

FREDERICK COUNTY PUBLIC SCHOOLS	Reg. No. 400-47
Subject: REPORTING ABUSE AND NEGLECT	Issued: 5/1/86
Preparing Office: Office of the Superintendent	Amended: 6/7/19

I. Policy 418

II. Procedures

A. The legal responsibility to make determination of abuse or neglect is vested in the agency authorities to whom the report is made. Any person who makes or participates in the making of a good faith report of abuse or neglect or participates in the investigation or in a judicial proceeding resulting from the report is immune from any civil liability or criminal penalty. The identity of the reporter is kept confidential; however, the reporter may be subpoenaed to testify to knowledge he/she may have regarding health and safety matters concerning the alleged victim.

B. Definitions

1. *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; or sexual abuse of a child, whether physical injuries are sustained or not.
2. *Child* - An individual under the age of 18 years.
3. *Child Sexual Abuse* – Means an act by an adult involving a minor or a student that constitutes a sexual offense under the laws of the state, or any sexual contact between an adult and a minor.
4. *Contracting Agency* – Means an entity that contracts with a county board or nonpublic school to provide a service to a school or the students of a school.
5. *Direct Contact with Minors* – Means the possibility of care, supervision, guidance, or control of a minor or routine interaction with a minor.
6. *Indicated* - "Indicated" means a finding that there is credible evidence, which has not been satisfactorily refuted, that abuse, neglect, or sexual abuse did occur.
7. *Mental Injury* - The observable, identifiable, and substantial impairment of a child's mental or psychological ability to function.
8. *Neglect* - The leaving of a child unattended or intentional 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 (1) that the child's health or welfare is harmed or placed at substantial risk of harm; or (2) mental injury to the child or a substantial risk of mental injury.

9. *Ruled Out* - A finding that abuse, neglect, or sexual abuse did not occur.
10. *Sexual Abuse* – Any act that involves sexual molestation or exploitation of a child by a 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. Sexual abuse includes:
 - (i) allowing or encouraging a child to engage in:
 1. obscene photography, films, poses, or similar activity;
 2. pornographic photography, files, poses, or similar activity; or
 3. prostitution;
 - (ii) human trafficking;
 - (iii) incest;
 - (iv) rape;
 - (v) sexual offense in any degree;
 - (vi) sodomy; and
 - (vii)unnatural or perverted sexual practices
11. *Sexual Misconduct* – Means an act by an adult, including an oral, nonverbal, written, or electronic communication, or a physical activity directed toward or with a minor that is designed to promote a romantic or sexual relationship with the minor, including:
 - (i) sexual or romantic invitations;
 - (ii) dating or soliciting dates;
 - (iii) engaging in sexualized or romantic dialogue;
 - (iv) making sexually suggestive comments;
 - (v) grooming behaviors;
 - (vi) self-disclosure or physical exposure of a sexual, romantic, or erotic nature; and
 - (vii)a sexual, indecent, romantic, or erotic contact with the minor.
12. *Unsubstantiated* - A finding that there is an insufficient amount of evidence to support a finding of indicated or ruled out.

C. Mandatory Training

Employees are required to receive instruction annually on the prevention, identification, and reporting of child sexual abuse. ¹ Such training will include how to:

- (i) recognize sexual misconduct in adults;
- (ii) recognize and appropriately respond to sexually inappropriate, coercive, or abusive behaviors among minors;
- (iii) recognize behaviors and verbal cues that could indicate a minor has been a victim or child sexual abuse; and

¹ Effective July 1, 2018, House Bill 1072 *Education – Child Sexual Abuse Prevention – Instruction and Training*

- (iv) respond to disclosures by minors or their parents or guardians of child sexual abuse or reports of boundary-violating behaviors of adults or minors in a supportive and appropriate manner that meets mandated reporting requirements under state law.

Immediate supervisors are notified of employees who are required to complete the mandatory training and are responsible for ensuring employees are in compliance once notified.

D. Reporting Suspected Abuse, Neglect, or Mental Injury

1. Maryland law requires that every employee and volunteer ² of the local school system, health practitioner, human services worker, or law enforcement officer who has reason to believe that a child has been subjected to abuse or neglect, mental injury or neglect shall immediately report to the local Department of Social Services or appropriate law enforcement agency. The oral report must be made as soon as reasonably possible. At the same time, the employee shall also notify the school principal/designee or immediate supervisor, if the alleged offender is not school based.

Note: A school employee may seek class coverage where applicable in order to ensure the alleged abuse or neglect is reported promptly.

2. School personnel may conduct preliminary questioning with the student to determine if there is a reason to suspect abuse or neglect has occurred and gather information to determine the cause, nature and extent of abuse or neglect and the identity of any individual who may be responsible for the alleged abuse or neglect. However, validation of suspected abuse or neglect is the responsibility of the Department of Social Services assisted by the police. A school employee is not to conduct further investigation once the case has been referred to the Department of Social Services, unless specifically advised by the case worker with the Department of Social Services to seek additional information. However, such questioning should be referred to the school administrator or school counselor.
3. Any doubt about reporting suspected abuse or neglect is to be resolved in favor of the child.

E. Records and Reports of Abuse or Neglect

1. Verbal report of suspected abuse or neglect shall be made as soon as possible to the Department of Social Services.
2. The written report for abuse or neglect should be made, utilizing the form provided, and filed within 48 hours of the suspicion.
3. Reports of abuse and information related to the reporting will be maintained in a confidential manner and will be kept separately from a student's educational records.

² If an FCPS volunteer in the scope of serving an FCPS student in his/her volunteer role has reason to suspect abuse or neglect, the FCPS volunteer shall report in accordance with the law and it is advised to also provide notification to the school based administrator.

4. All records and reports concerning protective services investigations of abuse or neglect and their outcomes are protected by the confidentiality statute, Article 88A, Section 6(b). Unauthorized disclosure of such records is a criminal offense subject to a fine of up to \$500, or imprisonment for up to 90 days, or both. Under this statute, information contained in reports or records concerning child abuse and/or neglect may be disclosed only in the following ways:
 - a. Under a court order.
 - b. 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 for a child or family that is the subject of the report.
 - c. To local or state officials responsible for the administration of the child protective services as necessary to carry out their official functions.
 - d. To a person who is the alleged child abuser, or to the person who is suspected of child neglect if that person is responsible for the child's welfare and 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.
 - e. To a licensed practitioner or an agency, institution, or program providing treatment or care to a child who is the subject of a report of abuse or neglect.
 - f. To a parent or other person who has permanent or temporary care and custody of a child, 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.
5. The school principal shall keep a log of all reported cases which will include (a) the name of the child, (b) the date and hour of the oral report, (c) the name of the agency reported to; and (d) the date the report was mailed.

F. Failure to Report Abuse or Neglect

1. Upon the recommendation of the Superintendent of Schools, the Board of Education may suspend or dismiss an employee for misconduct in office for knowingly failing to report suspected abuse or neglect.
2. Upon the recommendation of a local Board of Education, any certificate issued under the Maryland State Board of Education's regulations may be suspended or revoked by the State Superintendent if the certificate holder is convicted of a crime involving abuse or neglect or is dismissed by a local board of education for knowingly failing to report suspected child abuse in violation of the Family Law Article, *Annotated Code of Maryland*.
3. Pursuant to the Criminal Law Article, *Annotated Code of Maryland*, a person who is required to provide notice of suspected abuse or neglect of a child or make a written report of suspected abuse or neglect of a child under the Family Law Article,

Annotated Code of Maryland may not knowingly fail to provide the required notice or make the required written report if the person has actual knowledge of the abuse or neglect.

A person who violates the Family Law Article is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$10,000 or imprisonment not exceeding three years, or both.

G. Immunity of Person Making Report

Any person who makes or participates in making a report of abuse or neglect under §5-704 or §5-705 of the Family Law Article, or participates in an investigation or a resulting judicial proceeding shall have the immunity described under §5-620 of the Courts and Judicial Proceedings Article from civil liability or criminal penalty.

H. Interviewing the Child on School Premises

In accordance with Maryland law, a school system shall permit personnel from the local Department of Social Services or a police officer to question a student on school premises during the school day in an investigation involving suspected abuse or neglect. The law further provides that the Superintendent or designee (i.e. school administrator) shall determine, after consultation with the individual from the Department of Social Services or law enforcement, whether a school official shall be present during the questioning of the student.

If there is a dispute regarding a school official's presence during the interview, or a principal is unsure about the decision, the principal should contact the Chief of Staff and Legal Counsel for resolution.

In order to implement these provisions, in accordance with the law and in a cooperative effort with the Department of Social Services, the following procedures shall be followed:

A school administrator shall designate a school official to do the following:

1. Inspect the identification of the investigator(s) to ensure the person is a valid employee of the agency.
2. Assist the investigator by providing a private area for the interview.
3. Use routine school procedure to retrieve the child from class with sensitivity to the confidentiality of the reason.
4. Determine, after consultation with the individual from the local Department of Social Services or the police officer, whether a school official shall be present during the questioning of a student. In making the determination whether to be present, a school administrator may:
 - a. Ask the student if he or she is comfortable talking with the caseworker.

- b. If the student indicates he/she is not comfortable meeting with the case worker alone, then ask whether the student would like the school administrator or another school official to be present.

NOTE: In general, the Department of Social Services prefers that a school official not be present during the interview as it could negatively impact the interview. We recognize that in interviewing a child, it is difficult to establish rapport between the interviewer and interviewee when several individuals are present. Therefore, if the determination is that a school official should be present for the interview, we will limit the school's involvement to one staff member whose role is to be present to provide assistance and a sense of comfort to the child.

During the meeting, the school official is not to participate in questioning or guiding the child as that participation could serve to compromise the integrity of the investigation and unintentionally impact the success of prosecution.

I. Contacting Parents

The school principal/designee is not required to notify parents or guardians of investigations on school premises involving suspected abuse or neglect. If a parent calls to inquire about an investigation, indicate you cannot confirm or deny the information and refer the parent to the Department of Social Services.

J. Removal of Child from School Premises

The child may be removed from the school premises by a protective services worker or police officer only if:

1. The local Department of Social Services has guardianship of the child.
2. The local Department of Social Services has a shelter order or a court order to remove the child. (Verification of shelter care order by school personnel can be made by calling the local Department of Social Services intake officer). The protective services worker is responsible for notifying the parents of the action to remove the child from school. Usually this notification will occur as part of the social worker's initial family visit, or as part of the contact made to arrange the initial family interview.

K. Procedures in Cases Involving Allegations of Abuse or Neglect Against a School System Employee:

1. If there is a reason to believe that abuse or neglect has occurred against a student by a school system employee, a report shall be made immediately to the Department of Social Services, the principal/immediate supervisor, and the Superintendent.
2. The Superintendent or designee shall promptly review the charges against the employee. There will be no internal investigation of the allegations until it is clear that such investigation will not interfere with the efforts of the police department or the Department of Social Services. To the extent that some preliminary investigation must be made to determine what action should be taken by the school system on an interim basis, it may be pursued only with the permission of law enforcement authorities and the Department of Social Services. The Supervisor of Security and

Emergency Management is the designated contact person for the school system to receive information regarding the status and/or outcome of the investigation.

3. The Superintendent or designee will determine by a preponderance of evidence that the employee has committed an act of misconduct. If determined that an act of misconduct has occurred, the Superintendent shall impose appropriate discipline up to and including dismissal. The Superintendent will take appropriate steps to ensure due process rights of the employee and initiate disciplinary action where appropriate.

L. Contacts for Reporting

1. Frederick County Department of Social Services
1888 North Market Street
Frederick, MD 21701
Contact person: Supervisor of Protective Services
Phone number for oral reports: 301-600-2464
(Holidays/after hours, contact the Frederick City Police Department, 301-600-2102, and request that the protective services worker be paged.)
2. Police Departments
 - Maryland State Police 301-600-4151
 - Frederick County Sheriff's Office 301-600-1046
 - Frederick City Police 301-600-2100
3. Office of the State's Attorney for Frederick County
100 West Patrick Street
Frederick, MD 21701
301-600-1523

NOTE: The "Suspected Child Abuse/Suspected Neglect" report form ³ may be obtained from the FCPS Supervisor of Behavioral Health and Student Services in the Department of Student Services.

M. Hiring Requirement

During the application process, applicants of Frederick County Public Schools (FCPS) who have direct contact with minors will be required to confirm if they have ever: (1) been the subject of a child sexual abuse or sexual misconduct investigation; (2) been disciplined, discharged, or nonrenewed, or resigned or been asked to resign as the result of an allegation of child sexual abuse or sexual misconduct; or (3) had a license, professional license, or certificate suspended, surrendered, or revoked as the result of an allegation of child sexual abuse or sexual misconduct.

N. Reporting Suspected Abuse or Neglect of a Vulnerable Adult

Definitions - The following definitions are applicable to the reporting responsibilities identified under this section:

1. "Vulnerable adult" means an adult (i.e., 18 or older) who lacks the physical or mental capacity to provide for the adult's daily needs.

³ Note: The form is linked at Inside FCPS [FormFinder](#) (Firefox browser recommended)

2. "Abuse" means the sustaining of physical pain or injury by a vulnerable adult as a result of cruel or inhumane treatment or as a result of a malicious act under circumstances that indicate that the vulnerable adult's health or welfare is harmed or threatened.

Abuse includes the sexual abuse of a vulnerable adult.

Abuse does not include an accepted medical or behavioral procedure by a health care provider authorized to practice under the Health Occupations Article or §13-516 of the Education Article acting within the scope of the health care provider's practice.

3. "Caregiver" means a person under a duty to care for a vulnerable adult because of a contractual undertaking to provide care.
4. "Family member" means a relative of a vulnerable adult by blood, marriage, adoption or the marriage of a child.
5. "Household" means the location:
 - in which the vulnerable adult resides;
 - where the abuse or neglect of a vulnerable adult is alleged to have taken place; or
 - where the person suspected of abusing or neglecting a vulnerable adult resides.
6. "Household member" means an individual who lives with or is a regular presence in a home of a vulnerable adult at the time of the alleged abuse or neglect.
7. "Neglect" means the intentional failure to provide necessary assistance and resources for the physical needs of a vulnerable adult, including: food, clothing, toileting, essential medical treatment, shelter, or supervision.

Neglect does not include the provision of nonmedical remedial care and treatment for the healing of injury or disease that is:

- given with the consent of the vulnerable adult; and
 - recognized by state law in place of medical treatment.
8. "Serious physical injury" means physical injury that creates a substantial risk of death; or causes permanent or protracted serious:
 - disfigurement;
 - loss of function of any bodily member or organ; or
 - impairment of the function of any bodily member or organ.

9. "Sexual abuse" means an act that involves sexual molestation or exploitation of a vulnerable adult.

Sexual abuse includes incest, rape, sexual offense in any degree, sodomy, and unnatural or perverted sexual practices.

Reporting

1. Notwithstanding any law on privileged communications, each health practitioner, police officer or human service worker who contacts, examines, attends or treats an alleged vulnerable adult and who has reason to believe that the alleged vulnerable adult has been subjected to abuse, neglect, self-neglect or exploitation shall:
 - Notify the Adult Protective Services office at the Frederick County Department of Social Services (Adult Protective Services); and
 - If acting as a staff member of a hospital or public health agency, immediately notify and give all the information required by §14-302 of the Family Law Article, *Annotated Code of Maryland*, to the head of the institution or designee of the head.
2. An individual who is required to make a report shall make the report by telephone, direct communication, or in writing to the Adult Protective Services office as follows:

Adult Protective Services
Frederick County Department of Social Services
1888 North Market Street
Frederick, MD 21701
Phone number during regular business hours: 301-600-2635
Phone number after hours: 301-564-8230

3. Any individual other than a health practitioner, human service worker or police officer who has reason to believe that an alleged vulnerable adult has been subjected to abuse, neglect, self-neglect or exploitation may file with the Adult Protective Services office an oral or written report of the suspected abuse, neglect, self-neglect or exploitation.

Approved:

Original signed by

Theresa R. Alban
Superintendent