

RULE 4004

PERSONNEL: General

Suspected Child Abuse, [and] NEGLECT, AND/OR INAPPROPRIATE BEHAVIOR
[of] TOWARDS a Student by an Employee of the Baltimore County Public Schools

[Any employee] THE CONDUCT OF AN EMPLOYEE, SUBSTITUTE, VOLUNTEER, STUDENT TEACHER, OR STUDENT INTERN suspected of child abuse, [and] neglect, AND/OR INAPPROPRIATE BEHAVIOR [of a student] TOWARDS A STUDENT must be dealt with in accordance with applicable laws AS WELL AS BOARD OF EDUCATION POLICIES, RULES, AND PROCEDURES. The Superintendent of Schools will establish procedures for reporting such cases to the appropriate authorities.

DEFINITIONS: AS USED IN THIS RULE, THE FOLLOWING TERMS HAVE THIS MEANING

1. “CHILD PHYSICAL ABUSE” IS THE PHYSICAL INJURY OF A CHILD (UNDER 18), BY ANY PARENT OR OTHER PERSON WHO HAS PERMANENT OR TEMPORARY CARE OR CUSTODY OR RESPONSIBILITY FOR SUPERVISION OF A CHILD, OR BY A FAMILY MEMBER, UNDER CIRCUMSTANCES THAT INDICATE THAT THE CHILD’S HEALTH OR WELFARE IS HARMED OR AT SUBSTANTIAL RISK OF BEING HARMED.
2. “CHILD SEXUAL ABUSE” OF A CHILD (UNDER 18), WHETHER PHYSICAL INJURIES ARE SUSTAINED OR NOT, MEANS 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. CHILD SEXUAL ABUSE INCLUDES BUT IS NOT LIMITED TO: INCEST, RAPE, OR SEXUAL OFFENSE IN ANY DEGREE; SODOMY; AND UNNATURAL OR PERVERTED SEXUAL PRACTICES.
3. “MENTAL INJURY” INCLUDES THE OBSERVABLE, IDENTIFIABLE, AND SUBSTANTIAL IMPAIRMENT OF A CHILD’S MENTAL OR PSYCHOLOGICAL ABILITY TO FUNCTION CAUSED BY AN ACT OF A PARENT, CARETAKER, HOUSEHOLD OR FAMILY MEMBER.

4. "NEGLECT" INCLUDES THE LEAVING OF 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.
5. "INAPPROPRIATE BEHAVIOR" IS DEFINED AS UNPROFESSIONAL ACTS COMMITTED BY SCHOOL EMPLOYEES, SUBSTITUTES, VOLUNTEERS, STUDENT TEACHERS, OR STUDENT INTERNS TOWARD STUDENTS. THESE INAPPROPRIATE BEHAVIORS ARE WILLFUL ACTS OF MISCONDUCT, DELIBERATE VIOLATIONS OR DISREGARD OF STANDARDS OF BEHAVIOR THAT THE EMPLOYER HAS THE RIGHT TO EXPECT OF ANY EMPLOYEE.

PROCEDURES IN CASES OF SUSPECTED ABUSE AND/OR NEGLECT:

- I. Cases of suspected abuse AND/OR NEGLECT will be handled in the following manner:
 - A. Cases of suspected CHILD abuse and neglect of a student by [a staff member] AN EMPLOYEE, SUBSTITUTE, VOLUNTEER, STUDENT TEACHER, OR STUDENT INTERN will be reported to the Department of Social Services (DSS), and to the [Area Superintendent] PRINCIPAL OR APPROPRIATE OFFICE HEAD. [and to the Superintendent's Designee (Multi-Disciplinary Team (Multi-D) representative, Office of Pupil Personnel Services, Baltimore County Public Schools).] THE PRINCIPAL OR OFFICE HEAD WILL NOTIFY THE APPROPRIATE EXECUTIVE DIRECTOR.
 - B. THE INITIAL REPORT TO DSS MAY BE VERBAL BUT MUST BE FOLLOWED BY A WRITTEN REPORT WITHIN 48 HOURS USING BEBCO FORM "SCHOOLS REPORT OF SUSPECTED CHILD ABUSE" (FORM #BCDSS92-180A) OR "SCHOOLS REPORT OF SUSPECTED CHILD NEGLECT" (FORM #BCDSS92-180B).
 - C. A BALTIMORE COUNTY PUBLIC SCHOOLS "INTERNAL INCIDENT REPORT FORM FOR AN EMPLOYEE SUSPECTED OF CHILD ABUSE, NEGLECT, OR INAPPROPRITE BEHAVIOR

TOWARD A STUDENT” MUST BE COMPLETED IMMEDIATELY BY THE PRINCIPAL OR OFFICE HEAD IN ALL CASES OF SUSPECTED CHILD ABUSE AND/OR NEGLECT, TOWARD A STUDENT BY AN EMPLOYEE, SUBSTITUTE, VOLUNTEER, STUDENT TEACHER, OR STUDENT INTERN. THE INCIDENT REPORT FORM WILL BE FORWARDED TO THE APPROPRIATE EXECUTIVE DIRECTOR, TO THE EXECUTIVE DIRECTOR OF HUMAN RESOURCES, TO THE SUPERINTENDENT’S DESIGNEE (MULTI-DISCIPLINARY TEAM (MULTI-D) REPRESENTATIVE), AND TO THE OFFICE OF RISK MANAGEMENT.

- D. Department of Social Services worker (DSS) AND/OR THE POLICE DEPARTMENT will investigate reportS of abuse [and] OR neglect and share findings with the C[c]oordinator of THE Department of Social Services Multi-Disciplinary (Multi-D) Team. THE PRINCIPAL OR OFFICE HEAD WILL DETERMINE THE FACTS OF ALLEGATIONS OF CHILD ABUSE AND/OR NEGLECT, THROUGH A LIMITED INQUIRY. THE ACCUSED EMPLOYEE MAY NEITHER BE NOTIFIED OF THE ACCUSATION NOR INTERVIEWED BY THE PRINCIPAL OR OFFICE HEAD UNTIL AN INVESTIGATION HAS BEEN CONDUCTED BY THE DEPARTMENT OF SOCIAL SERVICES AND/OR THE POLICE DEPARTMENT. AFTER CONSULTATION WITH THE APPROPRIATE EXECUTIVE DIRECTOR, THE PRINCIPAL OR OFFICE HEAD WILL TAKE ADMINISTRATIVE STEPS TO REMOVE THE ACCUSED PERSON FROM CONTACT WITH STUDENTS WHILE EXTERNAL AND/OR INTERNAL INVESTIGATIONS TAKE PLACE. THE APPROPRIATE EXECUTIVE DIRECTOR WILL NOTIFY THE EMPLOYEE IN WRITING OF THE ADMINISTRATIVE ACTIONS BEING TAKEN AND SEND A COPY OF THE LETTER TO THE EXECUTIVE DIRECTOR OF HUMAN RESOURCES.
- E. Department of Social Services AND/OR THE POLICE DEPARTMENT will be responsible for communicating to the Superintendent’s Designee (MULTI-DISCIPLINARY TEAM (MULTI-D) REPRESENTATIVE) the following:
- Name of employee
 - Location of employee
 - Details of the investigation
 - A COPY OF THE WRITTEN SUMMARY OF THE INVESTIGATION AND FINAL DISPOSITION.

1. FOR CASES SUBJECT TO THE JURISDICTION OF THE Department of Social Services, DSS shall be responsible to do the following:
 - Schedule a Multi-D Team meeting
 - Invite State's Attorney's Office, as appropriate
 - Invite Law Enforcement agency, as appropriate
 - Invite other professionals, as appropriate
 - Invite Department of Social Services worker to Multi-D Team meeting
- a. THE BCPS MULTI-D REPRESENTATIVE [The Superintendent's Designee] shall be responsible for the following:
 - [Invite] INVITING EXECUTIVE DIRECTOR OF HUMAN RESOURCES AND ANY OTHER appropriate [Area Superintendent] EXECUTIVE DIRECTOR OR STAFF MEMBER to the Multi-D Team meeting. TEAM MEMBERS WILL DISCUSS THE NATURE OF THE ALLEGATIONS AND THE FINAL DISPOSITION OF THE INVESTIGATION.
 - MAINTAINING A DATABASE OF ALL SUSPECTED CASES OF CHILD ABUSE, NEGLECT, AND/OR INAPPROPRIATE BEHAVIOR TOWARD A STUDENT BY AN EMPLOYEE OF BALTIMORE COUNTY PUBLIC SCHOOLS.
2. FOR CASES INITIALLY SUBJECT TO THE JURISDICTION OF THE POLICE DEPARTMENT, THE SAFE SCHOOLS LIAISON WILL:
 - SEND THE POLICE REPORT WITH THE INVESTIGATIVE SUPPLEMENT TO BCPS MULTI-D REPRESENTATIVE.

- [B. Team members will discuss the nature of the allegations
 - A. Whether the abuse was confirmed
 - B. Whether the abuse was unsubstantiated
 - C. Whether the behaviors of the employee were inappropriate
 - D. Whether the abuse was ruled out]

- F. IN ALL CASES REFERRED TO BCPS BY DSS AND THE POLICE DEPARTMENT, THE SUPERINTENDENT'S DESIGNEE (MULTI-DISCIPLINARY TEAM (MULTI-D) REPRESENTATIVE) WILL FORWARD THE FINDINGS TO THE EXECUTIVE DIRECTOR OF HUMAN RESOURCES WHO WILL INITIATE AND OVERSEE AN INTERNAL INVESTIGATION.

ONCE THE INVESTIGATION BY EXTERNAL AGENCIES IS COMPLETED, THE APPROPRIATE EXECUTIVE DIRECTOR AND THE PRINCIPAL OR OFFICE HEAD MAY ASSIST IN THE INTERNAL INVESTIGATION OF REPORTS OF CHILD ABUSE AND/OR NEGLECT BY AN EMPLOYEE, SUBSTITUTE, VOLUNTEER, STUDENT TEACHER, OR STUDENT INTERN.

- [C. The appropriate Area Superintendent and the Superintendent's Designee will report the findings of the case to the Deputy Superintendent]

- G. EXECUTIVE DIRECTOR OF HUMAN RESOURCES WILL REPORT FINDINGS OF THE DEPARTMENT OF SOCIAL SERVICES' INVESTIGATION AND/OR THE POLICE INVESTIGATION, ALONG WITH THE INTERNAL INVESTIGATION TO THE DEPUTY SUPERINTENDENT, BUSINESS SERVICES.

- [D. The Deputy Superintendent, shall recommend to the Superintendent appropriate disciplinary action which could include one or more of the following:]

- H. THE DEPUTY SUPERINTENDENT, BUSINESS SERVICES, SHALL RECOMMEND TO THE SUPERINTENDENT OR THE SUPERINTENDENT'S DESIGNEE APPROPRIATE DISCIPLINARY ACTION WHICH COULD INCLUDE ONE OR MORE OF THE FOLLOWING:
 - REFERRAL TO EMPLOYEE ASSISTANCE OR OTHER APPROPRIATE PROGRAMS

- Verbal reprimand
- Written reprimand
- Suspension with or without pay
- Dismissal.

- I. THE EXECUTIVE DIRECTOR OF HUMAN RESOURCES WILL SEND A COPY OF THE DEPUTY SUPERINTENDENT'S RECOMMENDATIONS AND A COPY OF THE FINAL DISPOSITION FORM TO THE SUPERINTENDENT'S DESIGNEE (MULTI-DISCIPLINARY TEAM (MULTI-D) REPRESENTATIVE).
- II. CASES NOT ACCEPTED BY DSS FOR INVESTIGATION OR NOT MEETING A CRIMINAL STANDARD SHALL BE ASSESSED TO DETERMINE WHETHER INAPPROPRIATE BEHAVIOR BY AN EMPLOYEE HAS OCCURRED:
 - A. CASES OF INAPPROPRIATE BEHAVIOR TOWARD A STUDENT BY AN EMPLOYEE, SUBSTITUTE, VOLUNTEER, STUDENT TEACHER, OR STUDENT INTERN SHALL BE REPORTED TO THE PRINCIPAL OR APPROPRIATE OFFICE HEAD BY THE INDIVIDUAL WHO MADE THE INITIAL REPORT TO DSS. THE PRINCIPAL OR OFFICE HEAD WILL NOTIFY THE APPROPRIATE EXECUTIVE DIRECTOR.
 - B. THE BALTIMORE COUNTY PUBLIC SCHOOLS "INCIDENT REPORT FORM FOR AN EMPLOYEE SUSPECTED OF CHILD ABUSE, NEGLECT, OR INAPPROPRIATE BEHAVIOR TOWARD A STUDENT" THAT HAS BEEN COMPLETED WILL BE FORWARDED TO THE APPROPRIATE EXECUTIVE DIRECTOR, TO THE EXECUTIVE DIRECTOR OF HUMAN RESOURCES, TO THE SUPERINTENDENT'S DESIGNEE (MULTI-DISCIPLINARY TEAM (MULTI-D) REPRESENTATIVE), AND TO THE OFFICE OF RISK MANAGEMENT TO INITIATE THE INTERNAL INVESTIGATION.
 - C. EXECUTIVE DIRECTOR OF HUMAN RESOURCES WILL INITIATE AND OVERSEE AN INTERNAL INVESTIGATION IN ALL CASES REFERRED ON AN "INTERNAL INCIDENT REPORT FORM." THE EXECUTIVE DIRECTOR OF SCHOOLS AND APPROPRIATE ADMINISTRATOR MAY ASSIST IN THE INVESTIGATION AND WILL BE RESPONSIBLE FOR INITIATING DISCIPLINARY ACTION WHEN NECESSARY THAT INCLUDES ONE OR MORE OF THE FOLLOWING:

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- REFERRAL TO EMPLOYEE ASSISTANCE OR OTHER APPROPRIATE PROGRAM
 - VERBAL REPRIMAND
 - WRITTEN REPRIMAND
- D. THE EXECUTIVE DIRECTOR OF HUMAN RESOURCES WILL REPORT FINDINGS OF THE INTERNAL INVESTIGATION TO THE DEPUTY SUPERINTENDENT, BUSINESS SERVICES, WHEN DISCIPLINARY ACTION IS RECOMMENDED THAT INCLUDES SUSPENSION WITH OR WITHOUT PAY, OR TERMINATION.
- E. THE DEPUTY SUPERINTENDENT, BUSINESS SERVICES, SHALL RECOMMEND TO THE SUPERINTENDENT OR THE SUPERINTENDENT'S DESIGNEE APPROPRIATE DISCIPLINARY ACTION.
- F. THE EXECUTIVE DIRECTOR OF HUMAN RESOURCES WILL SEND A COPY OF THE REPORT FINDINGS, A COPY OF THE DEPUTY SUPERINTENDENT'S RECOMMENDATIONS, AND THE FINAL DISPOSITION FORM TO THE MULTI-D REPRESENTATIVE.

Legal References: Resetar v. State Board of Education, 284 Md. 537, 299 A.2d 225, *cert. denied*, 444 U.S. 838 (1979)
Annotated Code of Maryland, Family Law Article, §5-701 ET SEQ
Annotated Code of Maryland, Education Article, §6-107, 108, 202
Education COMAR, 13A.12.05.02C(4)
Education COMAR, 13A.08.01.13 A, B, D, E

ALL CAPS indicate new material.
Brackets [] indicate deleted material.

Rule
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Superintendent of Schools