



PERSONNEL: Conduct

Child Abuse and Neglect

I. Purpose

To implement Board of Education of Baltimore County (Board) Policy 4103 by establishing procedures for reporting and investigating child abuse and neglect and disciplining employees and/or service providers for committing acts of child abuse, neglect or inappropriate behavior toward a student.

II. Definitions

- A. *Abuse* – The physical or mental injury of a child by any parent or other person who has permanent or temporary care or custody or responsibility for supervision of a child, or by any household or family member, under circumstances that indicate that the child’s health or welfare is harmed or at substantial risk of being harmed. Abuse also includes sexual abuse of a child, whether physical injuries are sustained or not.
- B. *Child* – Any person under the age of 18 years.
- C. *Child Protective Services (CPS) Liaison* – A school-based employee who is appointed by the school principal and is specially trained in the child abuse/neglect reporting process and who serves as a liaison with the Department of Social Services (DSS), school staff and the alleged victim’s family.
- D. *Employee* – Both certificated and non-certificated personnel employed by the Board on a regular or temporary basis.
- E. *Inappropriate Behavior* – Any unprofessional act committed by a Board employee or service provider toward a student, including, but not limited to, willful acts of misconduct, deliberate violations or disregard of standards of behavior that the Board expects of its employees.
- F. *Internet* – A worldwide telecommunications system that provides connectivity to thousands of other small networks.
- G. *Mental Injury* – The observable, identifiable and substantial impairment of a child’s mental or psychological ability to function.

H. *Neglect* –

1. Leaving a child (under 8) unattended or other failure to give proper care and attention to a child by any parent or other person who has permanent or temporary care or custody or responsibility for supervision of the child under circumstances that indicate: the child's health or welfare is harmed or placed at substantial risk; or that mental injury to the child or a substantial risk of mental injury may result.
2. Examples of neglect that shall be reported to DSS include, but are not limited to:
 - a. A child who is left unattended or inadequately supervised for long periods of time or with responsibilities beyond the child's capacities;
 - b. A child who is showing signs of failure to thrive that cannot be explained by a medical condition;
 - c. A child who is demonstrating evidence of being malnourished, or a child who is showing that he/she is receiving insufficient food;
 - d. A child who is not receiving essential medical, mental health or dental treatment to the extent that the child's health or welfare is harmed or at substantial risk of harm;
 - e. A child who is not wearing weather-appropriate clothing that creates risk to the child's health;
 - f. A child who is living in a home where safety standards put the child's health or welfare at substantial risk of harm; or
 - g. A child who is left at school for extended periods of time after a parent fails to pick the child up after the school day or an after-school program.

I. *Parent* – The biological parent, legal guardian or person acting in the absence of the parent or guardian.

J. *Service Provider* – Individuals who provide a service to the school system either under a contract (including the contractor's direct employees, subcontractors and/or independent contractors) or volunteering when those services involve access to students. A service provider includes, but is not limited to: vendors, independent contractors, consultants, student teachers or student interns, volunteers and individuals who participate in a school partnership program.

K. *Sexual Abuse* –

1. Any act that involves sexual molestation or exploitation of a child by a parent or other person who has permanent or temporary care, custody or responsibility for supervision of a child or by any household or family member, whether physical injuries are sustained or not.
 2. Child sexual abuse includes, but is not limited to, allowing or encouraging a child to engage in: obscene photography, film, poses or similar activity; pornographic photography, film, poses or similar activity; prostitution; human trafficking; incest; rape; a sexual offense in any degree; sodomy; or an unnatural or perverted sexual practice.
- L. *Student* – A student currently enrolled in BCPS or who was enrolled in BCPS at the time of the incident, regardless of the student’s age.
- M. *Vulnerable Adult* – A student who is 18 years or older who is believed by the individual reporting abuse or neglect to lack the physical or mental capacity to provide for his/her daily needs.

III. Employee and Service Provider Responsibilities

- A. All Board employees and service providers are required to report suspected abuse or neglect of a child or vulnerable adult to DSS or the Baltimore County Police Department:
1. Whether the alleged victim is personally known by the reporting individual;
 2. Whether the alleged perpetrator is a Board employee or service provider, parent, guardian, caretaker or a household or family member;
 3. Whether the alleged abuse/neglect occurred on or off of school property;
 4. Whenever there is a reason to believe that abuse occurred in the past, even if the alleged victim is an adult when the incident comes to light; and
 5. Regardless of where the child or vulnerable adult lives and regardless of where the suspected abuse or neglect is alleged to have occurred.
- B. Board employees and service providers are required to report all instances of suspected child abuse, neglect or inappropriate behavior toward a student by a Board employee or service provider.

- C. Board employees and service providers are required to notify DSS or the police department if they have reason to believe that a parent, guardian or caregiver of a child allows the child to reside with, or be in the presence of, an individual, other than the child's parent, who is a registered sex offender.
- D. If an individual has any doubt about whether to report suspected abuse and/or neglect, he/she shall err on the side of reporting the incident to DSS.

IV. Reporting Procedures

A. Oral Report

- 1. An oral report of abuse or neglect for incidents occurring during the business day must be made immediately to DSS (410-853-3000).
- 2. If unable to contact DSS, or for cases involving sexual abuse, an oral report shall be made to the Baltimore County Police Department, Crimes Against Children Unit (410-853-3650).
- 3. In order to facilitate prompt investigation, the following information shall be provided when making an oral report:
 - a. Name, address, telephone number and date of birth of the child;
 - b. Siblings, including names and school of attendance;
 - c. Name, address and telephone number of the child or vulnerable adult's parent(s).
- 4. The employee or service provider may consult with the school's CPS liaison, an administrator, school nurse, school counselor, school social worker, pupil personnel worker or school psychologist for assistance in the reporting process. A consultation under this paragraph does not release the employee or service provider from his/her obligation to file a report with the DSS.
- 5. Prior to making a report, the employee or service provider shall not interview the alleged offender or discuss the alleged incident with him or her.
- 6. The employee or service provider is prohibited from taking any action that prejudices the investigation and from informing the alleged offender of the filing of a report of suspected abuse or neglect.

B. Notification of School Principal or Supervisor

- 1. After making an oral report to DSS, the reporting employee or service provider shall immediately notify the school principal if the reporter is school-based. If the reporting employee or service provider is not school-based, the reporter shall notify his/her immediate supervisor. Notice to the school principal/supervisor under this paragraph does

not release the employee or service provider from his/her obligation to file a report with DSS.

2. Upon notification, the school principal/supervisor must make certain that an accurate and complete oral report was made and that a written report is submitted.

C. Written Report

1. The reporting employee or service provider shall submit a written report to DSS within 48 hours of making an oral report on the following forms:

- A. Form BCDSS 92-180A, School's Report of Suspected Child Abuse (See Rule 4103, Form A), or
- B. Form BCDSS 92-180B, School's Report of Suspected Child Neglect (See Rule 4103, Form B).

2. The school principal/supervisor shall distribute copies of the written report as follows:

- a. Department of Social Services

E-mail copy to:

DHR.BaltimoreCountyCPS@maryland.gov

(Request AN e-mail delivery receipt and maintain a copy of THE DELIVERY RECEIPT [receive] for your records).

- b. Office of School Counseling

Mail copy to:

Office of School Counseling
Baltimore County Public Schools
105 West Chesapeake Avenue
Jefferson Building, Lower Level
Towson, MD 21204

- c. Office of the State's Attorney (abuse only)

Mail copy to:

Office of the State's Attorney
Circuit Court for Baltimore County
401 Bosley Avenue, Room 511
Towson, MD 21204

- d. Original: School principal/supervisor

D. Allegations of Child Abuse or Neglect toward a Student by an Employee or Service Provider

1. If the reported abuse or neglect involves an allegation against an employee or service provider, the school principal/supervisor will immediately notify his/her community superintendent or executive

director that an allegation of child abuse or neglect has been reported to DSS.

2. The school principal/supervisor will simultaneously complete a BCPS *Internal Incident Report Form* (Rule 4103, Form C) and fax a copy of the form to:
 - a. His/her community superintendent or executive director; and
 - b. The Office of Investigations and Records Management (OIRM).
3. Student Contact
If the employee's or service provider's assignment involves physical contact to students, the school principal/supervisor may remove such access and/or discontinue services while external and internal investigations are conducted.
4. Follow-Up by OIRM
 - a. OIRM may reassign an employee suspected of child abuse or neglect to a temporary assignment at an alternate work location.
 - b. If the alleged offender's assignment involves the use of technology, OIRM may suspend access to school system networks until external and/or internal investigations are complete.
 - c. If the alleged offender is a vendor, OIRM will notify the chief administrative and operations officer (CAOO). THE CAOO will notify the vendor and discontinue the services of the individual suspected of child abuse or neglect until the investigation is completed.
 - d. If the alleged offender is a volunteer, OIRM will notify the chief communications officer to restrict the individual from volunteering with the school system until the investigation of alleged child abuse or neglect is completed.

E. Allegations of Inappropriate Behavior against a Student by an Employee or Service Provider

1. Employees and service providers shall immediately notify their school principal or immediate supervisor if they observe an act of inappropriate behavior toward a student and the behavior does not meet a criminal standard and is not reported to DSS.
2. The school principal/supervisor will immediately notify his/her community superintendent or executive director that an allegation of inappropriate behavior has been reported to OIRM.

3. The school principal/supervisor will simultaneously complete a BCPS *Internal Incident Report Form* (See, Rule 4103, Form C) and fax a copy of the form to:
 - a. His/her community superintendent or executive director; and
 - b. The Office of Investigations and Records Management (OIRM).
4. Student Contact
If the alleged offender's assignment involves physical access to students, the school principal/supervisor may remove such access and/or discontinue services while external and internal investigations are conducted.
5. Follow-Up by OIRM
 - a. OIRM may reassign an employee suspected of inappropriate behavior to a temporary assignment at an alternate work location.
 - b. If the alleged offender's assignment involves the use of technology, OIRM may suspend access to school system networks until external and/or internal investigations are complete.
 - c. If the alleged offender is a vendor, OIRM will notify the CAO. The CAO will notify the vendor and discontinue the services of the individual suspected of inappropriate behavior until the investigation is completed.
 - d. If the alleged offender is a volunteer, OIRM will notify the chief communications officer to restrict the individual from volunteering with the school system until the investigation of inappropriate behavior is completed.

V. External Investigation

- A. Once a case is accepted by DSS and/or is being investigated by the police department, there will be no internal investigation of the allegations until BCPS has been advised that such investigation will not interfere with the external investigations being conducted by DSS and/or the police department.
- B. BCPS employees and service providers shall cooperate fully with investigations conducted by DSS and/or the police department involving allegations of child abuse or neglect.

- C. DSS and/or the police department will provide details of its investigation to the Office of Investigations and Records Management (OIRM).
- D. For cases initially subject to the jurisdiction of the police department and not reported by school staff, the police department will provide its report and all supplements (police report) to the safe schools liaison, who will forward the police report to OIRM.
- E. DSS will advise the reporting employee or service provider of its decision to take the case for investigation.
- F. The reporting employee or service provider will immediately advise the school principal of DSS' decision.

VI. Interviews of School Property

- A. As mandated by the Code of Maryland Regulations (COMAR), the school principal will permit DSS and the police to question a student on school premises during the school day in an investigation involving child neglect or suspected child abuse when the student is an alleged victim or a non-victim witness of abuse or neglect.
- B. The school principal shall require proper identification from the DSS worker or police officer prior to authorizing the questioning of a student. The following documentation is required and shall be recorded by the school administrator:
 - 1. Full name of the DSS social worker or police officer.
 - 2. Identification card issued by the DSS or police badge number. (Identification information shall be recorded but may not be photocopied.)
 - 3. Contact information, including telephone number and address of agency or police precinct.
- C. The school principal shall determine, after consultation with the DSS worker or police officer, whether a school official should be present during questioning.
- D. Decisions as to who will notify parents of investigative questioning of students conducted under this paragraph and when that notification will occur will be made by the school principal, in consultation with the DSS worker or police officer. Notification is not required in a case where, in the

judgment of the school principal and the DSS worker or police officer, such disclosure to parents would create a threat to the investigation or well-being of the student. In such cases, the DSS worker or police officer are responsible for notification of parents.

- E. A student may not be removed from the school grounds for questioning without parental authorization 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. When a student is removed, the school principal shall ensure that prompt notification of the removal is made to the parent(s).

VII. Child Protective Services (CPS) Liaison

- A. During the investigation, the CPS Liaison is responsible for:
 - 1. Serving as the school’s contact person for all DSS and/or police department investigations conducted in the school, including requests for student records related to the investigation;
 - 2. Facilitating the questioning of a student in a location that ensures maximum confidentiality and privacy for the student; and
 - 3. When appropriate, ensuring that the school nurse documents the existence of past/present physical injuries to the student.
- B. Following the investigation, the CPS Liaison is responsible for:
 - A. Communicating with DSS and/or the police; and
 - B. Coordinating support for students known to be, or suspected of having been, abused or neglected.

VIII. Internal Investigation

- A. DSS and/or the police department will provide details of its investigation to the Office of Investigations and Records Management (OIRM).
- B. OIRM will initiate an internal investigation and oversee all internal investigations for cases referred under this rule.
- C. Upon completion of the internal investigation, OIRM may:
 - 1. Complete and submit a final report to the chief human resources officer and appropriate administrative staff for review; and
 - 2. Recommend disciplinary or other action to be taken against the employee/service provider.

IX. Records

- A. All records and reports of abuse and neglect are to be maintained in a confidential manner. The unauthorized disclosure of records or reports concerning suspected abuse or neglect is a criminal offense under Maryland law.
- B. The school principal will ensure that all abuse and/or neglect referrals or reports are kept in a separate, confidential file in the school principal's office and maintained by the school until such time as the student turns 24 years of age.
- C. Except for information that is required in order to complete the *School's Report of Suspected Child Abuse and/or Child Neglect Forms*, information contained in a student's educational record shall only be disclosed as allowed by federal and state laws and regulation and in accordance with Board Policy and Superintendent's Rule 5230, *Student Records*.

X. Immunity

Any employee or service provider who, in good faith, makes or participates in making a report of child abuse or neglect or participates in an investigation or a resulting judicial proceeding is immune from any civil liability or criminal penalty in accordance with state law.

XI. Retaliation

Retaliation for good-faith reports made as required by this rule is strictly prohibited.

XII. Interagency Collaboration

BCPS will collaborate with DSS, the Baltimore County Police Department and other agencies to implement child abuse and neglect procedures and training.

XIII. Training

- A. Employees
 - 1. BCPS will provide appropriate professional learning to support Board employees in carrying out the responsibilities required by this rule.

2. All new employees shall be required to undergo training in recognizing, reporting and preventing abuse and neglect of a child or vulnerable adult.
3. Annually, school principals and office heads will review abuse/neglect policies and procedures with their employees.
 - a. Verification of each employee's participation in the child abuse/neglect awareness training program must be kept in the employee's file in the employee's school or office.
 - b. If online training is conducted, a record of completed training will be maintained in the Office of Risk Management.

B. Students

The Office of School Counseling, in collaboration with other pupil services team members, shall coordinate and develop programs to educate students about physical abuse, sexual abuse and neglect. These programs shall be developmental, comprehensive and current for students and exist on all levels of the curriculum.

C. Service Providers

BCPS will offer workshops, information and training, as appropriate, for BCPS service providers on recognizing, reporting and preventing child abuse and neglect.

D. Community Awareness

1. The Office of School Counseling will assist in informing the public about abuse/neglect issues, programs and school system initiatives.
2. Schools are encouraged to inform their school communities about abuse and neglect through school newsletters, meetings and the school calendar.

XIV. Discipline

- A. Any employee or service provider who knowingly fails to report suspected child abuse or neglect will be subject to disciplinary action, up to and including dismissal.
- B. If BCPS determines that a Board employee has been involved in abuse or neglect of a student, or has otherwise exhibited inappropriate behavior

toward a student, the individual shall be subject to discipline, up to and including dismissal.

- C. If BCPS determines that a Board contractor or volunteer has been involved in abuse, neglect or inappropriate behavior toward a student, the individual shall be subject to termination of services or termination of volunteering privileges, as appropriate.
- D. The Superintendent will seek suspension or revocation of a certificate issued under the authority of the Maryland State Board of Education if a certificated employee:
 - 1. Knowingly failed to report suspected child abuse or neglect;
 - 2. Pleads guilty or *nolo contendere*, receives probation before judgment with respect to, or is convicted of, a crime with respect to child abuse or neglect;
 - 3. Is dismissed or resigned after notice of allegations of misconduct involving a student or any minor; or
 - 4. Is dismissed or resigned after notice of allegations of sexual child abuse.
- E. An employee or service provider who fails to cooperate with an external or internal investigation as provided by this rule will be subject to disciplinary action, up to and including dismissal or termination of services or termination of volunteering privileges, as appropriate.

Legal References: *Annotated Code of Maryland, Courts and Judicial Proceedings Article §5-620, Persons Reporting Child Abuse or Neglect*
Annotated Code of Maryland, Courts and Judicial Proceedings Article §5-803, School Employees
Annotated Code of Maryland, Education Article §4-205, Powers and Duties of County Superintendent.
Annotated Code of Maryland, Education Article §6-108, Immunity of School Employees from Civil Liability for Certain Actions
Annotated Code of Maryland, Education Article §6-202, Suspension or Dismissal of Teachers, School Principals Supervisors, Community Superintendents or Other Professional Personnel
Annotated Code of Maryland, Family Law Article §5-701, et seq., Child Abuse and Neglect

*Annotated Code of Maryland, Human Services Article §1-202,
Confidentiality of Information – Child Abuse and Neglect Reports
and Records*

COMAR 13A.08.01.13, *Questioning on School Premises*

COMAR 13A.12.05, *Suspensions and Revocations*

Related Policies: Board of Education Policy 1260, *School Volunteers*
Board of Education Policy 4002, *Obligations of Employees of the
Board of Education of Baltimore County*
Board of Education Policy 4100, *Employee Conduct and
Responsibilities*
Board of Education Policy 5230, *Student Records*

RULE

Superintendent of Schools

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