ED COMMITTEE #2 February 2, 2015 **Briefing**

MEMORANDUM

January 29, 2015

TO: Education Committee

FROM: Essie McGuire, Senior Legislative Analyst

SUBJECT: Briefing - MCPS Policies and Procedures Related to Child Abuse Allegations

Today the Education Committee will receive a briefing on an update report from the Montgomery County Public Schools' Child Abuse and Neglect Work Group. The following individuals are expected to attend and participate in the update and discussion:

- Patricia O'Neill, President, Montgomery County Board of Education
- Joshua Starr, Superintendent, Montgomery County Public Schools (MCPS)
- Andrew Zuckerman, Chief of Staff, MCPS
- Police Chief J. Thomas Manger
- Assistant Chief Russ Hamill, Montgomery County Police Department
- John McCarthy, State's Attorney
- Debbie Feinstein, Associate State's Attorney

Representatives from Child Welfare Services in the Department of Health and Human Services will also be present to answer any questions.

In the summer of 2014, MCPS convened a work group to review MCPS practices and policies related to allegations of child abuse and neglect. An overview of the work group's charge is attached at circle 1. The Board received an update report from the work group on January 13; the memorandum to the Board from that presentation is attached beginning at circle 2.

The work group's report includes a comprehensive set of recommendations to build a systemic approach to preventing, recognizing, and reporting child abuse and neglect in MCPS. The recommendations are organized within the following six strategic priority areas:

- 1. Revise the Board of Education's policy and the MCPS regulation on recognizing and reporting child abuse and neglect, and update them on a regular basis, to reflect current practices in the area and ensure efficient collaboration with County partner agencies;
- 2. Enhance human resource management systems and processes to ensure robust screening of new and existing employees, volunteers, and outside contractors;
- 3. Design and implement updated training for all employees in accordance with the most current practices for identifying and reporting child abuse and neglect;
- 4. Develop a comprehensive parent awareness program for how to identify and respond to suspected cases of child abuse or neglect;
- 5. Ensure the MCPS curriculum contains robust student learning opportunities across all grade levels in abuse prevention and reporting; and
- 6. Communicate regularly to students, parents, and the wider community about issues associated with child abuse and neglect.

MCPS will present the report and recommendations, and the Committee can also hear from the partner agency representatives their roles and perspectives on the work group and the recommendations.

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Child Abuse & Neglect Work Group Charter

Zuckerman, Ms. Debra A. Berner gram of continuous learning and awareness to informed on best practices and legal requirements.
Scope: Increased awareness of child abuse/neglect for addressing this issue Enhanced annual training for staff on recognizing the signs of child abuse and the mandated reporting processes Parent education on abuse/neglect and how to respond to it Annual review of the processes to determine if improvements are needed Stakeholders: MCPS Board of Education (BOE) Superintendent of Schools
 MCPS Staff MCPS Students Parents/MCCPTA Community Members Maryland State Department of Education HHS State Attorney's Office County Attorney's Office MCPD Tree House Child Assessment Center of Montgomery County
Budget: Resources related to the proposed learning opportunities for staff, students, and parents.



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

January 13, 2015

MEMORANDUM

To: Members of the Board of Education

From: Joshua P. Starr, Superintendent of Schools

Subject: Update on Child Abuse and Neglect Work Group

In summer 2014, I asked Dr. Andrew M. Zuckerman, chief of staff, and Ms. Debra A. Berner, director, Department of Student Services, to facilitate a work group to more closely examine our practices in Montgomery County Public Schools (MCPS) for recognizing and reporting child abuse and neglect. I intended that the work group would build upon and significantly enhance our earlier efforts to engage stakeholders around this issue. Dr. Zuckerman and Ms. Berner convened a multidisciplinary work group that included subject matter experts from county partner agencies, leadership from our employee associations, and representatives of the Montgomery County Council of Parent Teacher Associations to assist us in our systemic planning efforts. The work group's charge statement and meeting minutes, as well as a list of work group members, are available at the following link:

http://www.montgomeryschoolsmd.org/departments/studentservices/childabuse/index.aspx.

The work group provided Dr. Zuckerman and Ms. Berner with critical insight and feedback as they developed the recommendations that we are presenting today to redesign our systemic efforts for recognizing and reporting child abuse and neglect.

The need for a redesign has become apparent during the past several years. Shortly after I became the superintendent of schools, the Maryland State Board of Education upheld MCPS' termination of a teacher for a pattern of inappropriate conduct with students. Since then, there have been several other cases of inappropriate conduct in our school community. In the vast majority, our schools and offices have handled these challenging situations professionally. In addition, we have conducted trainings, revised procedures, and developed new processes to address the lessons learned from these incidents. For instance, the Office of Human Resources and Development has developed a process to improve the tracking of allegations of inappropriate interactions between employees and students. This process was developed in consultation with our employee associations, and it is referenced in all three of their contracts as a means to promote a safe and secure environment in our schools and workplaces.

I believe that we respond appropriately to allegations of employee misconduct in most cases—particularly as it relates to allegations of child abuse and neglect. But recent events in our schools also have led me to conclude that we need to do more. We need to enhance our systemic approach

to the critical issue of preventing, recognizing, and reporting child abuse and neglect, whether an allegation is made against a MCPS employee or in cases not associated with MCPS but for which our staff has the responsibility of reporting.

I am pleased with the recommendations that Dr. Zuckerman and Ms. Berner have provided to me, and I have asked that they move forward with creating the action plans necessary to implement them. The recommendations are detailed in the attachment, but I think the following three points are worth emphasizing.

First, the recommendations that they have developed with input from the work group are comprehensive in scope. They set forth a strategic and systemic process to address prevention of child abuse and neglect, recognition, and reporting that enhances our work in this area. This is a communitywide issue that we all share responsibility for addressing. In the coming months, staff will bring to the Board Policy Management Committee proposed revisions to Policy JHC, *Child Abuse and Neglect*, to reaffirm the Board's commitment to this vital work.

Second, as we implement the recommendations, we will work closely with our colleagues in County Government and other stakeholders, as well as other outside consultants who possess the subject-matter expertise in this area, to ensure a robust systemic plan that is consistent with best practices in the field. I wish to thank Mr. John McCarthy, state's attorney for Montgomery County; Mr. J. Thomas Manger, Montgomery County's chief of police; and Ms. Uma Ahluwalia, director of the Montgomery County Department of Health and Human Services, for generously making their staff available to participate in the work group and assist in our implementation of these recommendations—as well as their ongoing collaboration in responding to allegations of child abuse and neglect.

Third, we must ensure that all our employees understand and are held accountable for the highest ethical standards in their conduct, as well as adhering to the legal and fundamentally moral imperative to recognize and report suspected child abuse and neglect—regardless of whether the abuse is alleged to have occurred on school property or in a child's home. Any employee who suspects child abuse or neglect and fails to report it violates MCPS policy and state law and is subject to discipline, including suspension or dismissal for misconduct in office. These requirements will be stringently enforced.

Some of these recommendations will undoubtedly have budgetary implications for our school system and community, but I believe we must take additional steps to create more robust procedures despite the cost. The safety and well-being of our students is too important.

I am deeply appreciative of all of the hard work that the members of the work group have devoted to developing these recommendations, and I look forward to sharing with you our most current work in this area.

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Attachment

Office of the Chief Operating Officer Department of Student Services MONTGOMERY COUNTY PUBLIC SCHOOLS Rockville, Maryland

January 8, 2015

MEMORANDUM

To:

Dr. Joshua P. Starr, Superintendent of Schools

From:

Dr. Andrew M. Zuckerman, Chief of Staff

Ms. Debra A. Berner, Director, Department of Student Service MI

Subject:

Recommendations for a Redesigned Systemic Plan for Child Abuse and Neglect

In fall 2014, we convened a work group to examine systemic practices in Montgomery County Public Schools (MCPS) for recognizing and reporting child abuse and neglect. The goal of the Child Abuse and Neglect Work Group was to provide you with recommendations about how to proceed in this important area. This work group built upon previous efforts in MCPS to address the critical issue of child abuse and neglect. While MCPS schools and offices handle suspected cases of abuse and neglect appropriately in the vast majority of cases, recent incidents have highlighted that there is more we can do to enhance our processes and procedures.

The multidisciplinary work group consisted of representatives from a variety of MCPS offices, departments, and school-based staff; MCPS employee associations; Montgomery County Council of Parent Teacher Associations (MCCPTA); parents; the Tree House Child Assessment Center of Montgomery County; and county agencies including the Montgomery County Department of Police (MCDP), Child Welfare Services, the State's Attorney Office, and the Office of the County Attorney. We are deeply appreciative of all of the hard work and thoughtful insights that members of the Child Abuse and Neglect Work Group contributed over the past several months. A full list of the Child Abuse and Neglect Work Group's members, as well as meeting minutes and other resources, are available on the MCPS website at the following link:

http://www.montgomeryschoolsmd.org/departments/studentservices/childabuse/index.aspx

¹ Under Section 5-701 of the Family Law Article of the Maryland Code, child abuse means: (1) 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 (2) sexual abuse of a child, whether physical injuries are sustained or not. And child neglect is defined as the leaving of a child 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: (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. When this document refers to child abuse or neglect, it also is intended to encompass abuse of vulnerable adult students who are eighteen years of age or older and/or any adult who is believed to lack the physical or mental capacity to care for his/her daily needs.

The work group's planning team developed a comprehensive charge statement that focused initially on six core objectives:

- Update the current MCPS policy and regulations on child abuse and neglect.
- Update and enhance annual mandatory training with all staff on recognizing the signs of child abuse and neglect and mandated reporting procedures.
- Compile best practices for appropriate school response to cases presented.
- Provide parent education on child abuse and neglect.
- Provide student education to promote awareness.
- Keep the community involved and aware by our open dialogue and communication.

To accomplish the work of the Child Abuse and Neglect Work Group, the planning team formed six subcommittees, each charged with building ideas and learning plans associated with a particular focus area. The six subcommittees were:

- Communications
- Human Resources
- Parent Awareness
- Policy and Regulation
- Staff Training
- Student Education

As the subcommittees met to carry out their work, the scope of the work group evolved and expanded to ensure that we were capturing all aspects of a redesigned comprehensive and systemic approach to child abuse and neglect for MCPS. This entailed further examining our processes for working with our partner agencies; coordinating school system responses to suspected cases of child abuse or neglect; communicating out about alleged incidents of suspected abuse and neglect; and more robust screening of employees, volunteers, and outside contractors.

To assist in developing recommendations to bring to you about how to move forward, the work group met three times with subcommittees meeting between November and December 2014 as well. Subcommittees reported out their discussions and ideas for how MCPS should proceed on December 17, 2014. We captured these ideas in a PowerPoint presentation to the work group at the December 17, 2014, meeting and then incorporated feedback from the work group on these ideas to develop a working draft of recommendations. We reviewed the working draft of recommendations with the work group and solicited feedback on January 5, 2015. The work group's comments informed the following final set of recommendations.

These recommendations represent our synthesis of the many ideas and practices recommended by different members of our work group. We want to note that we received a couple of concerns from work group members following the January 5, 2015, meeting that there was not adequate time to consider the working draft of recommendations at the meeting. We, too, acknowledge that this was an issue. To address this concern, we invited comments from all members of the work group on our recommendations via electronic mail following our January 5, 2015, meeting. We worked to incorporate these comments and feedback, as well as the feedback from the January 5, 2015, meeting, into our working draft where we deemed appropriate. Admittedly, we are moving swiftly and urgently to provide recommendations to you as we are eager to move into the implementation phase of our work. We think it is important to highlight that these recommendations are not the end of the work. They should be considered as one step along an ongoing process that will include design and implementation plans in the coming weeks and months.

Our recommendations broadly fall under each of the work streams associated with the six subcommittees. They constitute a comprehensive plan for addressing issues of child abuse and neglect for MCPS moving forward. We believe each one of the strategic priority areas below is essential to ensuring a newly-designed, robust systemic approach to addressing issues of child abuse and neglect. We are particularly appreciative of the willingness of the MCDP, Child Welfare Services, State's Attorney Office, and the Office of the County Attorney to continue to work with us on the implementation of these recommendations to ensure a coordinated countywide response to reporting and responding to suspected child abuse and neglect in our school community. With the active involvement of our county partner agencies, and with our intent to utilize other local and national experts to support our work, we are confident in our ability to implement the following recommendations.

We know that developing an implementation plan based on these recommendations will take time and additional resources. We will develop a detailed budget proposal and timeline for implementation in the coming weeks. Additionally, we will conduct an impact analysis to ensure we are efficient in our planning and to support effective project management as we proceed. We look forward to continuing this important work.



Child Abuse and Neglect: Recommendations for a Redesigned Systemic Plan

Strategic Priority Areas

Strategic Priority Area 1: Revise the Board of Education's policy and the MCPS regulation on recognizing and reporting child abuse and neglect, and update them on a regular basis, to reflect current practices in the area and ensure efficient collaboration with County partner agencies.

The Board's Policy JHC, Child Abuse and Neglect, and the MCPS Regulation JHC-RA, Child Abuse and Neglect—

http://www.montgomeryschoolsmd.org/uploadedFiles/departments/studentservices/mentalhealth/ChildAbuseandNeglectPolicy.pdf

and

http://www.montgomeryschoolsmd.org/uploadedFiles/ChildAbuseandNeglectRegulations.pdf

need to drive school system procedures across a variety of domains. The broad goal of the policy and regulation must be to ensure that MCPS remains current and consistent with best practices and in compliance with all federal and state laws. Both the policy and regulation codify the work of a new multidisciplinary team comprising partner agencies, including MCPS, Child Welfare Services, MCDP, the State's Attorney Office, and the Office of the County Attorney.

Recommendations:

- 1.1. Continuously update, review, and monitor implementation of the Board's policy and the MCPS regulation on recognizing and reporting child abuse and neglect. Both the Board's policy and the MCPS regulation must be revised, reviewed, and updated on a regular basis to benchmark against best practices in other school districts. As important, the revised policy and regulation must be stringently enforced, and confidentiality of those who report suspected abuse or neglect, as well as alleged victims, must be safeguarded.
- 1.2. Codify, as part of the revised MCPS regulation, new protocols for coordinating MCPS' response to reports of child abuse or neglect, both internally and with county partner agencies. Once developed, the protocols will be incorporated into the revised MCPS regulation, as well as an updated memorandum of understanding with county partner agencies to establish a multidisciplinary team approach to investigations and communications. Reflecting best practices, the new protocols will clarify, for example, that it is not the role of MCPS to investigate or determine the validity of suspected abuse or neglect prior to making a report to Child Protective Services (CPS) or the MCDP. In cases

- where abuse is alleged on the part of an MCPS employee or on MCPS property, the school system will conduct internal investigations only after consulting with county partner agencies to avoid interfering with those agencies' pending investigations. And, the protocols will clarify that MCPS will provide the necessary supports to students and families when abuse or neglect is suspected.
- 1.3. Establish school-based and systemwide child abuse liaisons. The systemwide liaisons will receive additional training to develop institutional subject matter expertise and help coordinate a team-based approach among MCPS offices and departments to support schools in responding to abuse and neglect, in partnership with other county agencies. In addition, each principal shall appoint a school-based child abuse liaison who shall support the school principal in responding to alleged child abuse or neglect; coordinating support for the alleged student victim; and professional development for school-based personnel.
- 1.4. Redesign the reporting process to inform the Board of Education on the number of reports made by MCPS personnel regarding cases of suspected child abuse or neglect.
- 1.5. Utilize outside expert(s) to support the development of a revised policy and regulation.

Strategic Priority Area 2: Enhance human resource management systems and processes to ensure robust screening of new and existing employees, volunteers, and outside contractors.

MCPS must take steps to work towards even stronger screening processes for new and existing employees, as well as volunteers and contractors. Currently, MCPS practices and procedures for background checks and monitoring employees are consistent with the state of the law and ensure legal compliance. For instance, Section 6-113 of the Education Article of the Maryland Code states that a county board of education may not knowingly hire or retain any individual who has been convicted of sexual abuse of a child or minor or certain crimes of violence. And Section 11-722 of the Criminal Procedure Article of the Maryland Code states that a person who enters into a contract with a county board of education may not knowingly employ a registered sex offender to work at a school. Going beyond compliance with these legal obligations, we believe MCPS should seek to implement practices that include more robust and ongoing screening and monitoring of adults serving our youth.

Recommendations:

2.1. Conduct CPS background checks for all new and existing employees. Under Maryland law, prospective MCPS employees must undergo fingerprinting and a criminal background check. Beginning with the 2014–2015 school year hiring class, MCPS also has required a check of the Maryland Child Protective Services database, provided through a collaborative agreement with CPS in Montgomery County. Additional resources would be required for both CPS and MCPS to expand this screening process to all current employees. In addition, we recommend fingerprinting for any employees hired before fingerprinting became a requirement for school systems in Maryland and are still currently employed by MCPS.



- 2.2. Establish processes for updating employee background information on an ongoing basis. Options would include rescreening procedures for existing employees and/or employee self-reporting protocols.
- 2.3. Utilize outside consultants to conduct comprehensive employee file reviews at all levels of the organization. The Office of Human Resources and Development (OHRD) will follow up on any pertinent information regarding alleged inappropriate interactions between staff and students and consult with county partner agencies if appropriate.
- 2.4. Develop a code of conduct for employees, volunteers, and contractors. Building on MCPS' ethics policy and benchmarking personnel manuals and handbooks utilized by other school districts and comparable entities, the code of conduct would provide clear guidance on responsible behavior and appropriate conduct between adults and students.
- 2.5. Develop screening processes for volunteers who may have access to students in circumstances where they are not under the direct supervision of MCPS staff. For most volunteers in MCPS schools, there is an MCPS staff member who is physically present at all times when the volunteer is in the company of students other than their own children. Enhanced screening will focus on those volunteers who participate in activities where MCPS staff may not be present at all times while the volunteer is in the company of students other than their own children (e.g., hall monitors, tutoring, mentoring, chaperones for overnight field trips). Volunteers who are frequently or regularly in the school performing a variety of functions will typically fall into this category, as there may be times when staff is not present during the volunteer's activity.
- 2.6. Develop screening processes for outside contractors who may have access to students in circumstances where they are not under the direct supervision of MCPS staff. Under Maryland law, MCPS contractors are prohibited from knowingly employing individuals on the state's sex offender registry. MCPS has decided to require additional background checks for all employees in a contractor's workforce who work in school facilities and may have access to students in circumstances where they are not under the direct supervision of MCPS staff.
- 2.7. Evaluate technology for employee file management and enhance infrastructure as necessary.
- 2.8. Evaluate the process for responding to allegations of inappropriate conduct by substitute teachers and make process improvements as necessary.

Strategic Priority Area 3: Design and implement updated training for all employees in accordance with the most current practices for identifying and reporting child abuse and neglect.

Staff training is critical to ensuring the proper identification and reporting of cases of child abuse and neglect. MCPS should work with a multidisciplinary team of county agencies to redesign and enhance the professional development that staff members receive every year, as well as develop training workshops for volunteers. An annual training plan should be developed that includes a mandatory assurance certificate and assessment that all employees will be required to

complete at the start of each new school year to confirm up-to-date knowledge and understanding of protocols for recognizing and reporting child abuse and neglect. In addition to working with county partner agencies, MCPS should engage with other local and national subject matter experts to provide a training program consistent with best practices and research. It is expected that the enhanced mandatory training plan will be implemented as soon as practicable.

Recommendations:

- 3.1. Develop annually-updated training materials and a systemwide training plan in coordination with county partner agencies. Training materials need to be updated annually, as the research and expertise on child abuse is constantly developing. We want to ensure that all employees receiving training each year that reflects the most current research and knowledge in the field. MCPS will seek to incorporate state-of-the-art training modules in use by other entities as a part of the annual training plan.
- 3.2. Ensure that all new hires complete mandatory online training prior to working with students.
- 3.3. Conduct annual training for all staff, facilitated by a multidisciplinary team, tailored specifically to meet the needs of employees at all levels of the organization. The annual training would include a combination of face-to-face and online instruction.
- 3.4. Provide child abuse and neglect workshops for school-based and school system volunteers.

Strategic Priority Area 4: Develop a comprehensive parent awareness program for how to identify and respond to suspected cases of child abuse or neglect.

As partners in educating our youth, we work closely with the parents, guardians, and family members of our students to ensure child safety and well-being. We recognize the unique role MCPS, as the community's school system, can play in raising awareness for issues of child abuse and neglect, and we want to tap into the vast network of parent activities occurring throughout the system to provide parent workshops in this important area. Through a multitude of venues, parents can and should have opportunities to develop their awareness on recognizing and reporting child abuse and neglect.

Recommendations:

- 4.1. Design and implement parent academies on child abuse and neglect in coordination with county partner agencies and other local and national subject matter experts. These workshops should seek to incorporate the same training modules provided to MCPS employees to ensure consistency in message and information provided.
- 4.2. Coordinate with MCCPTA to provide a series of systemwide parent workshops and activities throughout the school year at different locations in the county.



4.3. Support local school PTAs in providing educational activities for parents in the area of child abuse and neglect. It will be important to ensure that local school PTA activities are consistent with the workshops conducted through the parent academies and those conducted in coordination with MCCPTA.

Strategic Priority Area 5: Ensure the MCPS curriculum contains robust student learning opportunities across all grade levels in abuse prevention and reporting.

Educating our students about personal body safety and abuse prevention is imperative to our long-term efforts. While the MCPS curriculum currently contains lessons in this area, we believe there is room to enhance student learning in this important area. We should seek to ensure a more robust K-12 learning continuum in the areas of child abuse and personal body safety to support our students' education.

Recommendations:

- 5.1. Enhance K-8 lessons on personal body safety and child abuse, neglect, and prevention.
- 5.2. Review high school curriculum to ensure the lessons on personal body safety and abuse prevention reflect most current practice in this area.
- 5.3. Leverage school counselors to provide increased student learning opportunities on how to report suspicious adult behavior.
- 5.4. Develop a staff training plan to ensure consistency in lessons across all schools.

Strategic Priority Area 6: Communicate regularly to students, parents, and the wider community about issues associated with child abuse and neglect.

Communications should be a core part of any plan in the area of child abuse and neglect. There are multiple components to a communication plan in this area. First, it is important to widely disseminate any and all resources that MCPS has related to child abuse and neglect, as well as keep the community informed of updates to policies, regulations, protocols, curriculum, workshops, and activities. Second, it is critical that MCPS work with a multidisciplinary team of county agencies to determine when it is appropriate to communicate cases of suspected abuse by school system employees or suspected cases of abuse on school property. Both aspects of communications will be important for MCPS moving forward.

Recommendations:

- 6.1. Continue to synthesize and add resources to the MCPS website and utilize existing communication tools to ensure these resources are shared with the wider community.
- 6.2. Update the websites of the Department of Student Services and Child Abuse and Neglect Work Group as revisions are made to policies, regulations, protocols, training modules, and other aspects of this work.

6.3. Make decisions about notification to parents and school communities about alleged abuse on school property or by school system employees in consultation with County partner agencies.

January 8, 2015

6.4. Ensure that all communications are accessible in multiple languages.

AMZ:DAB:lsh