

BALTIMORE COUNTY PUBLIC SCHOOLS

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.

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*
6. *Annotated Code of Maryland, Family Law Article §§5-701, et seq., Child abuse and reporting*
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

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,

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		Board of Education of Baltimore County
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:	_____	