



# MARYLAND OFFICE OF THE INSPECTOR GENERAL FOR EDUCATION



## Investigative Report Summary

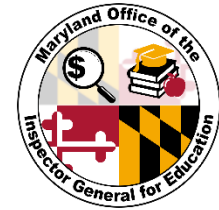
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OIGE Case 24-0001-I

Issued: January 27, 2025



MARYLAND OFFICE OF THE  
INSPECTOR GENERAL FOR EDUCATION  
Richard P. Henry, Inspector General



January 27, 2025

To the Citizens of Maryland and Prince George’s County,

The General Assembly, at its First Session after the adoption of the Maryland Constitution, established throughout the State a thorough and efficient System of Free Public Schools and shall provide by taxation, or otherwise, for their maintenance.<sup>1</sup> The Maryland Office of the Inspector General for Education (OIGE) plays a vital role in safeguarding State funds provided to local school systems. Our primary mission is to prevent and detect fraud, waste and abuse, and educational mismanagement within School Boards, the Maryland State Department of Education (MSDE), the Interagency Commission of School Construction (IAC), the twenty-four (24) local education agencies (LEA), and non-public schools who receive State funding throughout the State of Maryland. Except under limited exceptions, the Inspector General may not disclose the identity of the source of a complaint or information provided.

**EXECUTIVE SUMMARY**

Educators in Maryland are legally mandated to report incidents of suspected child abuse and/or neglect to the appropriate authorities upon becoming aware of them. These individuals are collectively referred to as “mandatory reporters.” This mandatory reporting does not require proof that child abuse or neglect occurred.<sup>2</sup>

For Prince George’s County Public Schools (PGCPS) employees, rules and regulations about “mandatory reporters” are found in several places. The sources include the Maryland Family Law Article, Code of Maryland Regulations (COMAR), Prince George’s County Public Schools Administrative Procedures, and Prince George’s County Public Schools Board of Education Policies.

On March 20, 2024, the OIGE received a complaint alleging negligence and misconduct at Highbridge Elementary School in Bowie, MD. It was reported that an elementary school special education student reported to his teacher that he had been forced to perform a sexual act on a fellow special education student in the bathroom during regular school hours. The complainant alleged that when the Acting Principal (PGE#1) became aware of the sexual misconduct incident, they took over

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<sup>1</sup> Constitution of Maryland, Article VIII, Education, Section 1

<sup>2</sup> Maryland Department of Human Services. Child Protective Services. Mandatory Reporters  
<https://dhs.maryland.gov/child-protective-services/reporting-suspected-child-abuse-or-neglect/mandated-reporters/>

the reporting responsibility, failed to take appropriate action, and failed to properly report the incident to the Department of Social Services, Child Protective Services (CPS), and others.

The investigation found that PGE#1 failed to adhere to the mandatory reporting regulations set forth by the State and PGCPS procedures. CPS was neither immediately notified orally nor subsequently notified, as required, in writing within the mandated timeframe. Additionally, the OIGE found variations between Maryland's laws and regulations requirements and those policies of the PGCPS.

## **BACKGROUND**

Legal obligations for educators in Maryland are explicitly detailed in several statutes, regulations, and mandatory reporting protocols.

### Annotated Code of Maryland, Family Law Article

An educator is “any professional employee of any correctional, public, parochial or private educational, health, juvenile service, social or social service agency, institution, or licensed facility.”<sup>3</sup> This includes any teacher, counselor, social worker, caseworker, and probation or parole officer.

Per Maryland Family Law Article §5-704<sup>4</sup>, *reporting of abuse or neglect*, educators and human services workers are required to make oral notification to CPS as soon as possible. Furthermore, they must make additional written notification to CPS within 48 hours of becoming aware of the suspected abuse. Per Maryland Family Law Article §5-705.2<sup>5</sup>, any “person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$10,000 or both.”

### Code of Maryland Regulations

Maryland State Agency Mandatory Reporting regulations are compiled in COMAR Title 07, Subtitle 02, Chapter 07 *Child Protective Services Investigation of Child Abuse and Neglect*.<sup>6</sup> These COMAR sections define the terms and responsibilities. Educators are included in the list of applicable professionals who are required to notify CPS or law enforcement of suspected child abuse or neglect as a “mandated reporter.”

Specifically, COMAR 07.02.07.04 *Reporting Child Abuse or Neglect*, requires mandated reporters to immediately orally report suspected child abuse or neglect to CPS or law enforcement. The section also requires Mandatory Reporters to submit a written report to CPS and the appropriate State's Attorney's Office within 48 hours of learning of the suspected abuse or neglect.

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<sup>3</sup> MD Code, Family Law, § 5-701

<sup>4</sup> MD Code, Family Law, § 5-704

<sup>5</sup> MD Code, Family Law, § 5-705.2

<sup>6</sup> COMAR 07.02.07.01-.24

## PGCPS Policy

PGCPS has a comprehensive Administrative Procedure for employees to follow when reporting suspected child abuse and neglect. Administrative Procedure 5145 (AP 5145), *Reporting Suspected Child Abuse and Neglect*<sup>7</sup>, provides both definitions for terms and specific steps to adhere to when reporting suspected abuse. All PGCPS employees are informed that they must report to CPS whenever they have reason to suspect a child has been physically, sexually, or mentally abused or neglected.

Oral reports are to be made to CPS as soon as possible. The 24-hour contact information for CPS is listed in bold print. AP 5145 states that written reports are to be completed on the PGCPS PS-60 form (Child Abuse and Neglect Reporting Form) and disseminated within 48 hours of making oral notification to CPS. The written report is to be forwarded to CPS, the State's Attorney's Office, and the PGCPS Director of Safety and Security Services.

Training on how to respond to suspected child abuse and neglect is provided two times every school year. Annually, all employees, volunteers, contractors, and vendors must complete the SafeSchools training module for Mandatory Reporting. Mid-year principals are to review AP 5145 with staff.

## PGCPS Reporting Child Abuse and Neglect Reporting Form (PS-60)

PGCPS requires the use of the PS-60 Form to document the mandated written notification of suspected child abuse or neglect to CPS. This form can be found as an attachment to AP 5145 and is also readily available via Google Search.<sup>8</sup>

The PS-60 provides employees with step-by-step instructions on how to execute the notification process. CPS contact information is listed for both regular business hours and after-hours. The form reminds PGCPS employees to save a copy of the completed document. The PS-60 also includes a reporting timeline, "A mandated reporter must make an oral report of suspected child abuse or neglect immediately and submit a written report within 48 hours after the contact, examination, attention, or treatment that caused the individual to believe that the child had been abused or neglected."

## Prince George's County Public School Board of Education Policy

PGCPS Board Policy 0127 requires any PGCPS employee, contractor, or volunteer to orally report suspected child abuse or neglect immediately to CPS and to forward a written report to CPS within 48 hours of the alleged abuse or neglect.

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<sup>7</sup> Prince George's County Public Schools. (January 18, 2021). Administrative Procedure 5145, *Reporting Suspected Child Abuse and Neglect*. <https://www.pgcps.org/offices/ograc/administrative-procedures/students--5000/ap-5145---reporting-suspected-child-abuse-and-neglect>

<sup>8</sup> Prince George's County Public Schools. (January 2024). *Child Abuse and Neglect Reporting Form*. <https://www.pgcps.org/globalassets/offices/gov-relations-compliance-procedures/docs---ograc/administrative-procedures/5000/administrative-procedure-5145-attachment---child-abuse-neglect-reporting-form.pdf>

## INVESTIGATION

### Highbridge Elementary School Incident

On March 7, 2024, at dismissal time, an elementary student reported to their teacher and paraprofessional an incident involving sexual contact with another student in the bathroom. The school staff members promptly verbally reported the alleged child abuse to the Acting Principal.

During the investigation, the OIGE interviewed several witnesses who alleged the following information:

- PGE#1 was immediately and directly notified of the alleged sexual contact between students on March 7, 2024
- PGE#1 failed to notify CPS of the suspected child abuse
- PGE#1 ineffectively addressed safety concerns with the students involved in the incident

The OIGE interviewed PGE#1, accompanied by another PGCPs employee (PGE#2), on April 8, 2024. PGE#1 explained that they were made aware of the incident involving sexual contact between students by a classroom teacher and paraprofessional on March 7, 2024, at the end of the school day. When asked what they did after being made aware of the incident, they responded, *“I follow admin procedure. So, I call it in, fill out the CPS report, and fax it in.”* PGE#2 interrupted, stating, *“Whatever else is in 5145, they (gender omitted) follows that.”* When asked if further actions were taken, PGE#1 noted, *“Once I fax it in, and then I follow the rest of the admin procedure. That’s it.”* PGE#2 interjected again to say that part of the administrative procedure involves a safety plan. PGE#1 acknowledged that they prepared a safety plan, including assigning a crisis intervention teacher (CIRT). PGE#1 explained, *“The CIRT offers support to both students, works on desired behavior and boundaries, and supports the behavior intervention plan.”* PGE#1 was then asked for specific dates for CPS notification and advised they called to report the alleged child abuse on March 8, 2024, and faxed the PS-60 on March 12, 2024.

The OIGE contacted CPS, who confirmed that the intake unit received verbal notification of the incident on March 8, 2024, and written notification on March 12, 2024. (Per Maryland law, CPS could neither share the documentation nor provide the reporter’s name.)

The OIGE requested PGCPs to provide a redacted copy of the PS-60 to verify PGE#1’s statement. PGCPs General Counsel (GC#1) advised that sharing the document would violate PGCPs AP 5145 and Maryland Education Article §9.10-104. The OIGE requested a binding statement that the PS-60 form PGE#1 completed was in the possession of PGCPs; GC#1 stated that PGCPs was unable to locate the document. The directions on the PS-60 form remind reporters to retain a copy of the report and disseminate it to CPS, Prince George’s County Office of the State’s Attorney, and the PGCPs Director of School Safety and Security.

## Legal and Policy Discrepancies

During a review of all relevant policies, regulations, and laws related to reporting suspected child abuse and neglect, the OIGE identified discrepancies between State regulations, local policies, and school board directives concerning the timeliness of these reports. These discrepancies, as published, create challenges for compliance and potentially hinder the efficacy of responses to such allegations.

### **Immediate versus As Soon As Possible Oral Reporting**

Directives for “immediate” reporting of suspected child abuse and neglect are stipulated in:

- COMAR 07.02.07.04
- PGCPS Reporting Form, PS-60
- PGCPS Board Policy 0127

These sources mandate that suspected abuse must be reported to CPS without delay, emphasizing an urgency that intends to prompt swift action to protect the child. Contrastingly, Maryland Family Law §5-704 and PGCPS AP 5145 moderate this urgency by instructing reporters to make their oral reports "as soon as possible." This language introduces a potential delay, dependent on the reporter's immediate circumstances and judgment, which may not align with the intended quick response vital in abuse situations.

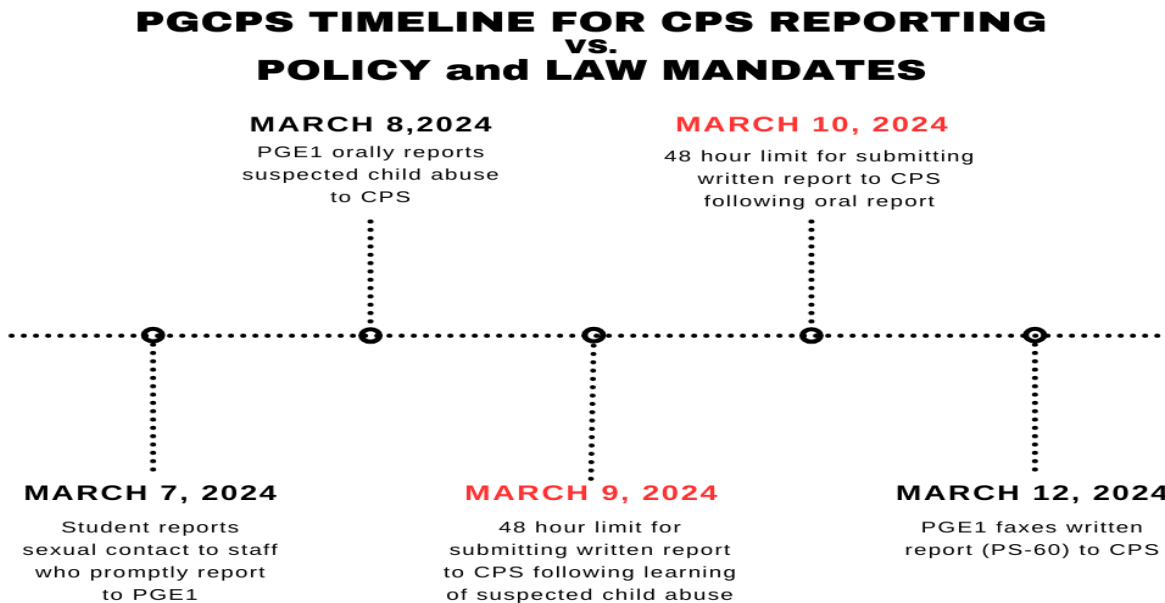
### **Written Reporting Timeline Conflicts**

There is a lack of uniformity in the expected timelines regarding submitting written reports. The following sources require that a written report be forwarded to CPS within 48 hours of the contact with the child that prompted the oral report:

- COMAR 07.02.07.04
- Family Law §5-704
- PGCPS Reporting Form, PS-60
- PGCPS Board Policy 0127

Conversely, PGCPS AP 5145 instructs mandatory reporters to forward the written report to CPS within 48 hours of the oral notification. This directive alters the timeline to begin with the verbal notification to CPS, not with becoming aware of the suspected child abuse or neglect. If the verbal notification is not immediate, the time permitted for written notifications is further delayed.

## Timeline of Reporting



### Limitations:

The OIGE faced several hurdles while working to verify that PGE#1 made CPS notifications following the mandatory reporter laws and policies. Initially, PGCPS cited confidentiality for not sharing the completed PS-60 form with the OIGE. In an email from GC#1, they stated the following:

According to PGCPS Administrative Procedure 5145, all records and reports concerning suspected abuse or neglect of any student are confidential, and provision will be made by PGCPS to protect the identity of the reporter or any other person in accordance with the protections provided under Maryland law. If PGCPS forwarded the information that you are requesting, then we would be violating the administrative procedure noted above."

Furthermore, under MD Education Code §9.10-104 (2023), which outlines the duties of the Maryland Inspector General, it states, (2) The Inspector General may not access or compel the production of documents that are: (i) Protected under the attorney-client privilege; or (ii) Confidential or privileged under applicable provisions of federal or State law." (MD. Ed. Code §9.10-104(d)(2)).

Therefore, based on our review of the relevant PGCPS administrative procedures and applicable Maryland state law, it is PGCPS' position that due to the confidential nature of the Form PS-60 we are unable to release the requested forms to the OIGE.

During this investigation, the OIGE made several requests for PGCPS to produce documents. Due to the numerous requests made, the OIGE believes that PGE#1 attempted to obstruct our investigation into this complaint. Regrettably, it was not until PGCPS was requested to provide a binding statement to confirm the existence of the required PS-60 form completed by PGE#1 that GC#1 acknowledged that PGCPS could not find the document. The GC#1 advised, *“I have been informed by my client (PGE#1) that after a thorough internal review, the PGCPS is not able to locate the requested Form PS-60.”*

CPS advised that they were orally notified of the incident involving sexual contact between students at Highbridge Elementary School on March 8, March 11, and March 22, 2024. Subsequently, CPS acknowledged receipt of written notification via fax on March 12, 2024. During email correspondence, CPS advised, “Per law, we cannot disclose the name of the reporting source.” These legal constraints limit the ability of the OIGE to determine whether the laws and procedures were followed.

## **FINDINGS**

The OIGE found that PGE#1 failed to meet the mandatory reporting obligations in timeliness and documentation.

- **Failure to Report Immediately:** PGE#1 was notified of the incident on March 7, 2024, but did not report to CPS until March 8. This is a delay from the "immediate" or "as soon as possible" requirement per COMAR, PGCPS Administrative Procedure, PGCPS Board Policy, and Maryland Family Law.
- **Delay in Written Notification:** The written notification was not sent by March 9, 2024 (the required 48-hour timeframe). Instead, PGE#1 allegedly sent it on March 12, 2024. This five-day delay contradicts the mandatory reporting timelines outlined
- **Missing PS-60 Form:** Per procedure, PGE#1 was expected to maintain a copy of the PS-60 form, but PGCPS could not locate a copy of the faxed form nor any copy that should have been sent internally. This lack of documentation supports the finding that PGE#1 neither fully complied with mandatory reporting or record-keeping requirements.
- **Legal and Policy Discrepancies:** The report highlights inconsistencies in the reporting timelines; nevertheless, PGE#1’s actions still fell short of meeting documented requirements.

The OIGE could not ascertain if CPS, the Prince George’s County Police Department, or the State’s Attorney’s Office took further legal action in accordance with Maryland Family Law Article §5-705.2.



## RECOMMENDATIONS

The OIGE recommends the following

- Align PGCPs policy with established state laws and COMAR. PGCPs should ensure that all teaching staff and administrative employees adhere to county and state requirements governing the reporting and documentation of students alleged to have been the subject of abuse.
- Recommends that the Maryland State Department of Education review this matter and determine if PGE#1 violated possible certification or licensing requirements that would prevent them from continuing in an educational environment.

The OIGE understands that information may be changed or updated after an investigation has been completed. The OIGE appreciates the cooperation the Prince George's County Public School system and the PGCPs Legal Office provided.

Consistent with Education Article §9.10-104, the Inspector General has identified issues of concern and will report them to the Governor, the General Assembly, the State Board of Education, and the State Superintendent of Schools.

Respectfully,



Richard P. Henry  
Inspector General

cc: Millard L. House, II, Superintendent, Prince George's County Public Schools  
Darnell L. Henderson, Esq., Chief Counsel, Office of Legal Counsel  
Brannndon D. Jackson, Chairperson, Prince George's County Public Schools Board of Education  
Members At Large, Prince George's County Board of Education  
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