DATE: April 5, 2011

TO: BOARD OF EDUCATION

FROM: Dr. Joe A. Hairston, Superintendent

SUBJECT: CONSIDERATION OF THE PROPOSED CHANGES TO BOARD OF EDUCATION POLICY 5440, CHILD ABUSE AND NEGLECT

ORIGINATOR: Michele Prumo, Chief of Staff

RESOURCE PERSON(S): Dale R. Rauenzahn, Executive Director, Student Support Services

RECOMMENDATION

That the Board of Education reviews the proposed changes to Policy 5440, Child Abuse and Neglect. This is the third reading.

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Attachment I: Policy Analysis 5440
Attachment II: Policy 5440
POLICY ANALYSIS FOR
BOARD OF EDUCATION POLICY 5440
CHILD ABUSE AND NEGLECT

Statement of Issues or Questions Addressed
In accordance with Board of Education Policy and Superintendent’s Rule 8130, Policy 5440 is scheduled for review in school year 2010-2011. Policy 5440 requires school system employees to report suspected child abuse and child neglect. The policy has been revised to clarify the board’s philosophy of providing a safe and secure learning environment and how this philosophy imposes upon employees the obligation to report child abuse and child neglect. The policy was further revised to conform to the policy review committee’s editing conventions.

Cost Analysis and Fiscal Impact on School System
No fiscal impact is anticipated by revision of this policy.

Relationship to Other Board of Education Policies
1. 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
2. Board of Education Policy 4008, Obligations of the Employees of the Board of Education of Baltimore County
3. Board of Education Policy 4115, Responsibilities and Duties
4. Board of Education Policy 4230, Student Records

Legal Requirements
1. Annotated Code of Maryland, Courts and Judicial Proceedings Article §3-814, Taking a child into custody
2. Annotated Code of Maryland, Criminal Law Article §§3-601 to -606, Abuse and other offensive conduct
3. Annotated Code of Maryland, Education Article §4-205, Powers and duties of county superintendent
4. Annotated Code of Maryland, Education Article §6-108, Immunity of school employees from civil liability for certain actions
5. Annotated Code of Maryland, Education Article §6-202, Suspension or dismissal of teachers, principals and other professional personnel
7. Annotated Code of Maryland, Human Services Article §1-202, Confidentiality of information – child abuse and neglect reports and records
8. COMAR 13A.08.01.13, Questioning on school premises
9. COMAR 13A.12.05, Suspensions and revocations

Similar Policies Adopted by Other Local School Systems
1. Howard County Board of Education, Policy 1030, Child Abuse and Neglect
2. Anne Arundel County Board of Education, Policy 904.5, Child Abuse/Neglect
Draft of Proposed Policy
Attached

Other Alternatives Considered by Staff
No other alternatives were considered.

Timeline
First reading – February 22, 2011
Public comment – March 8, 2011
Third reading/vote – April 5, 2011
POLICY 5440

STUDENTS: SERVICES TO STUDENTS [Elementary and Secondary]

Child Abuse and Neglect

I. PHILOSOPHY

A. THE BOARD OF EDUCATION OF BALTIMORE COUNTY (BOARD) IS COMMITTED TO PROVIDING A SAFE AND SECURE LEARNING ENVIRONMENT FOR ALL STUDENTS. Physical abuse, [and] sexual abuse, AND CHILD NEGLECT VIOLATE [are violations of] STATE [criminal] law [in the State of Maryland] and must be reported to the appropriate authorities. The Board [of Education of Baltimore County] is committed to ensuring that the laws concerning the safety and well-being of children are followed by all employees. [Physical abuse, sexual abuse, and neglect are violations of family law in the State of Maryland and must be reported to appropriate authorities.]

B. EVERY BOARD EMPLOYEE AND SERVICE PROVIDER WHO HAS REASON TO SUSPECT THAT A STUDENT HAS BEEN SUBJECTED TO ABUSE OR NEGLECT, ON OR OFF SCHOOL PROPERTY, SHALL REPORT SUCH ABUSE OR NEGLECT IN ACCORDANCE WITH APPLICABLE STATE LAW AND REGULATION, AS WELL AS SCHOOL SYSTEM RULES AND PROCEDURES.

C. THE FAILURE OF A BOARD EMPLOYEE OR A SERVICE PROVIDER TO REPORT SUSPECTED CHILD ABUSE/NEGLECT UNDER THIS POLICY WILL RESULT IN DISCIPLINARY OR OTHER ADVERSE ACTION.

[Persons subject to the requirements of the policy and rule of the Board of Education are employees, volunteers, student teachers, and student interns.]

II. IMPLEMENTATION

THE BOARD DIRECTS THE SUPERINTENDENT TO DEVELOP APPROPRIATE RULES AND PROCEDURES FOR REPORTING, OR FAILING TO REPORT, CHILD ABUSE AND CHILD NEGLECT AND TAKING APPROPRIATE DISCIPLINARY OR OTHER ACTION WHEN SUCH BEHAVIOR HAS BEEN IDENTIFIED.
Legal ReferenceS:  
ANNOTATED CODE OF MARYLAND, COURTS AND JUDICIAL PROCEEDINGS ARTICLE §3-814, TAKING A CHILD INTO CUSTODY  
ANNOTATED CODE OF MARYLAND, CRIMINAL LAW ARTICLE §§3-601 TO -606, ABUSE AND OTHER OFFENSIVE CONDUCT  
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  
ANNOTATED CODE OF MARYLAND, HUMAN SERVICES ARTICLE §1-202, CONFIDENTIALITY OF INFORMATION – CHILD ABUSE AND NEGLECT REPORTS AND RECORDS  
COMAR 13A.08.01.13, QUESTIONING ON SCHOOL PREMICES  
COMAR 13A.12.05, SUSPENSIONS AND REVOCATIONS

[Annotated Code of Maryland, Criminal Law Article, §27, Section 35A, Child Abuse  
Annotated Code of Maryland, Family Law Article, §5-701 et seq. Child Abuse and Neglect  
Annotated Code of Maryland, Article 88A – Social Services Administration, Section 6(b), Misuse of Public Assistance Lists and Records  
Annotated Code of Maryland, Health General Article, §4-306, Investigations  
Annotated Code of Maryland, Education Article, §6-202, Suspension or Dismissal of Teachers, Principals and Other Professional Personnel  
Annotated Code of Maryland, Education Article, §6-106, Volunteer Aides  
Annotated Code of Maryland, Education Article, §6-107, Student Teachers and Student Interns  
Annotated Code of Maryland, Education Article, §6-108,
POLICY 5440

Code of Maryland Regulations (COMAR) 13A.12.05.02,
Suspensions and Revocations
Code of Maryland Regulations (COMAR) 13A.12.05.02C(4)
SUSPENSIONS AND REVOCATIONS
Code of Maryland Regulations (COMAR) 13A.08.01.13,
Questioning on School Premises
Code of Maryland Regulations (COMAR) 07.02.07, Protective
Services for Neglected and Abused Children]

Related Policies[y -]: BOARD OF EDUCATION POLICY [Baltimore County Public
Schools] 4004, SUSPECTED CHILD ABUSE, NEGLECT,
AND/OR INAPPROPRIATE BEHAVIOR TOWARD A
STUDENT BY AN EMPLOYEE OF THE BALTIMORE
COUNTY PUBLIC SCHOOLS [Suspected Child Abuse by an
Employee of Baltimore County Public Schools]
BOARD OF EDUCATION POLICY 4008, OBLIGATIONS OF
THE EMPLOYEES OF THE BOARD OF EDUCATION OF
BALTIMORE COUNTY
BOARD OF EDUCATION POLICY 4115, RESPONSIBILITIES
AND DUTIES
BOARD OF EDUCATION POLICY 5230, STUDENT
RECORDS

Policy
Adopted: 07/22/74
Revised: 10/27/77
Revised: 10/22/87
Revised: 09/08/88
Revised: 04/16/94
Revised: 06/16/98
REVISED: __________

Board of Education of Baltimore County