Maryland's Family Law Article, Title 5, Subtitle 7, has as its purpose the protection of children from physical abuse and neglect by early intervention. The law specifies that reporting of known or suspected physical or sexual abuse is the responsibility of any health practitioner, educator, human service worker, or law enforcement agency or officer. In the making of a report, the law provides immunity from civil liability or criminal penalty. The report should be made orally to either the local department of social services or to the appropriate law enforcement agency. In addition, a written report must be made within 48 hours on a special form available from the local department of social services. Child abuse or neglect can be life threatening and should be considered as a possibility with students about whom there is concern.

I. Definitions

A. Abuse: 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 sexual abuse of a child, whether physical injuries are sustained or not.

B. Sexual Abuse: Any act or acts involving sexual molestation or exploitation, including but not limited to incest, rape, or sexual offense in any degree, sodomy, or unnatural or perverted sexual practices, of a child by a parent or any family or household member or by any other person who has the permanent or temporary care or custody or responsibility for supervision of a minor child.

C. 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 advance, kissing or fondling, to sexual crime in any degree, rape, sodomy, prostitution, or allowing, permitting, encouraging, or engaging in the obscene or pornographic display, photographing, filming or depiction of a child as prohibited by law.

D. Mental injury means the observable, identifiable, and substantial impairment of a child's mental or psychological ability to function.

E. Physical and behavioral indicators of abuse are listed in Article VI. below.

II. Child Neglect

The provisions of the Family Law Article dealing with child neglect require that every health practitioner, educator, human service worker, and law enforcement agency or officer make an oral or written report of a child believed to be a neglected child to the local department of social services. The written report must be made within 48 hours after the occurrence of the contact with the neglected child. In addition, a person acting in his/her capacity as a member of the staff of a hospital, public health agency, child care institution shall notify the head of his/her institution or his/her
A. Child neglect means 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 that the child's health or welfare is harmed or placed at substantial risk of harm; or mental injury to the child or a substantial risk of mental injury.

A neglected child is one who is:

- left unattended or inadequately supervised for long periods of time.
- consistently or frequently receiving insufficient food.
- receiving inadequate medical or dental treatment (only reportable by a physician).
- consistently or frequently wearing inadequate or weather- inappropriate clothing.
- at risk of substantial harm due to a lack of a safe environment in the home.
- ignored or badgered by the caretaker.

B. Parent means biological or adoptive parent.

C. Educator or Human Service Worker: Any professional employee of any correctional, public, parochial or private educational, health, juvenile service, social service agency, institution, or licensed facility. Education or human service worker includes any teacher, counselor, social worker, case worker, and any probation or parole officer.

D. Physical and behavioral indicators of neglect are listed in article VI. below.

III. Dating or Sexual Relations between Staff and Students

The relationship between students and staff is to be of a professional nature. Because school personnel have the responsibility for the supervision of children, teachers' and other staffs' interactions with students should remain clearly within the appropriate confines of a professional staff/student relationship. Therefore, asking for a date, dating or exploiting the teacher/student relationship by soliciting or actually engaging in sexual relations is not to occur between Carroll County Public Schools employees and students.

Definitions

A. Dating: Dating may include, but is not necessarily limited to a social appointment, engagement, or occasion, pre-planned or not, between persons for social or sexual gratification. Dating also may include occasions where the sole or major purpose is for personal pleasure.

B. Sexual Relations: Sexual relations may include, but is not necessarily limited to, sexual contact or conduct, in person or through communication, occurring between or involving two or more persons. Examples include:

- inappropriate touching or fondling
- intimate kissing
- phone calls, letters, tapes of a sexual nature
- allowing, permitting, encouraging or engaging in obscene or pornographic
discussion, display or photography
- accepting or giving gifts of a sexual/intimate nature
- filming or depiction of a child as prohibited by law
- communications that include sexual innuendos
- any kind of sexual penetration; sexual molestation; sexual exploitation
- sexual intercourse

IV. Staff/Community Awareness

The Personnel Department shall see that each new staff member has knowledge about what is child abuse/neglect, staff's obligation to report suspected abuse/neglect, and how such a report is to be made. Principals and cost center administrators are to review abuse/neglect information with all staff no less than on an annual basis.* Members of the students' community, including volunteers, who assist in school matters are to be informed about their duty to report abuse and neglect. The community may be informed by means of the school calendar, PTA meetings, school newsletters or handouts. In addition, principals should advise staff to consult with an administrator in advance regarding staff/student interactions that could be interpreted as social events. Staff should be aware that since school personnel have the "responsibility for supervision of a child," all interactions with students should remain clearly within the appropriate confines of a professional teacher/student relationship. Activities, if engaged in with students, that could place a staff member in jeopardy of being reported for, and possibly found guilty of, child abuse include:

S Striking a child
S Making sexual innuendos or sexual advances to students
S Engaging in physical contact of a sexual nature with students
S Initiating, encouraging or engaging in obscene or pornographic discussions or displays with students
S Engaging in sexual exploitation of the teacher/student relationship
S Accepting or giving gifts of a sexual/intimate nature
S Dating or requesting dates with students
S Accepting student offers of sexual favors

In addition, staff should be aware that Board policy prohibits dating or sexual relations between staff and students.

* A reference card entitled "Employee Responsibilities for Reporting Child Abuse or Neglect" is available in the Pupil Services Office. This reference card summarizes the definition of abuse and neglect and the procedures to follow when abuse or neglect is suspected. It is reproduced in Article VI. below.

V. Implementation

A. Reporting Information

1. Reporting Child Abuse/Neglect*

Any employee** or volunteer of Carroll County Public Schools who suspects, or has reason to believe, that a child, student or non-student, is or was subject to maltreatment is responsible for immediately reporting child abuse, sexual abuse or neglect to the appropriate agency***. It is the responsibility of that agency, after receiving the report, to determine the follow-up, if any, and/or the extent of the investigation, if any, to be conducted. The Department of Social Services (410-386-3434) or the Maryland State Police (410-386-3000),
or C.A.S.A. (410-386-3640) in the cases of physical or sexual assault, are the agencies that receive these reports in Carroll County. Following an oral report by an educator of any suspected child abuse or neglect, the educator must then submit a written report, within forty-eight hours, to the Department of Social Services with a copy to the Offices of the State's Attorney, principal and Director of Pupil Services. The forms are available at each school and are included in the Pupil Services Handbook on page 218. Failure to report suspected child abuse, neglect or sexual abuse to Social Services or State Police can be considered misconduct in office and can result in dismissal.* (Section 6-202 of the Public School Laws of Maryland)

* If the suspected abuser is an employee, follow this section as well as sections G. and H. below.
** Carroll County Public Schools expects all employees and volunteers to comply with these reporting procedures.
*** Information about incidents that occurred even years ago is also to be reported if there is reason to believe abuse occurred.

2. Confidentiality of Reports of Child Abuse

Reports of suspected child abuse will be kept confidential. (The reporter should, however, cooperate with the Department of Social Services and the police who are investigating the incident as well as school system administrators.)

The reporter should maintain confidentiality of the contents of the report and the progress of any resulting investigation.

Reports of suspected child abuse/child neglect are to be distributed as indicated on the form (one copy to Department of Social Services, State's Attorney, principal and Director of Pupil Services). These reports are confidential. The principal and the Director of Pupil Services shall maintain the report in a confidential file. Access to the report shall be provided on a "need to know" basis to school officials of the Board of Education of Carroll County, including but not limited to the Superintendent or his designee, and to law enforcement officials, the Office of the State's Attorney and the Department of Social Services. The Superintendent or his designee shall determine who shall have access to the report. An employee who is the subject of a child abuse report shall only be entitled to access the report if permission is first granted by the Superintendent or his designee and the Office of the State's Attorney or upon judicial order. Except as provided above, there shall be no disclosure of these reports. It shall be the practice of the Carroll County Public Schools to neither admit nor deny that a specific report has been made or that a specific file is being maintained. The reports of suspected child abuse not involving school employees shall be maintained for no less than three years.

* A counselor or administrator in the school could be consulted regarding such matters. Discussion with these people is not a substitute for making a report to the agencies mentioned previously.

3. Failure to report suspected child abuse/neglect

Should an employee fail to report a case of suspected abuse or neglect, as required by these regulations, there are at least two areas of consequences:

a. Criminal consequences
Failure to report abuse or neglect may be prosecuted under certain circumstances, as common law conspiracy and obstruction of justice offenses.

b. Civil consequences

The Human Resources Department shall, following an investigation, recommend to the Superintendent the disciplinary action to be taken.

The investigation shall include:

- The employee's knowledge of the situation.
- Was such knowledge sufficient to give persons in a similar position reason to believe that abuse or neglect was a possibility?
- The reporting action, or lack thereof, taken by the employee.

Recommended disciplinary action could include one or more of the following:

- verbal reprimand
- written reprimand
- suspension with or without pay
- dismissal
- loss of certification

Information released to the public about an employee's failure to report suspected child abuse/neglect will be done only by the Director of Human Resources, or his/her designee, in such a manner not to violate the confidentiality of the employee/employer relationship or the confidentiality associated with the release of student/family information.

B. Notification of Principal or Director of Pupil Services

The staff member who reports suspected child abuse or neglect or who examines, attends, or treats a child that may have been abused or neglected shall, in addition to contacting the Department of Social Services or State Police, immediately notify and give all necessary information to the Principal of the school where the child attends.

In the event information of suspected child abuse or neglect is obtained about a child that is too young to be a student or the incident being reported had occurred prior to the person leaving school, notification shall be given to the Director of Pupil Services rather than to the principal. In the event the suspected abuser is a staff member, the principal should inform the Director of Human Resources and the appropriate Director of Elementary, Middle or High School. Any school investigation may not occur until the Department of Social Services and/or the Maryland State Police have completed their investigation and say the school may proceed with its own. (Office of Attorney General, December 17, 1991) (See paragraph G. below if the suspected abuser is a staff member.)

C. Emergency Medical Treatment - In the event that a child is in need of emergency medical treatment as a result of suspected abuse or neglect, the school principal, in collaboration with
the school nurse or other health professional when available, shall arrange for the child to be taken immediately to the nearest hospital. The Protective Services worker or law enforcement officer should be consulted before taking the child to the hospital when feasible; in cases where the emergency conditions prevent such consultation, the protective services worker should be notified as soon thereafter as possible. In all other instances, it is the role of the Protective Services worker and/or law enforcement officer to seek medical treatment for the child. Information contained in school health records needed during the existence of a health and safety emergency may be disclosed without parental consent and without violating the provisions of the Federal Educational Rights and Privacy Act (FERPA) of 1974.

D. Immunity/Confidentiality

Immunity shall be extended to persons reporting child abuse, sexual abuse and neglect cases in good faith, as clarified in Family Law Article, Title 5, Subtitle 7. Reporting child abuse, sexual abuse and neglect incidents in good faith will not violate the Family Education Rights and Privacy Act. The Department of Social Services will not reveal the name of the person making the report unless the educator who filed the report has given written permission to Protective Services to reveal his/her identity.

E. Reporting Forms

Forms to report abuse and neglect are available in each school and the Pupil Services Department Office. A reproduction of this form can be found in the Pupil Services Handbook, page 218j. Note the form asks if the student needs accommodations to facilitate understanding and communication.

F. Protective Services Interviewing Students (See Pupil Services Handbook, page 177b.)

G. Employee Is a Suspected or Actual Child Abuser

When an employee is a suspected or actual child abuser, the principal shall make the contacts as directed in Article V.A.1. above and immediately notify the Director of Pupil Services. That Director shall notify the Director of Human Resources and the appropriate Elementary, Middle or High School Director. However, an investigation by the school may not occur until cleared to do so by Protective Services or the Maryland State Police or appropriate police agency (as established by Office of Attorney General, December 17, 1991). The Directors will determine whether sufficient reason exists to recommend to the Superintendent any disciplinary action prior to, during, or at the conclusion of, any investigation by Protective Services/State Police or the school system's own investigation. Items to be considered prior to a recommendation include:

- Information known or alleged.
- Effect of information on the employee's ability to perform job assignment.
- Conclusions of Protective Services/State Police investigation.
- Conclusion of school system's investigation.

If given permission to do so by the investigating agency, (normally prior to the end of the next school day following the principal learning of the report) the school administrator shall promptly inform the student=s parent(s) of the situation and the referral to the investigating agency. The school administrator shall also document the complaint or incident using the
form on page 216g of the Pupil Services Handbook.

Recommended disciplinary action could include one or more of the following:

- verbal reprimand
- written reprimand
- job transfer
- suspension with or without pay
- dismissal
- loss of certification

Information released to the public about an employee who is suspected to be or is a child abuser will be done only by the Director of Human Resources, or his/her designee, and in such a manner as not to violate the confidentiality of the employee/employer relationship or the confidentiality associated with the release of student/family information.

H. Employee* Who Dates or Engages in Sexual Relations with Students

Employees may not ask for a date, go out on a date, or have sexual relations with any student, any potential student**, or any former student through high school graduation, or age 21**. Principals and other administrators shall inform staff that this regulation is in effect. Should compliance not occur, an employee is subject to disciplinary action.

Should an administrator have reason to believe that dating or sexual relations between a student and an employee has occurred, the Director of Pupil Services and CASA (410 386-3434) shall immediately be contacted. That Director shall notify the Director of Human Resources and the Director in the division where the employee reports (Director of Elementary, Middle or High School, Pupil Services, Curriculum and Instruction, Business and Finance or Support Services). The Directors will recommend to the Superintendent disciplinary action to be considered. If given permission to do so by the investigating agency, (normally prior to the end of the next school day following the principal learning of the situation) the school administrator will promptly inform the student=s parent(s) of the situation and the referral to the investigating agency. The school administrator shall also document the complaint or incident using the form on page 216g of the Pupil Services Handbook.

Recommended disciplinary action could include one or more of the following:

- verbal reprimand
- written reprimand
- suspension with or without pay
- dismissal

Information given to the public related to disciplinary action against an employee for dating or having sexual relations with a student is to be made only by the Director of Human Resources, or his/her designee, who will maintain employee/employer and student confidentiality.

I. Sexual Harassment
The Carroll County Board of Education recognizes that sexual harassment is a violation of both federal and state employment discrimination laws and Board of Education Policies. Further, the Board believes that sexual harassment is both morally wrong and offensive. Regulations regarding Sexual Harassment of Students can be found elsewhere in this Pupil Services Handbook.

* This regulation against dating and sexual relations also applies to teachers of adult education classes and student teachers, and their students, during the time the course is meeting, unless the teacher and student are married to one another. Adult education administrators shall investigate the situation, documenting the investigation using the form found on page 216g of the Pupil Services Handbook. In the case of adult education and students-over age 21, parent contact need not occur.

** Twenty-one is the age at which a person may not return to high school as a student.