

**BALTIMORE COUNTY PUBLIC SCHOOLS**

**DATE:** December 21, 2010

**TO:** **BOARD OF EDUCATION**

**FROM:** Dr. Joe A. Hairston, Superintendent

**SUBJECT:** **REPORT ON THE PROPOSED CHANGES TO BOARD OF EDUCATION POLICY 4004 – SUSPECTED CHILD ABUSE, NEGLECT, AND/OR INAPPROPRIATE BEHAVIOR TOWARDS A STUDENT BY AN EMPLOYEE OF THE BALTIMORE COUNTY PUBLIC SCHOOLS**

**ORIGINATOR:** Joe A. Hairston, Superintendent

**RESOURCE PERSON(S):** Donald Peccia, Assistant Superintendent, Human Resources

**RECOMMENDATION**

That the Board of Education reviews the proposed changes to Policy 4004.  
This is the first reading.

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Attachment I – Policy Analysis  
Attachment II – Policy 4004

**POLICY ANALYSIS FOR  
BOARD OF EDUCATION POLICY 4004  
CHILD ABUSE, NEGLECT AND/OR INAPPROPRIATE BEHAVIOR TOWARDS A STUDENT BY  
AN EMPLOYEE OF BALTIMORE COUNTY PUBLIC SCHOOLS**

**Statement of Issues or Questions Addressed**

In accordance with Board of Education Policy and Superintendent's Rule 8130, Policy 4004 is scheduled for review during the 2010-2011 school year. Policy 4004 deals with reporting of child abuse, neglect, and inappropriate behavior when this abuse is committed by a school system employee. Staff is recommending that the policy be revised to more accurately reflect the Board's philosophy, to clearly advise employees of their responsibility to report abuse under this policy, and to conform to the Policy Review Committee's policy editing conventions.

**Cost Analysis and Fiscal Impact on School System**

No additional cost is anticipated by the revision of this policy.

**Relationship to Other Board of Education Policies**

1. Board of Education Policy, Board of Education Policy 4005, *Dating or Sexual Relations Between Staff and Students.*
2. Board Of Education Policy 4008, *Obligations of the Employees of the Board of Education of Baltimore County*
3. Board of Education Policy 5440, *Child Abuse and Neglect*

**Legal Requirements**

1. *Annotated Code of Maryland, Education Article §4-205, Powers and duties of county superintendent*
2. *Annotated Code of Maryland, Education Article §6-108, Immunity of school employees from civil liability for certain actions*
3. *Annotated Code of Maryland, Education Article §6-202, Suspension or dismissal of teachers, principals and other professional personnel*
4. *Annotated Code of Maryland, Family Law Article §5-701, et seq., Child abuse and reporting*
5. *COMAR 13A.12.05, Suspensions and revocations*

**Similar Policies Adopted by Other Local School Systems**

1. Anne Arundel County Board of Education, Policy JEF, *Reporting Child Abuse/Neglect*
2. Frederick County Board of Education, Policy 418, *Child Abuse and Neglect*
3. Howard County Board of Education, Policy 1030, *Child Abuse and Neglect*

**Draft of Proposed Policy**

Attached

**Other Alternatives Considered by Staff**

No other alternatives considered

**Timeline**

First reading – December 21, 2010

Public comment – January 11, 2011

Third reading/vote – February 8, 2011

PERSONNEL: General

Suspected Child Abuse, Neglect, and/or Inappropriate Behavior Toward[s] a Student by an Employee of the Baltimore County Public Schools

I. PHILOSOPHY

- A. THE BOARD OF EDUCATION OF BALTIMORE COUNTY (BOARD) IS COMMITTED TO PROVIDING A SAFE AND SECURE LEARNING ENVIRONMENT FOR ALL STUDENTS.
- B. EVERY BOARD EMPLOYEE AND/OR SERVICE PROVIDER WHO HAS REASON TO SUSPECT THAT ANOTHER BOARD EMPLOYEE OR SERVICE PROVIDER HAS ABUSED OR NEGLECTED A STUDENT, OR OTHERWISE EXHIBITED INAPPROPRIATE BEHAVIOR TOWARD A STUDENT, SHALL REPORT SUCH ABUSE IN ACCORDANCE WITH APPLICABLE STATE LAW AND REGULATION, AS WELL AS SCHOOL SYSTEM RULES AND PROCEDURES.
- C. THE FAILURE OF A BOARD EMPLOYEE AND/OR SERVICE PROVIDER TO REPORT SUSPECTED CHILD ABUSE/NEGLECT OR OTHER INAPPROPRIATE BEHAVIOR UNDER THIS POLICY WILL RESULT IN DISCIPLINARY OR OTHER ACTION.
- D. [An] BOARD employeeS AND/OR SERVICE PROVIDERS [, substitute, volunteer, student teacher, or student intern] suspected of child abuse, neglect, and/or inappropriate behavior toward[s] a student will be dealt with in accordance with applicable STATE law[s] AND REGULATION, AS WELL AS [and] school system rules AND PROCEDURES.

II. IMPLEMENTATION

- A. The BOARD DIRECTS THE Superintendent TO DEVELOP [will establish] APPROPRIATE RULES AND procedures for reporting such cases [to the appropriate authorities] and TAKING APPROPRIATE DISCIPLINARY OR OTHER ACTION WHEN SUCH BEHAVIOR HAS BEEN IDENTIFIED [will administer disciplinary action, when necessary].

Legal References: *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, PRINCIPALS AND OTHER PROFESSIONAL PERSONNEL*  
*ANNOTATED CODE OF MARYLAND, FAMILY LAW ARTICLE §5-701, ET SEQ., CHILD ABUSE AND REPORTING*  
*COMAR 13A.12.05, SUSPENSIONS AND REVOCATIONS*

[*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.08.01.13A, B, D, E]

RELATED POLICIES: BOARD OF EDUCATION POLICY 4005, *DATING OR SEXUAL RELATIONS BETWEEN STUDENTS AND STAFF*  
BOARD OF EDUCATION POLICY 4008, *OBLIGATIONS OF THE EMPLOYEES OF THE BOARD OF EDUCATION OF BALTIMORE COUNTY*

Policy  
Adopted: 4/16/94  
Revised: 4/26/05  
REVISED: \_\_\_\_\_

Board of Education of Baltimore County