TO:  Associate Superintendents, Assistant Superintendents, Directors, Heads of Central Office Units, Principals

FROM: Richard C. Hunter, Superintendent of Public Instruction

Please take the following actions immediately to bring your Administrative Handbook up to date:

1. OBSOLETE REGULATIONS (Remove from your Handbook)

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<td>5/20/88</td>
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2. ADDITION AND/OR REVISION

Place the following revised section in your Administrative Handbook.

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3. Distribution to Staff Members

ALL STAFF, CLASSIFIED AND NON-CLASSIFIED MUST BE MADE AWARE OF THE CONTENTS OF THIS CIRCULAR, THROUGH POSTING AND NOTIFICATION THEREOF, AND/OR THROUGH THE DISTRIBUTION OF INDIVIDUAL COPIES. IN ADDITION, DISCUSSIONS ARE TO BE HELD IN FACULTY MEETINGS.

For additional information regarding this Administrative Handbook section, please contact the associate superintendent, Bureau of Instruction, on 6-8813.

/pamg
Procedures for Handling Suspected Abuse and Neglect of Students by School Personnel

Background

Staff of the Baltimore City Public Schools and professionals in the field of education and other fields have been concerned about the escalating number of reports of children who allege abuse at the hands of those who have responsibility for their supervision. A review of reports of alleged abuse and neglect has revealed that many incidents could have been avoided. Antecedents to the charges which have been made against BCPS employees by parents, students, and other staff, have included:

- professionally immature or inappropriate classroom behavior exhibited by the teacher or administrator (i.e. as severe verbal harassment, or inappropriate discipline such as denial of lunch)
- questionable judgment demonstrated in handling disciplinary actions (such as lengthy after-school detentions, prolonged periods of standing)
- poor communication between the home and school, including conflict-ridden interpersonal relationships
- use of corporal punishment in violation of school board policy

Cautions concerning appropriate professional behavior and the handling of students should be discussed with all staff persons who have contacts with the school-aged population.

Procedures

The Baltimore City Public Schools and the Baltimore City Department of Social Services have developed a communication system so that the superintendent of schools will be informed of Social Services' investigations into alleged child abuse and neglect by staff persons in schools.

A very small percentage of school system employees has been reported to the Protective Services Unit of the Baltimore City Department of Social Services as alleged perpetrators of these crimes. Child abuse is a felony, and under certain conditions, the suspect is subject to arrest. Both police officers and protective services' social workers investigate cases of suspected physical and sexual abuse of students. Normally, only protective services' workers investigate cases of suspected neglect. Complaints of both suspected abuse and suspected neglect have been filed, naming as the responsible persons, educational, classified, and paraprofessional employees as well as substitutes.

Maryland's state law permits disclosure to school administrators, for adequate cause, of the results of investigations of school system employees. Pertinent legal references include the following sources:

- Annotated Code of Maryland Family Law 5-701 et seq
- Annotated Code of Maryland Family Law 5-901 et seq
- COMAR-Chapter .07.02.07--Protective Services for Abused and Neglected Children
The determination that abuse is "indicated" does not require a court conviction for the crime of child abuse or the existence of proof sufficient to obtain such a conviction. In making this determination, the local department shall consider the following:

(a) Explanations of the incident under investigation are inconsistent or do not match the developmental age and capabilities of the child; or

(b) There is a history of prior unexplained injuries in the school environment which may indicate patterns of violence; or

(c) Information gathered in an assessment of risk for the child and other children in that setting.

B. Unsubstantiated Child Abuse. An "unsubstantiated" report of child abuse is one which does not meet the criteria established for an "indicated" finding. In choosing this disposition, the worker shall document the extent to which any of the following factors apply to the situation:

(1) There is no physical injury; or

(2) There is no credible account of the alleged abuse by the suspected victim or a witness; or

(3) There is no indication of past injury or sexual abuse; or

(4) There is credible evidence that injuries have been accidentally caused; or

(5) There is credible evidence that the child's health or welfare was not significantly harmed nor at risk of being significantly harmed; or

(6) There is credible evidence that the injury or sexual abuse was caused by a person other than the person in the school environment who has temporary care or responsibility for supervision of a child.

(7) It is not possible to complete the investigation due to an inability to gain access to the child or to obtain relevant facts regarding the incident.

C. "Indicated" Child Neglect As Applied to School Personnel. "Indicated" child neglect means that there is credible and specific evidence, which has not been satisfactorily refuted, that a child's health or welfare has been significantly harmed and/or placed at risk of significant harm as a result of

(1) Conditions created by leaving a child unattended by the person who has temporary care or responsibility for supervision of a child in the school environment.

(2) The failure of that person to give the usual care and attention expected for a child in the school environment.

D. "Unsubstantiated" Child Neglect. An "Unsubstantiated" report of child neglect is one which does not meet the criteria established for an "indicated" finding. In
REQUEST FOR SUPERINTENDENT'S SIGNATURE/APPROVAL

COMMENTS/SUMMARY OF DOCUMENT

Originator's Signature: [Space for Signature]
Phone: 396-6367  Room No. 105

Office of Social Services: revising the Administrative School Social Work Service Handbook, sections on general policies and procedures as well as staff policies.

Approval by Associate Superintendent

Signature: [Space for Signature]
Phone: [Space for Phone Number] Room No. [Space for Room Number]
TO: Associate Superintendents, Assistant Superintendents, Directors, Heads of Central Office Units, Principals

FROM: Richard C. Hunter, Superintendent of Public Instruction

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Procedures

The Baltimore City Public Schools and the Baltimore City Department of Social Services have developed a communication system so that the superintendent of schools will be informed of Social Services' investigations and the results of alleged child abuse and neglect by staff persons in schools.

A very small percentage of school system employees has been reported to the Protective Services Unit of the Baltimore City Department of Social Services as alleged perpetrators of these crimes. Child abuse is a felony, and under certain conditions, the suspect is subject to arrest. Both police officers and protective services' social workers investigate cases of suspected physical and sexual abuse of students. Normally, only protective services' workers investigate cases of suspected neglect. Complaints of both suspected abuse and suspected neglect have been filed, naming as the responsible persons, educational, classified, and paraprofessional employees as well as substitutes.

Maryland State law permits disclosure to school administrators, for adequate cause, of the results of investigations of school system employees. Pertinent legal references include the following sources:

- Annotated Code of Maryland Family Law 5-701 et seq
- Annotated Code of Maryland Family Law 5-901 et seq
- COMAR-Chapter .07.02.07--Protective Services for Abused and Neglected Children
Department of Social Services' Decisions

The Department of Social Services will communicate its findings to the Office of the Superintendent, the alleged perpetrator, and the parent of the child who allegedly was abused or neglected. Also, the Department of Social Services will send a complete written report of the findings to the local state's attorney's office and the police department in abuse allegations. Based upon Department of Social Services findings, the superintendent will take appropriate administrative actions as needed and delineated in school board policies, administrative handbook procedures, and/or contract agreements.

Code of Maryland Regulations guide the local Department in its findings of "Indicated" or "Unsubstantiated". Based on its investigation, the local Department shall determine whether a report of suspected child abuse or neglect is found to be "Indicated" or "Unsubstantiated":

A. Indicated Child Abuse.

1. An "Indicated" report of child abuse means one in which there is credible and specific evidence, which has not been satisfactorily refuted, that:

   a. Physical injury has occurred and was most likely caused by a parent (including any stepparent or foster parent) or other person who has permanent or temporary care, guardianship, or custody or responsibility for supervision of a child, or by any household or family member under circumstances that indicate the child's health or welfare is significantly harmed and the nature, extent, or location of the injury make non-accidental means the likely cause; or

   b. Physical injury has occurred and was not likely caused by a parent (including any stepparent or foster parent) or other person who has permanent or temporary care, guardianship, or custody or responsibility for supervision of a child, or by any household or family member under circumstances that indicate the child's health or welfare is at risk of significant harm and the nature, extent, or location of the injury make non-accidental means the likely cause; or

   c. Sexual abuse of a child occurred and was most likely caused by a parent (including any stepparent or foster parent) or other person who has permanent or temporary care, guardianship, or custody or responsibility for supervision of a child, or by any household or family member; or

   d. There are physical or behavioral indications that a child has been sexually abused, including but not limited to, genital trauma, pregnancy, sexually transmitted disease, and patterns of behavior typically associated with sexual abuse.
The determination that abuse is "indicated" does not require a court conviction for the crime of child abuse or the existence of proof sufficient to obtain such a conviction. In making this determination, the local department shall consider the following:

(a) Explanations of the incident under investigation are inconsistent over time, or do not match the developmental age and capabilities of the child; or

(b) There is a history of prior unexplained injuries in the household or family which may indicate patterns of domestic violence.

(c) Information gathered in an assessment of risk for the child and their family (except in cases of child abuse in an out-of-home setting).

B. Unsubstantiated Child Abuse. An "unsubstantiated" report of child abuse is one which does not meet the criteria established for an "indicated" finding. In choosing this disposition, the worker shall document the extent to which any of the following factors apply to the situation:

(1) There is no physical injury; or

(2) There is no credible account of the alleged abuse by the suspected victim or a witness;

(3) There is no indication of past injury or sexual abuse; or

(4) There is credible evidence that injuries have been accidentally caused;

(5) There is credible evidence that the child's health or welfare was not significantly harmed nor at risk of being significantly harmed; or

(6) There is credible evidence that the injury or sexual abuse was caused by a person other than a parent (including any stepparent or foster parent) or other person who has permanent or temporary care, guardianship, or custody or responsibility for supervision of a child, or by any household or family member.

(7) It is not possible to complete the investigation due to an inability to gain access to the child or to obtain relevant facts regarding the incident.

C. Indicated Child Neglect. "Indicated" child neglect means that there is credible and specific evidence, which has not been satisfactorily refuted, that a child's health or welfare has been significantly harmed and/or placed at risk of significant harm as a result of:

(1) Conditions created by the leaving of a child unattended by the child's parents, guardian or custodian; or

(2) The failure of the child's parents, guardian or custodian to give proper care and attention to the child.

D. Unsubstantiated Child Neglect. An "Unsubstantiated" report of child neglect is one which does not meet the criteria established for an "indicated" finding. In
choosing this disposition, the worker shall document the extent to which any of the following factors apply to the situation:

(1) There is no credible and specific evidence of failure to provide proper care and attention, including the leaving of a child unattended, under circumstances that indicate that the child's health or welfare is significantly harmed or at risk of significant harm.

(2) It is not possible to complete the investigation due to an inability to gain access to the child or to obtain relevant facts regarding the reported incident or circumstances alleged to be neglected.

Reporting Responsibilities

Staff members are referred to Circular , dated 9/20/89 Administrative Handbook Revisions and Additions, Policies and Procedures for Reporting Child Abuse and Neglect for definitions of abuse and neglect and other pertinent information. Circular should be considered a companion circular to this one because it may assist in clarifying the law and issues such as the following:

--School staff is required to report suspected abuse and neglect, wherever it occurs. Therefore, school staff observing or hearing reports of other persons abusing or neglecting children in the school setting must report suspicions to the Department of Social Services, Protective Services (361-2235).

--Penalties for failure of professionals to report are spelled out in COMAR 13A.08.01 and 13A.07.01 - General Regulations - Education Articles.

For additional information regarding this Administrative Handbook section, please contact the associate superintendent, Bureau of Instruction, on 6-8813.
TO: Associate Superintendents, Assistant Superintendents, Directors, Heads of Central Office Units and Principals

FROM: Richard C. Hunter, Superintendent of Public Instruction
       Jerrelle F. Francois, Interim Associate Superintendent, Bureau of Instruction

Please take the following actions immediately to bring your Administrative Handbook up to date.

Remove and destroy all of Section 310.10 on policies and procedures for reporting suspected child abuse and neglect, dated October 21, 1987.

Place the following new section in your Administrative Handbook. No changes are needed in the index.

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Important changes have been made in state laws between July 1, 1988 and July 1, 1989, having profound implications for all staff. These include clarifications of the following:

a. Penalties for failure of professionals to report suspected abuse and neglect, i.e., suspension, dismissal, revocation of certificate
b. Questioning of students on school grounds during the school day
c. Presence of a third party during investigative questioning
d. Confidentiality of reports and records
e. The mandated requirements for all persons to report

PRINCIPALS ARE REQUESTED TO USE EVERY APPROPRIATE MEANS TO DISSEMINATE THIS INFORMATION TO ALL STAFF MEMBERS IN THE BUILDING. IT IS ALSO IMPORTANT THAT APPROPRIATE CENTRAL OFFICE STAFF HAVE THIS INFORMATION BROUGHT TO THEIR ATTENTION.

Questions related to child abuse policies and procedures may be directed to your school social worker or Ms. Joan Y. Harris, Educational Specialist, School Social Work Service, Office of Pupil Services on 6-8642.

/pamg
I. Introduction

Since 1966, when the Maryland General Assembly passed the first child abuse law, the Baltimore City Public Schools Board of School Commissioners has endorsed policies and procedures ensuring responsible actions by educators who are confronted with possible child abuse situations. Subsequent revisions and additions to the law have resulted in BCPS policy updates to include child neglect. A comprehensive restructuring of the child abuse and neglect provisions became effective on July 1, 1988, as a result of the consolidation of certain child abuse and neglect laws into one sub-title in the Annotated Code of Maryland Article - Family Law Sub-Title 7 - Child Abuse and Neglect

Important among these changes was an expansion in the definition of child abuse to include abuse by any household or family member. In addition, Child Protective Services (CPS) is now required to assess the safety of all children in the household(s) to which the alleged perpetrator has access, not simply the safety of the child(ren) alleged to have been abused. Subsequent changes, effective July 1, 1989, revised definitions of abuse and neglect.

During 1988, there were 23,300 investigations of child maltreatment conducted in Maryland. During these investigations, the safety of 38,120 children was assessed. The number of investigations completed in 1988 represented a nine percent increase over the number of investigations completed during 1987. This rate of increase was more than double the rate of increase experienced between 1986 and 1987 (a 4% jump). Maryland's 1988 rise in the number of maltreatment investigations was also higher than the increase reported nationally. Across the country, 1988 reports rose only three percent over the 1987 level of reporting.

Of the total investigations completed during 1988, 49.4 percent (11,504) were of child neglect, 34.6 percent (8,071) were of child physical abuse and 16 percent (3,725) were of child sexual abuse. The largest increase during 1988 was in the number of investigations of child neglect (17.1%). Investigations of child sexual and physical abuse increased less sharply (5.0% and .2% respectively). Nationwide, neglect has consistently been the most prevalent form of maltreatment (63% in 1988).

II. Definitions

1. ABUSE means the sustaining of physical 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 significantly harmed or at risk of being significantly harmed; or sexual abuse of a child, whether physical injuries are sustained or not. (An injury is any bodily damage, ranging from a bruise or bruises to bone fractures and burns, and is not always readily apparent, as in some internal injuries.)
"ABUSE" DOES NOT INCLUDE, FOR THAT REASON ALONE, PROVIDING A CHILD WITH NON-MEDICAL RELIGIOUS REMEDIAL CARE AND TREATMENT RECOGNIZED BY STATE LAW.

2. SEXUAL ABUSE 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.

From COMAR 07.02.07.02 B(.18)

Sexual molestation or exploitation includes, but is not limited to, contact or conduct with a child for the purpose of sexual gratification, and may range from sexual advances, kissing or fondling, to sexual crime in any degree, rape, sodomy, prostitution, or allowing, permitting, encouraging, or engaging in the obscene or pornographic display, photography, filming or depiction of a child as prohibited by law.

3. CHILD means any individual under the age of 18 years.

4. FAMILY MEMBER means a relative of a child by blood, adoption, or marriage.

5. HOUSEHOLD means the location in which the child resides, where the abuse or neglect is alleged to have taken place, or where the person suspected of abuse or neglect resides.

6. HOUSEHOLD MEMBER means a person who lives with or is a regular presence in the home of a child at the time of the alleged abuse or neglect.

7. NEGLECT means the sustaining by a child of significant physical or mental harm or injury from:

   a. The absence of the child's parents, guardian, or custodian.
   
   b. The leaving of a child unattended or other failure to give proper care and attention to a child by the child's parents, guardian, or custodian under circumstances that indicate that the child's health or welfare is significantly harmed or placed at risk of significant harm, unless the failure consist only of providing the child with non-medical remedial care and treatment recognized by State law instead of medical treatment.

"NEGLECT" DOES NOT INCLUDE, FOR THAT REASON ALONE, PROVIDING A CHILD WITH NON-MEDICAL RELIGIOUS REMEDIAL CARE AND TREATMENT RECOGNIZED BY STATE LAW.

(To confirm child neglect, the responsible agency, Child Protective Services in the Department of Social Services, must find significant and convincing evidence that the level of child's care is below minimally acceptable standards, as defined by state regulations. Usually such a determination is based on evidence of a nature that could establish in a court of law that the child is in need of the assistance of the court.)

Shown are examples of child neglect cited in the SHR-SSA Child Protective Services Policy Manual 01.04.04
A neglected child is one who is:

* left unattended or inadequately supervised for long periods of time.

* showing signs of failure to thrive, or psycho-social dwarfism that has not been explained by medical condition. There may be other evidence that the child is receiving insufficient food.

* receiving inadequate medical or dental treatment.

* denied an adequate education due to parental action or inaction (e.g., some cases of truancy).

* wearing inadequate or weather--inappropriate clothing.

* living in a home where minimal health and fire standards are not met.

* ignored or badgered by the caretaker.

* forced to engage in criminal behavior at the direction of the caretaker.

### III. School Staff's Responsibility

Professionals are required to report suspected abuse and suspected neglect. It is not the responsibility of the educator or other reporting person to investigate the incident to determine if abuse or neglect can be confirmed. Based on the legal definitions cited, a person who has reason to believe that a child has received a nonaccidental physical injury or has been sexually molested or exploited by a parent or any other caretaker is to report the SUSPICION immediately to the Department of Social Services. The law provides immunity from civil liability or criminal penalty when a person makes a report in good faith, whether the suspicion is abuse or neglect. State law require that the reporting source be handled confidentially. DSS is not to release the name of the reporter without permission. Staff may wish to make a specific request for anonymity.

The Police Department, the State's Attorney's Office and the Department of Social Service work collaboratively on these investigations and determine a course of action based on the individual circumstances of each case.

**ALL SUSPICIONS OF NEGLECT, PHYSICAL OR SEXUAL ABUSE MUST BE REPORTED TO THE DEPARTMENT OF SOCIAL SERVICES--PROTECTIVE SERVICES BY CALLING 361-2235. A WRITTEN REPORT ON THE FORM ATTACHED IS TO FOLLOW WITHIN 48 HOURS AFTER THE INCIDENT OR CONTACT THAT CAUSED THE INDIVIDUAL TO BELIEVE THAT THE CHILD HAD BEEN SUBJECTED TO ABUSE OR NEGLECT.**

Reporting is required:

Not notwithstanding any other provision of law, including any law on privileged communications, by each health practitioner, police officer, educator, or human service worker acting in a professional capacity, who has reason to believe that a child has been subjected to abuse and/or neglect.
EDUCATOR OR HUMAN SERVICE WORKER means any professional employee of an correctional, public, parochial, or private educational, health, juvenile service or social service agency, institution, or licensed facility.

EDUCATOR OR HUMAN SERVICE WORKER INCLUDES:

(I) any teacher
(II) any counselor
(III) any social worker
(IV) any case worker and
(V) any probation or parole officer

A significant change in the law is that now all persons are mandated to report abuse/neglect suspicions. Anonymous reports are accepted from the community and the identity of the reporter is protected (unless the reporter is a professional and gives permission). In addition, one does not have to know the child or have direct contact with him or her to make a report. If one has reason to believe that a child is abused or neglected, a report should be made. Reporters are immune from civil and criminal liability for reporting and participation in any investigation and any judicial proceeding.

IV. REPORTING PROCEDURES FOR SCHOOL STAFF

The purpose of reporting suspected abuse and neglect is to protect children from further harm and to insure the provision of services on behalf of the child to ensure maximum and growth development. Every effort is made to maintain and strengthen the child's own family and only when it is deemed essential are other arrangements made for the care of the child.

A. Baltimore city schools' staff suspecting a student of being abused or neglected will report this suspicion to the Baltimore city Department of Social Services (DSS) by calling 361-2235. Child neglect and abuse reports are received by the Protective Services Screening unit. Once accepted by the unit, the reports are given to the appropriate intake unit for investigation. Decisions regarding worker assignment and response time are made by the intake assigning supervisor. In instances of suspected abuse, the police department is notified by DSS.

B. Within 48 hours, educational and other BCPS staff will follow-up with a written report, using the special reporting forms available. A copy of the report form is attached, with instructions on the bottom pertaining to copies. The reporting address is:

Protective Services
Department of Social Services
312 East Oliver Street
Baltimore, Maryland 21202

C. As the administrator responsible for the educational facility, the principal must be informed immediately of all information related to the suspicion and that a report is being made. A copy of the written report must be given to the principal.
V. SANCTIONS FOR FAILURE TO REPORT

Pertinent revision of COMAR 13A.08.01 and 13A.07.01 - General Regulations - Education Articles - Annotated Code of Maryland Subtitle II Section 6-202 -

On the recommendation of the county superintendent, a county board may suspend or dismiss a teacher, principal, supervisor, assistant superintendent, or other professional assistant for:

(i) Immorality
(ii) Misconduct in office, INCLUDING KNOWINGLY FAILING to report suspected child abuse in violation of Section 5-903 of the Family Law Article;
(iii) Insubordination
(iv) Incompetency or
(v) Willful neglect of duty

(In Baltimore city, the suspension and removal of assistant superintendents and higher levels are governed by the city charter)

COMAR 13A.07.01 Certification - .10-17. These regulations refer to authority of local boards of education or the assistant state superintendent in Certification and Accreditation when the individual is not employed by a local board of education in Maryland to suspend or revoke the certificate of any certificate holder who...

C. Is convicted of a crime involving (1) child abuse or neglect, (2) contributing to the delinquency of a minor, or (3) Moral turpitude, if the offense bears directly on the individual's fitness to teach

D. Has been dismissed by a local board of education for knowingly failing to report suspected child abuse in violation of the Family Law Article 5-903 Annotated Code of Maryland.

VI. DEPARTMENT OF SOCIAL SERVICE RESPONSIBILITY

When receiving a report of suspected neglect or abuse, the protective services unit must obtain the maximum amount of information available, separating facts from assumptions. The screening workers must carefully apply the law to the circumstances described in the report and clearly determine that the reported information is sufficient to warrant protective services' intervention into the life or affairs of the family.

Promptly, upon accepting a report of suspected neglect or abuse, the Department of Social Services (DSS) will make a thorough inquiry to determine all pertinent facts. When the local law enforcement agency is involved, a coordinated approach is undertaken. DSS and the police department have joint responsibility for investigating abuse reports. The local state's attorney's office has the task of determining criminal liability or responsibility in abuse. Based on the findings, DSS will provide services in the best interest of the child. Reporting agencies or professionals are encouraged to continue the provision of services normally given, where appropriate, and to work cooperatively in developing service plans for the child and family.
A. In the process of investigating the circumstances of suspected abuse and neglect, DSS workers and police officers may find it necessary to interview the child in the school. They may also wish to speak with staff who may have knowledge about the child. The school system and DSS developed the following procedures to ensure a cooperative effort in complying with the law and protecting the health and safety of our children:

1. DSS workers are to present proper identification. If principals wish to verify further, a roster is kept of all child abuse and neglect investigating workers and this may be checked by telephoning the following number in the Office of the Chief of Protective Services - 361-2911.

2. Whenever possible, the worker will phone ahead to make arrangements with the principal.

3. The principal shall 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 questioning of a student. The child's comfort may be a factor to consider, as well as the possibility of a third party inhibiting the child's responses.

4. On occasion, for the child's safety, the DSS worker may wish to place the child in temporary shelter care rather than allow the child to return home. The child may NOT be released by the school to the DSS worker without a court order unless the local department has guardianship of the child.

When this decision to use shelter care can be made prior to interviewing the child, the DSS worker will have a court order in hand. However, in many situations, the need will become apparent only after interviewing the child. In such emergency situations, a temporary shelter care order is secured by telephone from the Department of Juvenile Services by the DSS worker. This call to the Department of Juvenile Services can be made from the principal's office. With such an order, the child is to be released to the DSS worker. The principal is to inform the parent or guardian to contact DSS Protective Services (Telephone: 361-2911) for additional information.

If communication is necessary in regard to abuse and neglect cases after 4:30 PM, the after-hours number may be utilized (361-2235). This is the regular reporting number, and a protective services after-hours worker is on duty until 11:00 PM, when an answering service picks up.

VII. SCHOOL SYSTEMS RESPONSES

1. A local school system shall permit personnel from DSS or a police officer to question a student on school premises during the school day in a investigation involving suspected child neglect under Family Law Article, Subtitle 7, Annotated Code of Maryland, or suspected child abuse under Family Law Article, Subtitle 9. Parents or guardians shall be advised promptly by the school administrator or designee that an investigation and/or interview with the child has occurred. However, in order to protect the child and siblings, it is good policy to discuss with the DSS worker and/or officer the plan for notification of parents.
2. Records and reports concerning child abuse and neglect are confidential, and unauthorized disclosure is a criminal offense under Article 88A, Section 6b Annotated Code of Maryland. Therefore, discussion related to complaints and investigations must be conducted with the utmost discretion.

3. Sometimes fear of parental wrath interferes with the decision to report or not to report. It is rare for an accused child abuser to abuse anyone other than the child or another family member. Anger is often exhibited, and while this can be difficult for staff to deal with, it is often better than allowing the abused child to continue to deal with it, and perhaps to die from it. The child's welfare must be the overriding concern.

4. All individuals are legally and morally responsible for reporting suspected child abuse and neglect. Permission to report is not required—regardless of the site where suspicion occurs. It is necessary, however, that school staff inform the principal regarding the circumstances, and that a report has been or will be made.

5. The decision to report belongs to the staff person who first observes or becomes aware of the incident. However, others hearing or becoming aware of the incident are obliged to ensure that someone makes a report. (See page 4, paragraph 3.) Persons reporting suspected child abuse and neglect in good faith are immune from any civil liability or criminal penalty. There are serious penalties attached, however, to failure to report.

It is advisable that parents be made aware of the legal and moral responsibility of school staff to report suspected abuse and neglect. A sample letter is attached to assist in communicating with parents. Information may be disseminated in parent newsletters, at PTA meetings, or in report card envelopes. In order to facilitate positive interactions between the school and home/community, it is often helpful to inform parents in this area before a problem arises.

Questions may be addressed to the social worker assigned to your school or the Educational Specialist, School Social Work Service (Office of Pupil Services) on 6-8642.
Baltimore City Public Schools

REPORT OF SUSPECTED CHILD ABUSE/SUSPECTED NEGLECT

To: Baltimore City Department of Social Services - 312 East Oliver Street 21202

From:

School Name and Number - Address __________________________ Telephone Number ______

Suspicion of Neglect [ ] Suspicion of Abuse [ ]

* * * * * * * * * * * * * * * * * * * * * * * *

Name of Child ____________________________________________

Address (Where child may be seen) __________________________

Age or Birthdate _________________________________________

Name of Person(s) Responsible for Child's Care __________________

Address ________________________________________________

Relationship _____________________________________________

Name of Suspected Abuser __________________________________

Address ________________________________________________

Relationship (of suspected abuser) to child ______________________

The nature and extent of current injury, sexual abuse or neglect of the child in question; circumstances leading to the suspicion that the child is a victim of abuse or neglect:

Information concerning previous injury, sexual abuse or neglect experienced by this child or children in this family situation, including previous action taken, if any:

Signature and Title of Person Making Report __________________________ Date __________

Complete original and 2 copies. Original is to be mailed to the local Department of Social Services. First copy is to be retained by the principal; second copy is to be retained by the person making the report. Please respond to each item even if reply is "unknown" or "none".

PLEASE INDICATE AT TOP OF FORM IF SUSPICION IS NEGLECT OR ABUSE.

This form is to be used by Baltimore City Public Schools staff only

Revised 9/89

Use Reverse Side As Necessary
Dear Parents:

The Baltimore City Public School system is committed to providing the best possible and most appropriate learning experiences for all children. As educators, we are involved closely with students and try to be aware of their educational progress and needs. Sometimes when home and community factors affect students' responses to the classroom environment, they show signs of distress. Because school staff members have been trained to observe student behaviors, they are often the first to become aware that something is wrong.

In some instances, school faculties are able to respond to students in need of help and special assistance referring them to the school social worker, school counselor, or other school personnel. Sometimes outside community help may be indicated.

Occasionally, there are factors in a student's appearance and behavior that lead to suspicions of child abuse or neglect. Maryland law requires that all professionals, including educators, report suspected abuse and neglect to the proper authorities in order that children may be protected from harm and the family may be helped.

School system policy supports Maryland laws in this regard and requires that all school staff members report suspected abuse and neglect to the Department of Social Services, Protective Services Division (361-2235). That agency has the authority and responsibility to investigate and make a determination regarding the suspicion. At all times, the intent is to protect children from harm by providing services to maintain and strengthen the child's family.

Should you have questions regarding the information in this communication, feel free to discuss them with me or appropriate school staff.

Please be assured of our continued interest and concern for the education and welfare of children in the Baltimore City Public Schools.

Sincerely,

Principal's Signature
TO:        Deputy Superintendent, Chief Financial Officer, Associate and 
          Assistant Superintendents, Executive Directors, Principals,
          and Heads of Central Office Units

FROM:     Alice G. Pinderhughes, Superintendent of Public Instruction

Please take the following actions immediately to bring your Administrative 
Handbook up to date:

1. OBSOLETE REGULATIONS (Remove from your Handbook)

<table>
<thead>
<tr>
<th>Regulation</th>
<th>Subject</th>
<th>Date of Issue</th>
<th>No. of Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.19</td>
<td>Suspected Abuse and Neglect of Students by School Personnel</td>
<td>1/88</td>
<td>8</td>
</tr>
</tbody>
</table>

2. Addition and/or Revision

Place the following revised section in your Administrative Handbook.

<table>
<thead>
<tr>
<th>Regulation</th>
<th>Subject</th>
<th>Date of Issue</th>
<th>No. of Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.19</td>
<td>Suspected Abuse and Neglect of Students by School Personnel</td>
<td>5/88</td>
<td>3</td>
</tr>
</tbody>
</table>

For additional information regarding this Administrative Handbook section, 
please contact the associate superintendent, Instructional Support Services, 
on 6-8900.
Normally, only protective services' workers investigate cases of suspected neglect. Complaints of both suspected abuse and suspected neglect have been filed, naming, as the responsible persons, educational, classified, and paraprofessional employees as well as substitutes.

Once investigations involving school system employees have been completed, the results in the past have not been made available to school administrators because of confidentiality restrictions. Maryland State law now permits disclosure for adequate cause. Pertinent legal references include the following sources:

- Annotated Code of Maryland Family Law 5-701 et seq
- Annotated Code of Maryland Family Law 5-901 et seq
- COMAR—Chapter .07.02.07—Protective Services for Abused and Neglected Children
- Article 88Ab. Social Services Administration—Child Abuse and Neglect Records and Reports
- Social Services Administration—Protective Services Manual 03.01.01
- Investigations in Child Care Institutions and Group Day Care Settings

Department of Social Services' Decisions

Upon the conclusion of protective services investigations, there are four possible decisions that can be made regarding the suspected abuse. These findings are based on criteria spelled out in COMAR regulations 07.02.07:

1. confirmed
2. indicated
3. uncertain
4. ruled out

The Department of Social Services will communicate its findings in a written statement to the superintendent, the alleged abuser, the principal, and the parent of the child who was allegedly abused. Also, the Department of Social Services will send a complete written report of the findings to the local state's attorney and report the information required by the social services administration for the maintenance of the central registry of all reported cases of suspected child abuse. Based upon Department of Social Services findings, the superintendent will take appropriate administrative action as needed and delineated in school board policies, administrative handbook procedures, and/or contract agreements. In addition, staff should be made aware that the superintendent and the Baltimore City Department of Social Services have opened a communication system so that the superintendent will be informed of all investigations of alleged abuse and neglect by school staff.
Reporting Responsibilities

Staff members are referred to Circular #55, dated October 21, 1987, Administrative Handbook Revisions and Additions, Policies and Procedures for Reporting Child Abuse and Neglect for definitions of abuse and neglect and other pertinent information. Circular #55 should be considered a companion circular to this one because it may assist in clarifying the law and issues such as the following:

-School staff is required to report suspected abuse and neglect, where it occurs. Therefore, school staff observing or hearing reports of other persons abusing or neglecting children in the school setting must report suspicions to the Department of Social Services, Protective Services (361-2235).

-Penalties for failure of professionals to report are spelled out in COMAR 13A.08.01 and 13A.07.01 - General Regulations - Education Articles. (See page 5 of Circular #55.)

-By state law, the reporting source will not be revealed.

For additional information regarding this Administrative Handbook section, please contact the associate superintendent, Instructional Support Services, on 6-8900.
Procedures for Handling Suspected Abuse and Neglect of Students by School Personnel

Background

Staff of the Baltimore City Public Schools and professionals in the field of education and other fields have been concerned about the escalating number of reports of children who allege abuse at the hands of those who have responsibility for their supervision. A review of reports of alleged abuse and neglect has revealed that many incidents could have been avoided. Antecedents to the charges which have been made by parents, students, and other educational employees, included:

- professionally immature or inappropriate classroom behavior exhibited by the teacher (such as severe verbal harassment, denial of lunch)

- questionable judgment demonstrated in handling disciplinary actions (such as lengthy after-school detentions, prolonged periods of standing)

- educationally unsound practices in effect within the classroom

- poor communication between the home and school, including conflict-ridden interpersonal relationships

- use of corporal punishment in violation of school board policy.

These cautions concerning the handling of students should be shared with all staff persons who have contacts with our school-aged population.

Procedures

The Baltimore City Public Schools and the Baltimore City Department of Social Services have developed a communication system so that the superintendent of schools will be informed in writing of the findings of Social Services' investigations of alleged child abuse and neglect by staff persons in schools.

A very small percentage of school system employees has been reported to the Protective Services Unit of the Baltimore City Department of Social Services as alleged perpetrators of these crimes. Child abuse is a felony, and, under certain conditions, the suspect is subject to arrest. Both police officers and protective services' social workers investigate cases of suspected physical and sexual abuse of students.
choosing this disposition, the worker shall document the extent to which any of the following factors apply to the situation:

(1) There is no credible and specific evidence of failure to provide proper care and attention, including leaving a child unattended, under circumstances that indicate that the child's health or welfare is significantly harmed or at risk of significant harm.

(2) It is not possible to complete the investigation due to an inability to gain access to the child or to obtain relevant facts regarding the reported incident or circumstances alleged to be neglected.

Reporting Responsibilities

Staff members are referred to Circular No. 27, dated 10/5/89 Administrative Handbook Revisions and Additions, Policies and Procedures for Reporting Child Abuse and Neglect for definitions of abuse and neglect and other pertinent information. That circular should be considered a companion circular to this one because it may assist in clarifying the law and issues such as the following:

--School staff is required to report suspected abuse and neglect, wherever it occurs. Therefore, school staff observing or hearing reports of other persons abusing or neglecting children in the school setting must report suspicions to the Department of Social Services, Protective Services (361-2235).

--Penalties for failure of professionals to report are spelled out in COMAR 13A.08.01 and 13A.07.01 - General Regulations - Education Articles.

For additional information regarding this Administrative Handbook section, please contact the associate superintendent, Bureau of Instruction, on 6-8813.
Department of Social Services' Decisions

The Department of Social Services will communicate its findings to the office of the superintendent, the alleged perpetrator, and the parent of the child who allegedly was abused or neglected. Also, the Department of Social Services will send a complete written report of the findings to the local state's attorney's office and the police department in abuse allegations. Based upon Department of Social Services findings, the superintendent will take appropriate administrative actions as needed and delineated in school board policies, administrative handbook procedures, and/or contract agreements.

Code of Maryland regulations guide the local department in its findings of "Indicated" or "Unsubstantiated". Based on its investigation, the local department shall determine whether a report of suspected child abuse or neglect is found to be "Indicated" or "Unsubstantiated":

A. Indicated Child Abuse As Applied to School Personnel

(1) An "Indicated" report of child abuse means one in which there is credible and specific evidence which has not been satisfactorily refuted, that

(a) Physical injury has occurred and was probably caused by a person in the school environment who has temporary care or responsibility for supervision of a child, under circumstances that indicate the child's health or welfare is significantly harmed and the nature, extent, or location of the injury make non-accidental means the likely cause; or

(b) Physical injury has occurred and was probably caused by a person in the school environment who has temporary care or responsibility for supervision of a child, under circumstances that indicate the child's health or welfare is at risk of significant harm and the nature, extent, or location of the injury make non-accidental means the likely cause; or

(c) Sexual abuse of a child occurred and was probably caused by a person in the school environment who has temporary care, or responsibility for supervision of a child; or

(d) There are physical or behavioral indications that a child has been sexually abused, including but not limited to, genital trauma, pregnancy, sexually transmitted disease, and patterns of behavior typically associated with sexual abuse.