



MARYLAND OFFICE OF THE INSPECTOR GENERAL FOR EDUCATION



Investigative Report Summary

OIGE Case 22-0006-I

Issued: July 8, 2024



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



July 8, 2024

To the Citizens of Maryland and Baltimore 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.¹ 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

The Office of the Inspector General for Education (OIGE) received information from law enforcement regarding a teacher recently arrested for sexual solicitation of a minor. Upon receiving this information, the OIGE investigated potential policy or procedural violations that allowed such an individual to go undetected and continue to be around minor children. The investigation focused on whether school administrators failed to report Mark Planamente's alleged sexual misconduct with students on Employment History Review Child Abuse and Sexual Misconduct Forms.

Mark Planamente is a former teacher who had a history of allegations involving inappropriate communications with students at various Maryland schools, including Baltimore County Public Schools (BCPS), the Catholic High School of Baltimore, and Sisters Academy of Baltimore. (The OIGE's investigative authority for these schools is found in MD Education Article §9.10-104.)

¹ Constitution of Maryland, Article VIII, Education, Section 1

Additionally, the OIGE conducted its investigation using Maryland's legislative framework, specifically Code, Educ. §6-113.2 and the Code of Maryland Regulations 13A.07.14².

The OIGE could not substantiate that administrators willfully failed to report Planamente's inappropriate behavior as sexual misconduct on the Form. BCPS opted for a "No" response on the MSDE Employment History Review Form (Form) due to a restrictive view of grooming, emphasizing the absence of sexually explicit comments. Conversely, Catholic chose a "Yes" response regarding Planamente's 2021 investigation, indicating a broader or more cautious stance on grooming behaviors, even without direct evidence of a sexual relationship. However, Catholic later orally changed their response to "No" after being questioned by Sisters about the Form.

Grooming behaviors are listed as a form of sexual misconduct in Md. Code, Educ. §6-113.1: "Sexual misconduct means 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." The investigation revealed the lack of understanding of what constitutes grooming behaviors by school administrators, which has resulted in inconsistent responses from educational institutions regarding allegations of sexual misconduct. The situation emphasizes the urgent need for better guidelines, enhanced inter-institutional communication, and standardized training to complete employment-related documents to uphold the safety and integrity of educational settings.

Background

The Form

Maryland Code, Education Article §6-113.2 "Screening of applicants; child sexual abuse or sexual misconduct investigations" became law on July 1, 2019. This section required LEAs, local boards of education, private schools, and contracting agencies working with schools to engage in mandatory screening processes of prospective employees who would have direct contact with minors. The screening focused on employment history and allegations of child sexual abuse or sexual misconduct by requiring documentation of disciplinary actions for such allegations. On July 1, 2021, the statute, and its accompanying regulations COMAR 13A.07.14.02 were amended and updated. These amendments include updates to definitions and general provisions within the regulation, incorporating language directly from House Bill 373³ to achieve consistency with the amended law.

² COMAR 13A.07.14.02, as current, was enacted on February 21, 2022; the changes in the 2022 version do not affect the analysis

³ Maryland General Assembly, 2021 Regular Session, House Bill 373 (HB0373), retrieved: <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/hb0373/?ys=2021rs>.

When a prospective applicant is considered for a position by a county board, public or nonpublic school, or contracting agency, the Form is completed by a current and former employer and the applicant. The applicant must furnish contact details for their present employer, all previous school employers, and all former employers within the last ten years⁴ where they held a position involving direct contact with minors. The Form requires the applicant and the current/former employer to affirm or deny the applicant has been the subject of a child sexual abuse or sexual conduct investigation. Furthermore, the Form seeks information on whether the applicant has faced disciplinary actions, termination, nonrenewal, or resignation while allegations of child sexual abuse or sexual misconduct were pending or under investigation. Additionally, the potential employer must obtain a report from the MSDE to verify whether the applicant holds an active and valid certificate and to determine whether the applicant has a history of professional discipline related to child sexual abuse or sexual misconduct.

The current/former employer must complete the Form within 20 days of receiving a request. The potential employer is permitted to proceed with hiring even if there is an affirmative response. However, if additional information is needed, including records related to child sexual abuse or sexual misconduct, the employer must request it within 60 days.

The following is a snapshot of the questions on the Form to be completed by the current/former employer and the applicant:

Been the subject of a child sexual abuse or sexual misconduct investigation by any school system employer (unless the investigation resulted in a finding by the school system, the board of education, or an arbitrator that the allegations lacked sufficient evidence according to the policies of the employer)?	YES <input type="checkbox"/> NO <input type="checkbox"/>
Been the subject of a child sexual abuse or sexual misconduct investigation by any non-school system employer (unless the investigation resulted in a finding that the allegations lacked sufficient evidence according to the policies of the employer)?	YES <input type="checkbox"/> NO <input type="checkbox"/>
Been the subject of a child sexual abuse or sexual misconduct investigation by any state licensing agency (unless the investigation resulted in a finding that the allegations lacked sufficient evidence according to state law or the policies of the school system or nonpublic school employer)?	YES <input type="checkbox"/> NO <input type="checkbox"/>
Been the subject of a child sexual abuse or sexual misconduct investigation by any law enforcement agency (unless the investigation was closed without charges or resulted in a finding that the allegations were unfounded)?	YES <input type="checkbox"/> NO <input type="checkbox"/>
Been the subject of a child sexual abuse or sexual misconduct investigation by any child protective services agency (unless the investigation resulted in a finding that the allegations were ruled out or the allegations were screened out by the agency)?	YES <input type="checkbox"/> NO <input type="checkbox"/>
Been disciplined, discharged, nonrenewed, or asked to resign from employment, or resigned from or otherwise separated from any employment while allegations of child sexual abuse or sexual misconduct were pending or were under investigation, or due to an adjudication or findings of child sexual abuse or misconduct?	YES <input type="checkbox"/> NO <input type="checkbox"/>
Had a license, professional license, or certification suspended, surrendered, or revoked while allegations of child sexual abuse or sexual misconduct were pending or under investigation, or due to an adjudication or findings of child abuse or sexual misconduct?	YES <input type="checkbox"/> NO <input type="checkbox"/>

⁴ 6-113.2 (b)(1)(iii) "All former employers of the applicant in which the applicant was employed in a position involving direct contact with minors within the previous ten years;"

Considering the amendments, MSDE revised and published “MSDE Guidance for Md. Code, Educ. §6-113.2 Child Sexual Abuse and Sexual Misconduct Prevention” on its website on August 22, 2023. The guidance consists of 59 questions and answers to assist LEAs and the public in understanding the changes to the law. None of these 59 questions and answers concern further defining nor contextualizing the terms in §6-113.2 and §6-113.1.

After completing the form, the applicant understands and is required to sign it.

By signing this form, I understand that if I provide false information or willfully fail to disclose material information required by this form. I will be subject to professional discipline up to and including termination and denial of employment, and any other criminal or civil penalties in accordance with state law and regulations.

In its current format, the OIGE found that the statement does not attest that the information provided is true and accurate.

Grooming Definition

Md. Code, Educ. §6-113.1 identifies grooming behaviors as sexual misconduct and not on its own:

(3) “Sexual misconduct” means 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:

- (i) Sexual or romantic invitation;*
- (ii) Dating or soliciting dates;*
- (iii) Engaging in sexualized or romantic dialogue;*
- (iv) Making sexually suggestive comments;*
- (v) Grooming behaviors;*
- (vi) Self-disclosure or physical exposure of a sexual, romantic, or erotic nature;*
and
- (vii) A sexual, indecent, romantic, or erotic contact with the minor.*

The OIGE identified a definition of “grooming” within Md. Code Regs 07.02.07.02 governing the Department of Human Services. The subtitle states, “Grooming a child for sexual activity means forming an emotional connection with a child with the intent of making the child more receptive to sexual conduct.”

Mark Planamente

Planamente was employed as a teacher at BCPS, where, in October 2014, allegations surfaced regarding inappropriate communications with a student via social media. A female student and her mother reported that Planamente had sent a direct message to a student via Twitter (now known as X), asking her if she had a crush on him. The investigation into allegations of inappropriate behavior was substantiated as employee misconduct, leading to a recommendation for Planamente's termination. However, in January 2015, Planamente was allowed to resign.

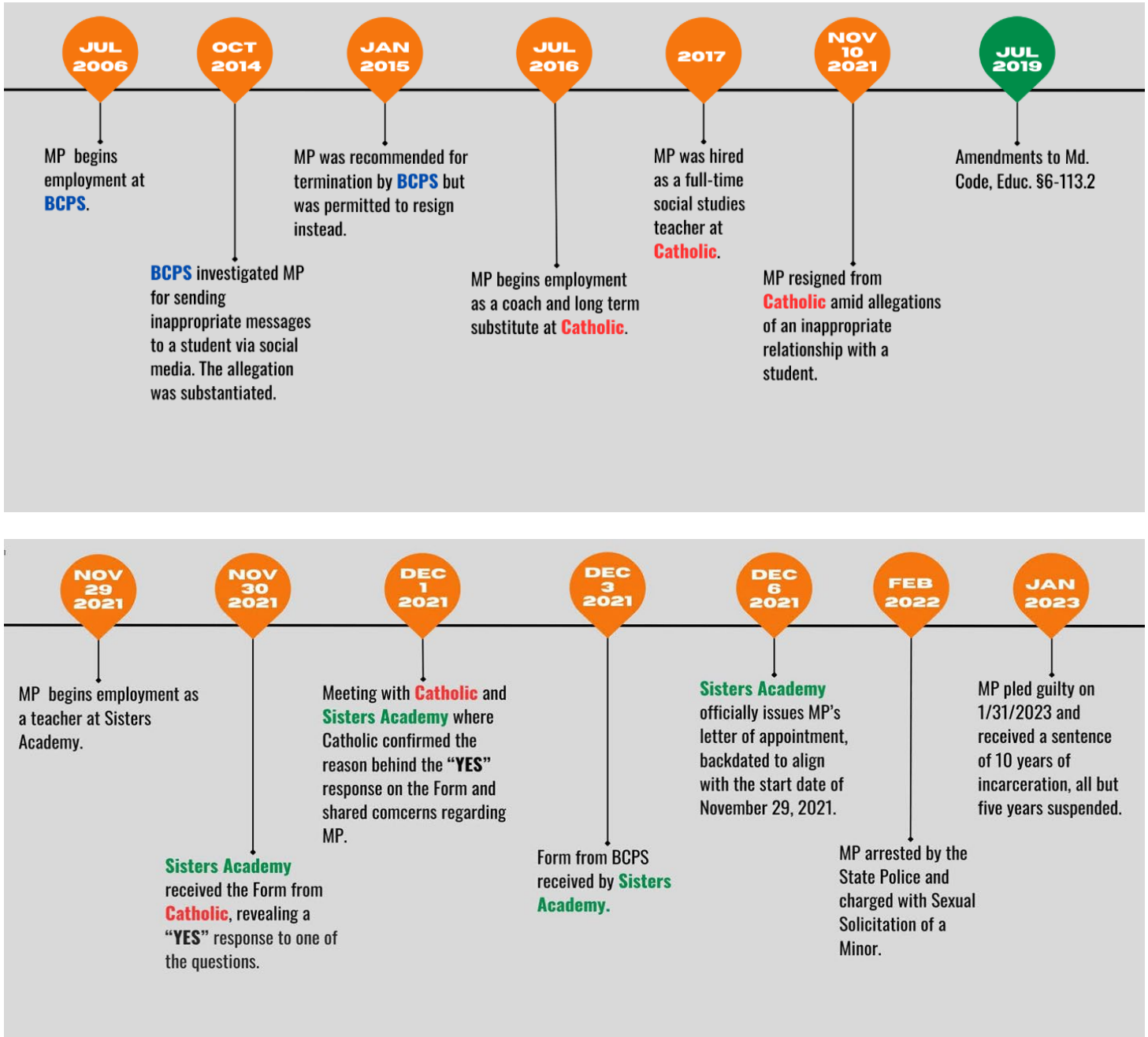
Subsequently, Planamente secured positions at Catholic in 2016 and Sisters in 2022. When he applied to Sisters, he completed the Form. Even though the events at BCPS occurred less than ten years previous to his application, he marked “no” to the following question:

Have you ever been disciplined, discharged, nonrenewed, or asked to resign from employment, or resigned from or otherwise separated from any employment while allegations of child sexual abuse or sexual misconduct were pending or were under investigation or due to an adjudication or findings of child sexual abuse or misconduct?

During each of his tenures at both Catholic and Sisters, additional allegations of inappropriate relationships with students led to further resignations under similar circumstances. Planamente was arrested on February 11, 2022, and charged with Sexual Solicitation of a Minor. On January 31, 2023, Planamente entered a guilty plea to Sexual Abuse of a Minor and received a sentence of 10 years of incarceration with all, but five years suspended.

Timeline

The following timeline depicts significant events identified by the OIGE during this investigation:



Methodology

The OIGE conducted interviews and reviewed documentation, including BCPS internal investigations, policy and procedures, Superintendent's Rules, and training records. The OIGE reviewed associated Code of Maryland Administrative Regulations (COMAR) regulations and related Maryland Criminal Law of the State of Maryland. The OIGE also consulted with members of MSDE who work with Local Education Agencies (LEA) to complete the Forms.

Investigation

The OIGE examined how each institution responded to Planamente's employment applications, mainly focusing on completing the Form required under Maryland Education Code §6-113.2.

Sister's Academy (Planamente Dates of Employment November 29, 2021, to February 11, 2022)

Planamente applied for a teaching position at Sisters in November 2021 and completed the applicant section for two Forms. The Forms were sent to his previous employers, Catholic and BCPS. On each Form, he answered "no" to all and attested he did not provide false information or willfully failed to disclose material information by his signature.

Sisters Academy Employee (SA1) has an extensive history in teaching. In their interview with OIGE, SA1, they claimed adherence to protocol and secured necessary paperwork and recommendations before extending a job offer to Planamente. SA1 stated they faced an urgent need for teachers; Planamente was selected for his outstanding interview and recommendations and began work on November 29, 2021, pending background checks. The first Form from Catholic arrived on his start date. Still, Sisters waited for the second Form from BCPS, arriving on December 3, 2021, before formally issuing a letter of appointment (backdated to match his start week).

On November 30, 2021, Sisters Academy received the Form from Catholic High indicating a "yes" response to the question regarding whether an individual had been disciplined, discharged, nonrenewed, or asked to resign from employment while allegations of child sexual abuse or sexual misconduct were pending or under investigation, or due to an adjudication or findings of child sexual abuse or misconduct. SA1 told the OIGE they found this response "alarming" and contacted a Catholic High School employee (CH1) to discuss it. According to SA1, CH1 said they checked "yes" to prompt SA1 to contact them. During their conversation, SA1 took notes. SA1 was informed about the emails between Planamente and a Catholic student and agreed those emails were unprofessional and inappropriate. When SA1 asked CH1 if there were any allegations of child abuse or sexual misconduct pending or under investigation, CH1 said no. Sisters Academy proceeded with their offer of employment to Planamente after receiving the second Form from BCPS.

When asked about employee training on sexual misconduct, SA1 explained there is in-house, online training for all Sisters Academy employees. However, they told investigators that they better understood the definition of grooming since the issue surrounding Planamente arose. SA1 informed the OIGE that Sisters participated in a workshop provided by the Beau Biden Foundation for the Protection of Children.

Catholic (Planamente Dates of Employment July 13, 2016, to November 11, 2021)

Catholic conducted a criminal history check upon Planamente's initial employment in 2016 as a coach and later as a teacher, relying on personal and professional references. That process failed to disclose the reasons for Planamente's departure from BCPS.⁵ When allegations of an inappropriate relationship with a student emerged in November 2021, Catholic placed Planamente on administrative leave, leading to his resignation.

CH1 explained they checked "yes" on a specific box in the paperwork regarding an individual named Planamente, despite not having evidence of a sexual relationship or contacting law enforcement because Planamente had resigned amidst an investigation. They hoped this action would prompt a discussion with SA1, to whom they wanted to convey the investigation details at Catholic. When SA1 called to discuss the Form, CH1 told SA1 of the allegations and advised SA1 against retaining Planamente, suggesting vigilance if they chose to keep him. CH1 emphasized the specificity and clarity of their communication, noting SA1's limited response.

Regarding their understanding of the Form and its legal requirements, CH1 described the form documents from MSDE as "daunting" and not easily understood by those unfamiliar. CH1 informed the OIGE that there was a lack of guidance and training on handling such issues and that the preparation was less comprehensive than that provided in public school systems. CH1 suggested the creation of a checklist to guide administrators through similar situations, highlighting their reliance on personal experience and instincts due to limited experience in these matters.

BCPS (Planamente Dates of Employment August 21, 2006, to January 9, 2015)

BCPS1 is an administrative employee at BCPS. In their interview with the OIGE, BCPS1 said they received hundreds of Forms per week during hiring season and were responsible for reviewing the Forms beginning in October 2021. BCPS1 explained to the OIGE that they received the Form from Sisters and completed it on December 3, 2021, marking "No" for all inquiries after reviewing Planamente's personnel files. BCPS1 was not involved in the Planamente's 2014 investigation.

⁵ Maryland Code, Education Article §6-113.2, requiring mandatory employee screening was enacted in 2019. Catholic hired Planamente before the law change.

In their interview with OIGE, BCPS1 explained their decision by stating that, although some comments made on a Twitter account were inappropriate, they did not constitute sexual advances nor were sexually explicit. BCPS1 described their understanding of child sexual abuse to include actions like touching, sharing pornography, or having a sexual relationship. BCPS1 pointed out that definitions related to child sexual abuse or misconduct are very narrow and become subjective when assessing inappropriate behavior.

When asked if Planamente's behavior could fall under the definition of "grooming," BCPS1 said they relied on personal discretion and the fact the student and parents did not elevate the situation to a sexual advancement. BCPS1 acknowledged a broader perspective on grooming than initially reported and added that an expansive definition needed to be added. Further, BCPS1 explained they had not received training on how to fill out the Form.

The OIGE's review included the 2014 BCPS report titled "Inappropriate Behavior/Misconduct by Employees," which detailed the allegations and subsequent findings against Planamente. BCPS substantiated two primary allegations: the employee's inappropriate tweets directed at students via Twitter and the distribution of duplicate keys to the equipment storage shed among several students as violations of BCPS's Superintendent's Rule 4100. After the investigation, Planamente was recommended for termination but was later allowed to resign.

BCPS1 provided the 2014 report to the OIGE. In the cover letter, they prefaced that after careful review, it was determined that the conversations were inappropriate and unprofessional, violating the Board of Education's Policy and initially indicative of grooming behavior; grooming was not explicitly included in the child abuse statute in 2014. In response, they are in the process of updating BCPS definitions to include "grooming."

Findings

The OIGE could not substantiate that administrators willfully failed to report Planamente's inappropriate behavior as sexual misconduct on the Form. While there is evidence of subjective interpretation and procedural deficiencies in how allegations are reported on the Form, determining whether they "failed" to mark the form appropriately hinges on the broader context of existing guidelines, definitions, and training provided to individuals in her position.

The lack of a clear definition of "grooming" has led to varied responses from different institutions. BCPS's decision to mark "NO" on the Form, as explained by BCPS, stemmed from their interpretation of grooming, which BCPS based on their knowledge and discretion, focusing on the lack of sexually explicit comments. In contrast, Catholic's actions, particularly in marking "YES" on the Form, suggest a broader or perhaps more cautious interpretation of potential grooming behaviors but later changed their response to "NO" due to the absence of concrete evidence of a sexual relationship. This divergence in understanding and application of the term "grooming" underscores a critical gap in standardized training and clear guidelines, leading to inconsistent reporting practices and potential risks in safeguarding students.

Although Md. Code, Educ. §6-113.1 outlines the mandatory requirements for LEA's annual instruction to prevent, identify, and report sexual misconduct and specifies the content of training to support ongoing staff education; the OIGE has identified several areas for improvement in policy and procedural adherence. To address these issues, the OIGE collaborated with MSDE Executive Staff to develop recommendations that enhance understanding and compliance among school administrators:

1. MSDE will work to establish a threshold standard for LEA training materials and guidelines to foster consistent understanding and responses across all educational institutions. This includes a more comprehensive clarification of sexual misconduct and grooming behaviors for all schools.
2. MSDE will implement a compliance mechanism to ensure all LEA staff complete mandatory training.
3. MSDE will develop a checklist for administrators to guide them through evaluating applicants' suitability and illustrative cases that they can use for reference and instruction.
4. MSDE will amend the Employment History Review Form to include an "Under the Penalty of Perjury" clause to strengthen accountability.
5. Finally, the OIGE recommends that MSDE work with appropriate stakeholders to review and amend COMAR 13A.12.06.01 through COMAR 13A.12.06.03 to assure language consistency and compliance with mandatory reporting requirements.

By addressing these areas, Maryland can ensure a safer environment for students, a more accountable framework for employee screening, and work to minimize child sexual abuse and sexual misconduct in schools.

This case underscores the need for more precise guidelines, improved communication channels between institutions, and standardized training for those responsible for completing critical employment documentation to ensure the safety of students and the integrity of educational environments.

The OIGE understands that information may be changed or updated after the investigation's conclusion. The OIGE appreciates the cooperation provided by members of the Baltimore County Public School system, the Catholic High School of Baltimore, the Sisters Academy of Baltimore, the Office of the Maryland Attorney General, and the Maryland State Department of Education during this investigation.

Respectfully,



Richard P. Henry
Inspector General

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