employees shall receive training in recognizing and reporting physical abuse, sexual abuse, neglect, and mental injury of a child or vulnerable adult. This training shall occur prior to the first day that students report each year. For those hired after that date, training shall be provided as soon as reasonably possible, but not more than 45 days after the employee begins work. The Office of Student Services will provide training to new school-based employees. The Office of Student Services will provide assistance to appropriate supervisors in the training of other new employees. All new school system employees are required to sign a training certificate

attesting to the fact that they have been trained in recognizing physical abuse, sexual abuse, neglect, and mental injury of a child or vulnerable adult and that they have an understanding of the reporting requirements, stipulated through law and this policy. A copy of the training certificate will be placed in each employee's personnel file.

2. Annual review of this policy shall be provided to all employees, including administrators and supervisors, by September 30th of each year. Consultation services are available from the Office of Student Services. All principals and appropriate supervisors are required to sign a verification form annually, attesting to the fact that their employees have been made aware of the requirements for reporting physical abuse, sexual abuse, neglect, and mental injury. Verification forms will be forwarded to the Office of Student Services.
3. Service providers shall receive training and/or information in recognizing and reporting physical abuse, sexual abuse, neglect, and mental injury of a child or vulnerable adult. This shall occur as soon as reasonably possible after they begin providing services, and annually thereafter. Principals and appropriate supervisors are responsible for ensuring that service providers receive appropriate training and/or information. Service providers will be required to sign a form that they have been made aware of the indicators of abuse and neglect and know how to file a report. Such forms shall be retained by the principal/supervisor.

J. Parental and Student Notification and Educational Outreach

The school system shall notify parents and students annually of the legal responsibility of all employees, service providers and students to report suspected cases of abuse or neglect. The school system will also provide educational information to the community regarding abuse and neglect.

K. Monitoring

To monitor the implementation of this policy and to ensure continued diligence, abuse and neglect statistics from the previous year shall be compiled and reported annually to the Board of Education. The report will contain disaggregated statistics and trend analysis as appropriate and in accordance with Article 88A section 6(c). These statistics shall include:

1. The number of reports of abuse and number of reports of neglect for both children and vulnerable adult students.

- a. The number of physical abuse, sexual abuse, neglect, and mental injury reports made by school system employees and service providers.
 - b. The number of reports made by employees and service providers involving accusations against employees and service providers and the final dispositions of those reports by action taken.
 - c. The number of letters sent by the Superintendent requesting the revocation of certificates or licenses as the result of this policy, disaggregated by the reason for the action.
 - d. The number of investigations of abuse or neglect by DSS on school property during school hours.
2. A description of major professional development and educational outreach efforts by the school system directed toward staff, students, families, and the community.
 3. The number of multi-disciplinary team meetings requested by school system personnel; the number of meetings in which school system personnel have participated, either with regard to the investigation of reports of known or suspected abuse or neglect by an employee or service provider or with regard to the provision of coordinated interagency services to students who are the subjects of the reports; the number of students served by this team approach; the number and types of services provided; and their resultant outcomes.
 4. The number of problem solving team meetings that are called for the purpose of serving students known to be or suspected of having been abused or neglected, the number of students served by this team approach, the number and types of services provided by these teams, and resultant outcomes.

V. Compliance

- A. The Superintendent is responsible for:
 1. Ensuring that all employees and service providers report suspected abuse and neglect in accordance with the standards set forth herein.
 2. Ensuring that the school system has procedures to protect the identity of persons reporting abuse and neglect of children and vulnerable adults.
 3. Ensuring that investigations of employees and service providers are conducted in accordance with this policy and the Memorandum of Understanding.

4. Providing for annual notification to employees, service providers, students, and families of this policy.
 5. Designating staff to conduct investigations involving allegations against employees and service providers in accordance with Standards IV.F.2, IV.F.3, and IV.G.1.d.
 6. Designating a staff member to serve as the custodian of the file regarding school system employee records. This person will review and maintain the information on school system employees and service providers, of any status, who become the subject of investigations involving abuse and neglect, or who fail to report abuse or neglect. The custodian of the file will provide statistical data to the Office of Student Services for the annual report.
 7. Ensuring that, where appropriate, actions to decertify a certificated employee, or to revoke the license of a licensed employee, will be initiated.
 8. Reporting to the Board regarding the status and disposition of all cases of allegations of abuse or neglect against employees and service providers, as well as any disciplinary action taken as a result of failure to report.
- B. Principals and appropriate supervisors are responsible for:
1. Ensuring that neither students nor individuals under their supervision are subjected to retaliation or harassment as a result of this policy.
 2. Forwarding annual verification forms to the Office of Student Services.
- C. Principals are responsible for:
1. Making certain that an accurate and complete oral report is made immediately and without modification to the proper authorities, upon notification by an employee or service provider of suspected abuse or neglect, and that a written report is made within 48 hours.
 2. Designating a school-based liaison for abuse and neglect who will communicate with DSS and/or the police and participate, as needed, on multidisciplinary meetings.
 3. Ensuring that school-based records and reports concerning abuse or neglect are confidential and are secured in a locked file.

4. Notifying DSS or law enforcement agencies when they become aware that students who are subjects of investigations of abuse or neglect have withdrawn and/or moved out of their schools' service areas within three months of the initiation of an investigation.
- D. The Office of Student Services is responsible for:
1. Providing updated information regarding this policy, including phone numbers, to all schools and offices.
 2. Compiling and reporting abuse and neglect statistics to the Board of Education annually.
 3. Assisting with professional development, training, and educational outreach efforts towards staff, students, families, and the community.
- E. Employees and service providers are responsible for making immediate oral reports and written reports within 48 hours of abuse or neglect of children or vulnerable adults in accordance with this policy.
- F. School-based liaisons are responsible for:
1. Communicating with DSS and/or the police
 2. Coordinating support for students who are suspected of being abused or neglected
 3. Participating in meetings of the Multi-Disciplinary Team as needed
 4. Assisting with training of school-based staff.
- G. The custodial parent (or other person obtaining an order) is responsible for providing the school with any protective order which terminates or limits the non-custodial parent's or any other person's right of access to the student.

VI. Delegation of Authority

The Superintendent is authorized to develop procedures for the implementation of this policy.

VII. References

- A. Legal
COMAR 13.A.08.01.13, Questioning on School Premises

COMAR 13A.12.05, Suspensions and Revocations

The Annotated Code of Maryland, Criminal Law Article, Section 3-601, Child Abuse, and Section 3-602, Sexual Abuse of a Minor

The Annotated Code of Maryland, Criminal Law Article, Section 3-604, Abuse or Neglect of a Vulnerable Adult in the First Degree

The Annotated Code of Maryland, Education Article, Section 6-202, Suspension or Dismissal of Teachers, Principals and Other Professional Personnel

The Annotated Code of Maryland, Family Law Article, Title 5, Subtitle 7, Child Abuse and Neglect

The Annotated Code of Maryland, Family Law Article, Title 14, Subtitle 3, Investigative Provisions (Vulnerable Adults)

The Annotated Code of Maryland, Health General Article, Title 4, Subtitle 3, Confidentiality of Medical Records, Section 306

The Annotated Code of Maryland, Article 88A Section 6(b) and 6(c), Misuse of Public Assistance Lists and Records

Family Educational Rights and Privacy Act

B. Other Board Policies

Policy 1020 Sexual Harassment

Policy 1040 Safe School Environments

Policy 7010 Confidentiality of Personnel Records

Policy 7030 Employee Discipline

Policy 9050 Student Records and Confidentiality

C. Other

Howard County Public School System/Howard County Department of Social Services "Procedures Concerning Abuse Investigations During School Hours"

ADOPTED: October 11, 1977

AMENDED: July 25, 1991

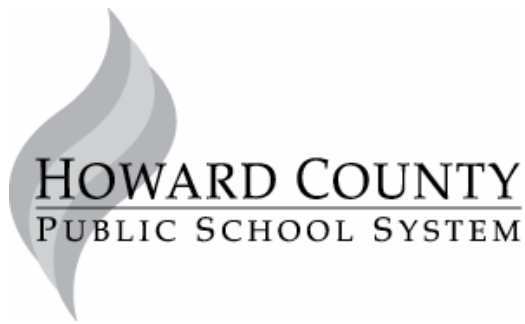
May 28, 1992

June 27, 1996

January 26, 2006

EFFECTIVE: January 26, 2006

Edited December 13, 2007 to remove a reference on page 20 to a rescinded policy and for minor formatting.



POLICY 1030-PR
IMPLEMENTATION PROCEDURES
CHILD ABUSE AND NEGLECT

Effective: July 1, 2007

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- I. All employees and service providers of the school system who suspect that a child or a vulnerable adult has been subject to abuse or neglect are to follow the following steps and procedures in reporting. Section IV.B of the policy contains additional details regarding responsibility for reporting and protection for doing so.
- A. Immediately file an oral report with the Howard County Department of Social Services (DSS) (Child Protective Services or Adult Protective Services, as appropriate) on business days during business hours, or the Howard County Department of Police (police) on non-business days or hours.
- | | |
|---|---------------|
| DSS, Child Protective Services | 410-872-4203 |
| 8:30-5:00 Mon. – Fri. (except holidays) | |
| DSS, Adult Protective Services | 410-872-8823 |
| 8:30-5:00 Mon. – Fri. (except holidays) | |
| Department of Police, Central Communication | 410-313-2929* |
| 24 hours a day/7 days a week | |
- * Indicate the call is from a school and request a CPS worker on call.*
- B. Notify the principal or appropriate Administrative Director that a report of suspected abuse or neglect has been made. In the case of allegations against an employee or service provider, notify the Assistant Superintendent for School Administration and either the principal or immediate supervisor as appropriate.
- C. Submit a written report within 48 hours after the contact that disclosed the existence of possible abuse and/or neglect. Use the form entitled “Report of Suspected Abuse/Neglect/Mental Injury” (available from the Office of Student Services) to report all abuse or neglect cases. Copies of this report shall be sent to:
1. School principal or the appropriate Administrative Director
 2. Office of Student Services
 3. DSS (2 copies), and,
 4. If the report involves suspected abuse also to the
 - a. Howard County Department of Police, Child Abuse Section or Adult Protective Services, and
 - b. State’s Attorney for Howard County

- D. Do not inform the individual who is the reported offender of the reporting action unless instructed to do so by the Superintendent. Do not discuss any aspect of the case with the victim.
- II. The principal will permit DSS and/or the police to interview the alleged student victim or non-victim witness in school in relation to the reported suspicion of abuse or neglect in accordance with Standard IV.D.5 of the policy.
 - A. Notification of parents regarding reports or interviews will be done in accordance with Standard IV.D.5.c of the policy.
 - B. Decisions regarding removal of a student from school grounds will be done in accordance with Standard IV.D.5.d of the policy.
- III. Principals will appoint school-based liaisons from among their Student Services staff members. School-based liaisons will communicate with DSS and/or the police, coordinate support for students who are suspected of being abused or neglected, participate in meetings of the Multi-Disciplinary Team as needed, and assist with training of school-based staff.
- IV. When students who are 18 years of age or older, and who are not vulnerable adults, report that they may be victims of abuse or neglect, staff must report the information to the school-based liaison and/or other student services staff to determine further action and to consider whether there are violations of other school system policies.
- V. The Superintendent will address instances of reported abuse and neglect involving a school system employee in accordance with Standards IV.F and IV.G of the policy. Allegations of abuse or neglect against an employee or service provider must be conducted by DSS and the police. Once a report of suspected abuse or neglect has been made, the school system cannot conduct any further investigations without the express approval of DSS or the police. However, the school system must always investigate abuse and neglect allegations against an employee or service provider, even when law enforcement or DSS closes out a report without taking action.
- VI. All records concerning abuse and neglect are to be maintained in a confidential manner. Section IV.C of the policy contains details regarding maintenance, retention, and disclosure of records and should be referred to for further information.
 - A. The principal will ensure that school-based records and reports of abuse and neglect are maintained in a confidential manner. Such records will be maintained separately from a student's educational records in the school in which the student was enrolled at the time of the report.

- B. The Director of Staff Relations will ensure that records and reports of abuse and neglect involving an employee or service provider are maintained in a confidential manner in the Central Office.
- VII. The school system will collaborate with the Department of Social Services DSS and be actively involved in multidisciplinary meetings with regard to investigations and support services, in accordance with Standard IV.H of the policy. School-based liaisons and other appropriate school personnel are expected to provide support and to participate in team meetings as appropriate in accordance with Standard IV.E of the policy.
- VIII. The school system will provide for appropriate professional development to ensure that all employees and service providers will carry out this policy, in accordance with Standard IV.I. Professional development will include notice that the law provides immunity from any liability or criminal penalty to all those who participate in good faith in the making of a report, in an investigation, or any judicial proceedings resulting from such a report.
- A. All new employees and service providers will receive training in recognizing and reporting physical abuse, sexual abuse, neglect, and mental injury.
 - B. An annual review of the policy will be provided to all employees and service providers.
 - C. The Superintendent's designee will identify service providers requiring training under this policy.
- IX. The Director of Staff Relations will serve as the custodian of the confidential files regarding school system employees and service providers who become the subject of abuse and neglect, or who fail to report abuse or neglect. The Director of Staff Relations will provide statistical data to the Office of Student Services for the annual report. This will include the number of reports made by employees and service providers involving accusations against employees and service providers and the final dispositions of those reports by action taken.

Notes:

1. *Many of the procedures outlined in this policy are required by law.*
2. *The Annotated Code of Maryland requires all adults to report suspected abuse or neglect at any time that it comes to their attention.*

Attachment: Memorandum of Understanding

ADOPTED: July 22, 1991

POLICY 1030-PR
IMPLEMENTATION PROCEDURES

AMENDED: May 28, 1992
January 26, 2006
May 10, 2007
EFFECTIVE: July 1, 2007

MEMORANDUM OF UNDERSTANDING

Recognizing the common goals of minimizing of trauma to child victims and State's witnesses, maintaining the efficacy of the investigative process and a swift resolution of the employment status for a school system employee, the Howard County State's Attorney's Office, the Howard County Department of Police, the Howard County Department of Social Services, and the Howard County Public School System enter into this agreement.

- I. When a school system employee or service provider of any status becomes a subject of a child abuse or neglect investigation conducted by the Howard County Department of Police and/or the Howard County Department of Social Services, covered by Policy 3711, the participants of the Multidisciplinary Team meeting will share information with the Superintendent's designee, and the Superintendent's designee will share information with the participants of the Multidisciplinary Team. Information can also be shared directly with the Superintendent under Article 88A, Section B(6)7 of the Annotated Code of Maryland.
 - A. The designee from the Howard County Department of Social Services will notify the Superintendent's designee that an incident involving a school employee or service provider will be the subject of a Multi-Disciplinary Team Meeting.
 - B. Information to be shared at the multi-disciplinary team meeting may include the content of police reports, victim interviews, etc., depending upon the nature of the case and its unique facts and circumstances. The intent of this conduct is to facilitate a solution agreeable to all parties, i.e., the school system, the state, and the child victim.
 - C. An internal investigation by the school system will not be conducted until it is clear that such investigation will not interfere with the efforts of the Department of Police or the Department of Social Services. Any need on the part of the Superintendent or his/her designee to contact a victim, witness, or suspect will first be discussed and consent gained from the law enforcement authorities and the Howard County Department of Social Services.
- II. The Superintendent's designee and the assigned child abuse prosecutor shall maintain an open line of communication between the two offices regarding case scheduling and status.
- III. In the event that the school system seeks an administrative determination prior to a criminal disposition, the school system will notify the State's Attorney's office to allow for a request that the administrative disciplinary action be held off if such an administrative action would jeopardize the State's criminal case. The school system will seek to cooperate with the state's Attorney's office in these cases. In the event that a school system employee or service provider seeks an administrative determination prior to a criminal disposition, the school system will notify the State's Attorney, and the State Attorney's office will seek to cooperate with the Board of Education's administrative hearing but only to the extent that will not jeopardize the criminal action.
- IV. Nothing contained herein shall be construed as a delegation, limitation, or restriction of the Superintendent's responsibility or authority for disciplining employees of the Howard County Public School System as provided by state law.

Howard County State's Attorney

By

Timothy J. McCrone, State's Attorney

Howard County Department of Social Services

By

Charlene Gallion, Director

Howard County Department of Police

By

G. Wayne Livesay, Chief

Howard County Public School System

By

Sydney L. Cousin, Superintendent