## A. Policy Purpose

The Board of Education (Board) is responsible for providing a safe, welcoming, and supportive school environment for all students. The purpose of this Policy is to establish guidelines for ensuring that Frederick County Public Schools (FCPS) employees, coaches, contractors, extracurricular club sponsors, and volunteers, working in their professional capacities, recognize and report abuse and neglect of children and vulnerable adult students in accordance with the Maryland Annotated Code as well as state and local mandates.

## B. Definitions

1. "Abuse" is defined to mean the:
   a. Physical or mental injury of a child or vulnerable adult student under circumstances that indicate that the individual's health or welfare is harmed, threatened, or at substantial risk of being harmed by a parent, household or family member, a person who because of the person's position or occupation exercises authority over the individual (*e.g.*, an FCPS employee, coach, contractor, extracurricular club sponsor, or volunteer, *etc*.), or other person who has permanent or temporary care, custody, or responsibility for supervision of the individual;
   b. Sexual abuse of a child or a vulnerable adult student, whether physical injuries are sustained or not; or
   c. Labor trafficking of a child by any individual.

2. "Child" is defined to mean an individual under 18 years of age.

3. "Child Sexual Abuse" is defined as an act by an adult involving a minor or a student that constitutes a sexual offense under Maryland law, or any sexual contact between an adult and a minor.

4. "Club Sponsor" is defined to mean an individual, such as a teacher, administrator, or volunteer, who is responsible for overseeing and supporting a student club or extracurricular organization.

5. "Coach" is defined to mean an individual, either paid or volunteer, who teaches, guides, and supports student athletes to help them improve their skills, performance, and teamwork in a sport.

6. "Contractor" is defined to mean a person providing specific goods or services through a formal agreement, or contract, with FCPS.

7. "Direct Contact with Minors" is defined as the care, supervision, guidance, or control of,

or routine interaction with, a minor.

8. "Employee" is defined to mean certificated and non-certificated personnel whether benefited or non-benefited who are employed by FCPS.

9. "Labor Trafficking" is defined as knowingly:
   a. Taking, placing, harboring, persuading, inducing, or enticing a child by force, fraud, or coercion to provide services or labor; or
   b. Receiving a benefit or thing of value from the provision of services or labor by a child that was induced by force, fraud, or coercion.

10. "Mandated Reporter" is defined to mean a person who, if they have reason to believe that a child or vulnerable adult student has been subjected to abuse or neglect, is legally required to notify and provide a report of any suspected or known cases of abuse or neglect of a child or vulnerable adult student to the Frederick County Department of Social Services (DSS) (Child Protective Services or Adult Protective Services, as appropriate) or the appropriate law enforcement agency and to notify the Superintendent or their designee. Mandatory reporters within FCPS include all employees, coaches, contractors, extracurricular club sponsors, and volunteers.

11. "Mental Injury" is defined to mean the observable, identifiable, and substantial impairment of a child's or vulnerable adult student's mental or psychological ability to function, which may be exhibited by a change in behavior, emotional response, general health, or cognition.

12. "Neglect" is defined to mean the leaving of a child or vulnerable adult student unattended or other failure to give proper care or attention, or the provision of improper care or attention, to a child or vulnerable adult student by any parent, family or household member, FCPS employee, coach, contractor, extracurricular club sponsor, or volunteer, a person in a position of authority, or any other person who has permanent or temporary care or custody or responsibility for supervision of the child or vulnerable adult student under circumstances that indicate:
   a. That the child's or vulnerable adult student's health or welfare is harmed or placed at substantial risk of harm; or
   b. Mental injury to the child or vulnerable adult student or a substantial risk of mental injury.

13. "Parent" is defined to mean a biological or adoptive parent, a court-appointed custodian or guardian, a foster parent, or a caregiver (as defined by the Education Article of the Maryland Annotated Code or as designated by the United States Department of Health and Human Services, Office of Refugee Resettlement).

14. "Sex Trafficking" is defined to mean the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a child for the purpose of a commercial sex act.

15. "Sexual Abuse" is defined to mean:
   a. Any act that involves sexual molestation or exploitation of a child or vulnerable adult

student by a parent, a household member or family member, a person who, because of the person's position or occupation, exercises authority over the child or vulnerable adult student such as, but not limited to, an FCPS employee, coach, contractor, extracurricular club sponsors, or volunteer, or other person who has permanent or temporary care, custody, or responsibility for supervision of the child or vulnerable adult student; and

b. Sex trafficking of a child by any individual.

16. "Sexual Misconduct" is defined to mean 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:
    a. Sexual or romantic invitations;
    b. Dating or soliciting dates;
    c. Engaging in sexualized or romantic dialogue;
    d. Making sexually suggestive comments;
    e. Grooming behaviors;
    f. Self-disclosure or physical exposure of a sexual, romantic, or erotic nature; and
    g. A sexual, indecent, romantic, or erotic contact with the minor.

17. "Sexual Molestation or Exploitation" is defined to include, but is not limited to for the purposes of this policy, allowing or encouraging a child to engage in obscene or pornographic photography, films, poses, or similar activity, or prostitution, or for a child or vulnerable adult incest, rape, sexual offense in any degree, and any other sexual conduct that is a crime.

18. "Volunteer" is defined to include parents and other family members of FCPS students, extracurricular club sponsors, as well as other members of the community interested in the education of children, who are willing to donate their time and energies to support FCPS students.

19. "Vulnerable Adult Student" is defined to mean persons eighteen 18 years of age or older who are believed by the individual reporting the abuse or neglect to lack the physical or mental capacity to care for their daily needs.

## C. Policy Statement

1. The Board is committed to the safety and physical, mental, and emotional well-being of its students. In support of this commitment, the Board's expectation is that all FCPS employees, coaches, contractors, extracurricular club sponsors, and volunteers are aware of and understand the requirements prescribed by Maryland law and regulations that govern mandatory reporting of suspected instances of abuse, including sexual abuse, and neglect of a child or vulnerable adult.

2. It is imperative that all FCPS employees, coaches, contractors, extracurricular club sponsors, and volunteers are able to recognize and report instances of abuse and neglect of children and vulnerable adult students and notify the Frederick County Department of

Social Services (DSS) (Child Protective Services (CPS) or Adult Protective Services (APS), as appropriate) or the appropriate law enforcement agency.

3. The Board will not tolerate intimidation, harassment, or reprisals/retaliation against FCPS employees, coaches, contractors, extracurricular club sponsors, or volunteers who come forward and make good-faith reports of abuse and/or neglect, or who participate in investigations of abuse and/or neglect.

## D. Implementation

1. **Reporting Suspected Abuse or Neglect of a Child or Vulnerable Adult Student**
   a. Any FCPS employee, coach, contractor, extracurricular club sponsor, or volunteer who suspects that a child or vulnerable adult student has been subjected to abuse or neglect is required to make an oral report as soon as possible to the Frederick County DSS (CPS or APS, as appropriate) or appropriate law enforcement agency. The employee, coach, contractor, extracurricular club sponsor, or volunteer who suspects the abuse or neglect is personally responsible for making a report.
   b. The oral report must be made as soon as possible to the Frederick County DSS (CPS or APS, as appropriate). If necessary, a classroom teacher may seek class coverage in order to ensure the alleged abuse or neglect is reported promptly.
   c. The employee, coach, contractor, extracurricular club sponsor, or volunteer must notify the principal that a report of suspected abuse or neglect has been made.
   d. The person making an oral report of abuse or neglect must submit a written report within 48 hours after making the oral report.
   e. If an individual has any doubt about whether to report suspected abuse or neglect, they shall err on the side of reporting the allegation to the Frederick County DSS (CPS or APS, as appropriate). In assessing whether to file a report, the individual should consider that abuse does not include the physical injury of a child or vulnerable adult student by accidental means or an accepted medical or behavioral procedure ordered by an authorized health care provider.
   f. No FCPS employee, coach, contractor, extracurricular club sponsor, or volunteer may intentionally prevent or interfere with the making of reports of abuse and neglect.

2. All FCPS employees who are identified as a witness in a legal proceeding, arbitration, appeal or similar are expected to make themselves available and be cooperative. Failure to cooperate with an investigation, or when called as a witness, may be grounds for corrective action.

3. The Superintendent will take appropriate steps to ensure due process rights of the employee and initiate disciplinary action where appropriate.

4. The Superintendent is directed to develop and implement regulations to enforce this policy, which must, at a minimum:
   a. Clearly state the consequences for knowingly failing to report suspected abuse and/or neglect of a child or vulnerable adult student, or for obstructing such reporting;
   b. Establish procedures for questioning students on FCPS property;

c. Establish procedures for removing a student from school grounds;
d. Establish procedures for handling cases involving allegations against an FCPS employee, including the management of related investigations;
e. Establish consequences for refusing to participate in or cooperate with investigations conducted by external agencies.

## E. Related Information

1. **Board Policy**
   a. Policy 116, *Title IX Sex-Based Harassment*
   b. Policy 300, *Personnel*
   c. Policy 301, *Employment Expectations*
   d. Policy 404, *Student Rights and Responsibilities*

2. **Code of Maryland Regulations (COMAR)**
   a. COMAR 07.02.07.02, *Definitions*
   b. COMAR 07.02.07.04, *Reporting Child Abuse or Neglect*
   c. COMAR 07.02.16.02, *Definitions*
   d. COMAR 07.02.16.04, *Report of Vulnerable Adults*
   e. COMAR 13A.07.14.02, *Definitions*
   f. COMAR 13A.08.01.13, *Questioning on School Premises*
   g. COMAR 13.12.06.02, *Causes for Disciplinary Action or Denial*

3. **External Resources**
   a. Maryland Department of Human Services Child Protective Services Webpage
   b. Maryland State Department of Education, Division of Early Childhood Development, Office of Child Care. (Amended 2015). *Child Abuse, Neglect, and Mental Injury Resource Guide*

4. **FCPS Regulations**
   a. Regulation 116-01, *Title IX Sex-Based Harassment*
   b. Regulation 400-47, *Reporting Abuse and Neglect*
   c. Regulation 400-86, *Volunteers in Schools*

5. **FCPS Resources**
   a. FCPS Employee Handbook and Code of Conduct Webpage

6. **Maryland Statutes**
   a. Md. Code Ann., Cts. & Jud. Pro. § 5-620
   b. Md. Code Ann., Crim. Law § 3-601
   c. Md. Code Ann., Crim. Law § 3-602
   d. Md. Code Ann., Crim. Law § 3-602.1
   e. Md. Code Ann., Crim. Law § 3-602.2
   f. Md. Code Ann., Crim. Law § 3-604
   g. Md. Code Ann., Crim. Law § 3-605
   h. Md. Code Ann., Educ. § 4-108
   i. Md. Code Ann., Educ. § 6-108

j. Md. Code Ann., Educ. § 6-113.1
k. Md. Code Ann., Educ. § 6-202
l. Md. Code Ann., Educ. § 7-101
m. Md. Code Ann., Educ. § 7-441
n. Md. Code Ann., Educ. § 13-516
o. Md. Code Ann., Family § 5-701, *et seq.*
p. Md. Code Ann., Family § 14-101
q. Md. Code Ann., Family § 14-302
r. Md. Code Ann., Health Occup. § 1-101, *et seq.*
s. Md. Code Ann., Human Serv. § 1-202

**F. Policy History** (Maintained by Legal Services)

| *Responsible Office* | Office of Student Services |
|---|---|
| Adoption Dates | 09/13/06 |
| Review Dates | 08/23/06 |
| Revision Dates | 05/07/25 |