

REGULATION MONTGOMERY COUNTY PUBLIC SCHOOLS

Related Entries: ACA-RA, BFA, BFA-RA, KBA-RC
Responsible Office: Office of the General Counsel

Developing and Publishing Regulations

I. PURPOSE

To establish responsibility and procedures for the development, review, approval, and publication of new and revised regulations for Montgomery County Public Schools (MCPS)

II. DEFINITIONS

- A. *Policies* are principles adopted by resolution of the Montgomery County Board of Education to guide the development and implementation of MCPS educational programs and/or management of the school system in a manner consistent with the Board's vision, mission, core purpose, and core values.
- B. *Regulations* are developed by the superintendent of schools/designee and provide procedural guidance to implement Board policies, and federal, state, or local laws.
- C. Regulations identify a *Responsible office* (RO) (or Responsible Offices) that is/are the office(s) most closely associated with the function or subject addressed by the regulation.

III. PROCEDURES

- A. Monitoring existing regulations and assessing the need for new or revised regulations
 - 1. The Office of the General Counsel (OGC) continuously monitors MCPS regulations to identify those in need of revision or rescission.
 - 2. OGC monitors the actions of the Board, MCPS administrative memoranda, and actions of state or federal legislatures or agencies and then follows up

with the appropriate RO on the need to develop a new regulation, revise existing regulations, or rescind regulations that are no longer needed.

3. The RO determines that regulations relevant to the functions of their office are current, that revisions are required, or that new regulations must be developed based on actions of the Board or state or federal legislatures or agencies; research findings; and/or changes in administrative procedures.

B. Developing Regulations

1. Content

A representative of the RO works closely with staff members from OGC to develop a new regulation or revise or rescind an existing regulation. This responsibility includes the following:

- a) Determining the content of a regulation and writing and revising the regulation with support from OGC.
- b) Consulting with MCPS staff members who have an interest in the regulation content, including consideration of the following:
 - (1) Alignment with MCPS's strategic priorities and current practices
 - (2) Compliance with current local, state, and federal laws
 - (3) Accuracy of titles, offices, and functions
- c) Participating, as appropriate, in the review and approval process

2. Format, Review, and Approval

OGC is responsible for collaborating with the RO in developing draft language; tracking changes to the draft regulation; coordinating the review and approval process; soliciting input from other staff members and stakeholders, as appropriate; benchmarking with other school districts; and publishing the revised regulation, as approved. This responsibility includes the following:

- a) Assigning classification and indexing codes to regulations

- b) Managing revisions to the regulation and maintaining documentation of relevant communication
- c) Ensuring that the regulation—
 - (1) does not conflict, duplicate, or overlap with existing regulations;
 - (2) is complete, accurate, and appropriate;
 - (3) is consistent with established policy and law; and
 - (4) accurately references Board policy, state and federal laws, regulations set forth by the Maryland State Board of Education, or directives of the Maryland State Department of Education.
- d) Coordinating the review process as follows:
 - (1) Preparing and submitting a memorandum to the appropriate representative of the RO, and other appropriate signatories, indicating that the revisions are complete, accurate, and ready for reviewers designated by the superintendent of schools/designee.
 - (2) Presenting the draft regulation to designated reviewers, as appropriate.
 - (3) Submitting the draft regulation for final review and approval by the superintendent of schools and executive-level reviewers designated by the superintendent of schools.

3. Technical Updates

- a. In alignment with Board Policy BFA, *Policyssetting*, OGC may recommend technical updates to regulations when needed to –
 - (1) comply with federal, state, or local law;
 - (2) bring the regulation into alignment with more recently enacted Board policy or published MCPS guidance; and/or

- (3) update references to specific offices, job titles, or descriptions of functions that have been reassigned.
 - b. Such technical updates may be updated immediately by OGC and forwarded to the superintendent of schools, the RO(s), and the Board as items of information.
4. Compliance with Federal or State Law

Federal and state laws always supersede MCPS regulations. When a federal or state action renders a provision of an MCPS regulation out of compliance, OGC may modify that provision to bring the regulation into compliance as a technical update.

C. Informing the Board of Education

Upon approval of the regulation, the superintendent of schools transmits the regulation to the Board.

D. Publishing Regulations

1. OGC is responsible for preparing an approved regulation for publication on the OGC web page and other appropriate means of communication.
2. In compliance with MCPS Regulation ACA-RA, *Nondiscrimination, Equity, and Cultural Proficiency*, the *MCPS Nondiscrimination Statement* is included in MCPS regulations adopted, amended, or reviewed after June 20, 2023. As regulations are revised, the current *MCPS Nondiscrimination Statement* will be attached.
3. The RO is responsible for providing guidance to appropriate stakeholders responsible for implementing the regulation.
4. OGC publishes an annual summary of regulatory actions and maintains archives of regulatory activity from previous years.

Administrative History: Formerly Regulation No. 225-2, September 29, 1978 (directory information updated); revised October 8, 2007; revised May 5, 2011, revised January 27, 2016; technical updates (directory information updated and alignment with Policy BFA) September 25, 2023.

MCPS NONDISCRIMINATION STATEMENT

Montgomery County Public Schools (MCPS) prohibits illegal discrimination based on race, ethnicity, color, ancestry, national origin, nationality, religion, immigration status, sex, gender, gender identity, gender expression, sexual orientation, family structure/parental status, marital status, age, ability (cognitive, social/emotional, and physical), poverty and socioeconomic status, language, or other legally or constitutionally protected attributes or affiliations. Discrimination undermines our community's long-standing efforts to create, foster, and promote equity, inclusion, and acceptance for all. The Board prohibits the use of language and/or the display of images and symbols that promote hate and can be reasonably expected to cause substantial disruption to school or district operations or activities. For more information, please review Montgomery County Board of Education Policy ACA, *Nondiscrimination, Equity, and Cultural Proficiency*. This Policy affirms the Board's belief that each and every student matters, and in particular, that educational outcomes should never be predictable by any individual's actual or perceived personal characteristics. The Policy also recognizes that equity requires proactive steps to identify and redress implicit biases, practices that have an unjustified disparate impact, and structural and institutional barriers that impede equality of educational or employment opportunities. MCPS also provides equal access to the Boy/Girl Scouts and other designated youth groups.**

For inquiries or complaints about discrimination against MCPS students*	For inquiries or complaints about discrimination against MCPS staff*
Director of Student Welfare and Compliance Office of District Operations Student Welfare and Compliance 850 Hungerford Drive, Room 55, Rockville, MD 20850 240-740-3215 SWC@mcpsmd.org	Human Resource Compliance Officer Office of Human Resources and Development Department of Compliance and Investigations 45 West Gude Drive, Suite 2500, Rockville, MD 20850 240-740-2888 DCI@mcpsmd.org
For student requests for accommodations under Section 504 of the Rehabilitation Act of 1973	For staff requests for accommodations under the Americans with Disabilities Act
Section 504 Coordinator Office of School Support and Well-being Office of Well-being, Learning and Achievement 850 Hungerford Drive, Room 257, Rockville, MD 20850 240-740-5630 504@mcpsmd.org	ADA Compliance Coordinator Office of Human Resources and Development Department of Compliance and Investigations 45 West Gude Drive, Suite 2500, Rockville, MD 20850 240-740-2888 DCI@mcpsmd.org
For inquiries or complaints about sex discrimination under Title IX, including sexual harassment, against students or staff*	
Title IX Coordinator Office of District Operations Student Welfare and Compliance 850 Hungerford Drive, Room 55, Rockville, MD 20850 240-740-3215 TitleIX@mcpsmd.org	

**Discrimination complaints may be filed with other agencies, such as the following: U.S. Equal Employment Opportunity Commission (EEOC), Baltimore Field Office, GH Fallon Federal Building, 31 Hopkins Plaza, Suite 1432, Baltimore, MD 21201, 1-800-669-4000, 1-800-669-6820 (TTY); Maryland Commission on Civil Rights (MCCR), William Donald Schaefer Tower, 6 Saint Paul Street, Suite 900, Baltimore, MD 21202, 410-767-8600, 1-800-637-6247, mCCR@maryland.gov; or U.S. Department of Education, Office for Civil Rights (OCR), The Wanamaker Building, 100 Penn Square East, Suite 515, Philadelphia, PA 19107, 1-800-421-3481, 1-800-877-8339 (TDD), OCR@ed.gov, or www2.ed.gov/about/offices/list/ocr/complaintintro.html.*

***This notification complies with the federal Elementary and Secondary Education Act, as amended.*

This document is available, upon request, in languages other than English and in an alternate format under the *Americans with Disabilities Act*, by contacting the MCPS Office of Communications at 240-740-2837, 1-800-735-2258 (Maryland Relay), or PIO@mcpsmd.org. Individuals who need sign language interpretation or cued speech transliteration may contact the MCPS Office of Interpreting Services at 240-740-1800, 301-637-2958 (VP) mcpsinterpretingservices@mcpsmd.org, or MCPSInterpretingServices@mcpsmd.org.