

Changes in blue were approved by the Policy Committee at its public work sessions on November 29, 2018, and February 26, 2019.

File: JLF

## **REPORTING OF SUSPECTED CHILD ABUSE AND/OR CHILD NEGLECT; CHILD SEXUAL ABUSE PREVENTION, INSTRUCTION, AND TRAINING; AND THE EMPLOYEE CODE OF CONDUCT**

### **I. Purpose**

The purpose of Policy JLF is to reinforce and/or establish the requirement of all school system employees to report suspected child abuse and child neglect, [to receive instruction annually on the prevention and identification of same, and to adhere to the employee code of conduct.](#) The Board of Education is committed to the physical, mental, and emotional well-being of all students. It is the Board's expectation that all children are to be protected from abuse and neglect. The Board embraces a comprehensive approach to recognizing, reporting, and preventing abuse and neglect of children.

### **II. Background**

Maryland law requires every health practitioner, police officer, educator, or human service worker who has reason to believe that a child has been subjected to abuse or neglect to notify the local [Department of Social Services](#) or the appropriate law enforcement agency and if acting as a staff member of a hospital, public health agency, child care institution, juvenile detention center, school, or similar institution, immediately notify and give all information required by Maryland law to the head of the institution or the designee of the head. The Board of Education believes this requirement should be extended to all employees.

### **III. Definitions**

Within the context of this policy, the following definitions apply:

- A. Abuse: (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.
- B. Child: Any individual under the age of 18 years.
- C. Educator or Human Service Worker: Any professional employee of any correctional, public, parochial, or private educational, health, juvenile service, social or social service agency, institution, or licensed facility, which includes any teacher, counselor, social worker, caseworker, and probation or parole officer.
- D. Grooming Behavior: [A method used by offenders that involves building trust with a child and the adults around a child in an effort to gain access to and time alone with her/him. In extreme cases, offenders may use threats and physical force to sexually assault or abuse a child. More common, though, are subtle approaches designed to build relationships with families.](#)
- E. Mental Injury: The observable, identifiable, and substantial impairment of a child's mental or psychological ability to function.
- F. Neglect: 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 of, 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) that the child has been subjected to mental injury or is at substantial risk of mental injury.

G. Child Sexual Abuse: An act by an adult involving a minor or a student that constitutes a sexual offense under the laws of the state, or any sexual contact between an adult and a minor. It also includes, Any act that involves sexual molestation or exploitation of a child by a parent of or other person who has permanent or temporary care of, or custody, or responsibility for supervision of a child, or by any household or family member. Sexual abuse includes:

1. Allowing or encouraging a child to engage in:
  - a. Obscene photography, films, poses, or similar activity;
  - b. Pornographic photography, films, poses, or similar activity; or
  - c. Prostitution;
2. Human trafficking;
3. Incest;
4. Rape;
5. Sexual offense in any degree;
6. Sodomy; and
7. Unnatural or perverted sexual practices.

H. Sexual Misconduct: An act by an adult, including an oral, nonverbal, written, or electronic communication, or a physical activity directed toward or with a minor that is designed to promote a romantic or sexual relationship with the minor, including:

1. Using a sexual or romantic invitation;
2. Dating or soliciting dates;
3. Engaging in sexualized or romantic dialogue;
4. Making sexually suggestive comments;
5. Employing grooming behaviors;
6. Discussing or displaying anything of a sexual, romantic, or erotic nature; and
7. Contacting a minor in a sexual, indecent, romantic, or erotic manner.

#### **IV. Policy Statement/Procedures**

##### **A. Obligation to Report Suspected Child Abuse or Child Neglect**

1. All school system employees are required to report any suspected child abuse or child neglect to the local department of social services or the appropriate law enforcement agency as soon as possible, but without compromising student safety. Supervisors will provide employees with the information necessary to report an event of suspected child abuse or child neglect.
2. Maryland law provides that all reports and records concerning child abuse or child neglect are confidential and may not be disclosed except as specifically ordered by a court, administrative law judge, or as may be authorized by law.

##### **B. Reporting of Suspected Child Abuse or Child Neglect**

1. An individual who notifies the local department of social services or law enforcement agency of suspected child abuse or child neglect shall make:
  - a. An oral report, by telephone or direct communication, as soon as possible to the local department of social services or appropriate law enforcement agency; and
  - b. A written report:

- (1) to the local department of social services (utilizing the appropriate Maryland Department of Mental Health and Hygiene form [available in the school counseling office](#)) not later than 48 hours after the contact, examination, attention, or treatment that caused the individual to believe that the child had been subjected to abuse or neglect; and
  - (2) with a copy sent to the local State's Attorney.
2. An individual who makes a report under this section shall include in the report the following information:
  - a. The name, age, and home address of the child;
  - b. The name and home address of the child's parent or other person who is responsible for the child's care;
  - c. The whereabouts of the child;
  - d. The nature and extent of the suspected abuse or neglect of the child, including any evidence or information available to the reporter concerning possible previous instances of abuse or neglect; and
  - e. Any other information that would help to determine:
    - (1) The cause of the suspected abuse or neglect; and
    - (2) The identity of any individual responsible for the suspected abuse or neglect.

C. [Training](#)

1. [Every employee is to receive instruction annually on the prevention, identification, and reporting of child sexual abuse.](#)
2. [The instruction described in C.1 of this subsection shall include comprehensive training and information to help employees to:](#)
  - a. [Recognize sexual misconduct in adults;](#)
  - b. [Recognize and appropriately respond to sexually inappropriate, coercive, or abusive behaviors among minors;](#)
  - c. [Recognize behaviors and verbal cues that could indicate a minor has been a victim of child sexual abuse;](#)
  - d. [Respond to disclosures by minors or their parents or guardians of child sexual abuse or reports of boundary-violating behaviors of adults or minors in a supportive and appropriate manner that meets mandated reporting requirements under state law;](#)
  - e. [Recognize behaviors that constitute adult perpetration;](#)
  - f. [Be aware of reporting obligations and procedures; and](#)
  - g. [Understand the need for comprehensive screening of prospective employees by staff involved in the hiring process.](#)
3. [Annual instruction is to include instruction on the Employee Code of Conduct.](#)
4. [Information about training opportunities is to be provided to parents, legal guardians, and the community by posting such information on the school system's website.](#)

D. Employee Code of Conduct

Employees shall not engage in conduct with a minor that is designed to promote a romantic or a sexual relationship including, but not limited to:

1. Using a sexual or romantic invitation;
2. Dating or soliciting dates;
3. Engaging in sexualized or romantic dialogue;
4. Making sexually suggestive comments;
5. Employing grooming behaviors;
6. Discussing or displaying anything of a sexual, romantic, or erotic nature; and
7. Contacting a minor in a sexual, indecent, romantic, or erotic manner.

E. Administrative Regulation

The Superintendent is authorized to promulgate an administrative regulation to implement this policy. The administrative regulation shall address confidentiality, [training](#), immunity, protection against retaliation, and the disciplinary action to be taken if any employee does not comply with this policy or Maryland law.

Legal Reference: [Annotated Code of Maryland, Education Article, Section 6-113.1 – “Child Sexual Abuse Prevention Instruction and Training”](#)  
[Annotated Code of Maryland, Family Law Article, Title 5, Subtitle 7 – “Child Abuse and Neglect”](#)  
[Annotated Code of Maryland, Human Services Article, Section 1-202 – “Confidentiality of Information – Child Abuse and Neglect Reports and Records”](#)  
[Code of Maryland Administrative Regulation 07.02.07 – “Child Protective Services – Investigation of Child Abuse and Neglect”](#)  
[Code of Maryland Administrative Regulation 13A.12.05.02 – “Certification, Suspensions and Revocations, Causes”](#)

[\\*School system employees can locate information on reporting suspected child abuse and child neglect on the employee portal under the Student Services Department.](#)

Policy Adopted: September 22, 2015. [Amended:](#) \_\_\_\_\_  
Board of Education of Washington County