

Maryland's Largest School District

**MONTGOMERY COUNTY PUBLIC SCHOOLS**

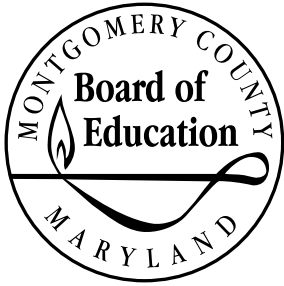
Office of District Operations  
Student Welfare & Compliance

**TRAINING**

**Districtwide Compliance**

Montgomery County Public Schools, Rockville, Maryland

**FY 23 MODULES**



## **VISION**

*We inspire learning by providing the greatest public education to each and every student.*

## **MISSION**

*Every student will have the academic, creative problem solving, and social emotional skills to be successful in college and career.*

## **CORE PURPOSE**

*Prepare all students to thrive in their future.*

## **CORE VALUES**

*Learning  
Relationships  
Respect  
Excellence  
Equity*

## **Board of Education**

Ms. Brenda Wolff  
*President*

Ms. Karla Silvestre  
*Vice President*

Dr. Judith R. Docca

Mrs. Shebra L. Evans

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Dr. Scott Joftus

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Mr. Arvin Kim  
*Student Member*

## **Montgomery County Public Schools (MCPS) Administration**

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*Superintendent of Schools*

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*Chief Operating Officer*

Patrick K. Murphy, Ed.D.  
*Deputy Superintendent*

Mr. Brian S. Stockton  
*Chief of Staff*

Mrs. Stephanie P. Williams  
*General Counsel*

Ms. Elba M. Garcia  
*Senior Community Advisor*

Dr. Patricia E. Kapunan  
*School System Medical Officer*

850 Hungerford Drive  
Rockville, Maryland 20850  
[www.montgomeryschoolsmd.org](http://www.montgomeryschoolsmd.org)

# Report of Suspected Abuse and Neglect

Office of District Operations  
MONTGOMERY COUNTY PUBLIC SCHOOLS  
Rockville, Maryland 20850

**MCPS Form 335-44**  
**August 2022**

**INSTRUCTIONS:** An oral report **must be made immediately** to Child Welfare Services, Montgomery County Department of Health and Human Services (DHHS), (commonly known as Child Protective Services (CPS)), at **240-777-4417**. For vulnerable adults, call Adult Protective Services (APS), at **240-777-3000**. **If this is an emergency, call 911 immediately.** For suspicions of abuse or neglect involving sexual assault, call the Emergency Communications Center (ECC) at **240-683-1600**. Complete and submit this written report within **48 hours**.

**IF THERE IS DOUBT ABOUT WHETHER TO REPORT ABUSE OR NEGLECT, ALWAYS ERR IN FAVOR OF MAKING THE REPORT.**

**MCPS employees, contractors, or volunteers may not interrogate or collect written statements from any alleged victim, witness, or offender.**

## PART I—TO BE COMPLETED BY PERSON MAKING ORAL AND WRITTEN REPORT

Name \_\_\_\_\_ Job Title \_\_\_\_\_  
School Name \_\_\_\_\_ E-mail: \_\_\_\_\_  
School Address \_\_\_\_\_ Street \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ School Phone \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

## PART II—INFORMATION ON CHILD OR VULNERABLE ADULT (IF KNOWN BY REPORTER)

Check type of concern: (check all that apply) ☐ Abuse (Specify: ☐ Physical and/or ☐ Sexual) ☐ Neglect ☐ Mental Injury

Child's Birthdate \_\_\_\_/\_\_\_\_/\_\_\_\_ Age \_\_\_\_

*If sexual abuse is suspected, principal/supervisor must call Emergency Communications Center (ECC), MCPD, immediately at 240-683-1600.*

Name of Child \_\_\_\_\_ Sex: ☐ F ☐ M Race \_\_\_\_\_ Grade \_\_\_\_\_

Address \_\_\_\_\_

Siblings (if known) \_\_\_\_\_  
Name Age School Attending Name Age School Attending  
Name Age School Attending Name Age School Attending

## PART III—PERSON(S) RESPONSIBLE FOR CHILD'S OR VULNERABLE ADULT'S CARE (IF KNOWN BY REPORTER)

Name of adult responsible for child living at current address:

Relationship: ☐ Mother ☐ Father ☐ Guardian

☐ Other \_\_\_\_\_

Phone #1 \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ Phone #2 \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

Phone #3 \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

Name of adult responsible for child living at current address:

Relationship: ☐ Mother ☐ Father ☐ Guardian

☐ Other \_\_\_\_\_

Phone #1 \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ Phone #2 \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

Phone #3 \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

## PART IV—NATURE OF INJURY OR CONCERN (Important: It is NOT the role of any MCPS employee, contractor, or volunteer to investigate to determine the validity of a case of suspected abuse or neglect.). Use MCPS Form 336-01: Addendum to MCPS Forms, if necessary. For additional information, refer to Board Policy JHC and MCPS Regulation JHC-RA.

**Please describe the reasons for your concern, and state how you became aware of the situation which led to the suspicion that the child or vulnerable adult may be a victim of abuse or neglect. Include information regarding current injuries, if applicable.**

Provide information concerning previous injuries or conditions of abuse or neglect to this child or vulnerable adult or others in this family situation, including previous involvement with CPS or APS:

## PART V—COMPLETE REQUIRED INFORMATION BELOW

Date of Oral Report \_\_\_\_/\_\_\_\_/\_\_\_\_ Time of Oral Report \_\_\_\_:\_\_\_\_ a.m./p.m.

Name of CPS or APS Staff Member to Whom Oral Report was made. (PLEASE PRINT) \_\_\_\_\_

Date and Time Principal/Supervisor was Notified. Date \_\_\_\_/\_\_\_\_/\_\_\_\_ Time \_\_\_\_:\_\_\_\_ a.m./p.m.

Date this Form was Mailed to CPS or APS \_\_\_\_/\_\_\_\_/\_\_\_\_ Signature of Person Making Report \_\_\_\_\_

### DISTRIBUTION:

**COPY 1:** CPS, DHHS, 1301 Piccard Drive, Rockville, MD 20850, Phone: 240-777-4417; or APS, DHHS, 401 Hungerford Drive, 3rd Floor, Rockville, MD 20850, Phone: 240-777-3000

**COPY 2:** MCPS Systemwide Child Abuse Contact, Office of District Operations, CESC, Room 55, Phone: 240-740-3215

**COPY 3:** Office of the State's Attorney for Montgomery County, County Office Building, 50 Maryland Avenue, 5th Floor, Rockville, MD 20850;

**COPY 4:** Special Victims Investigations Division, Montgomery County Police Department, 7300 Calhoun Place, Suite 300, Rockville, MD 20855.

*Suspected abuse and neglect reports contain confidential information that may not be disseminated, distributed, or copied unless directed above. Disclosing, copying, distributing, or taking any action in reliance on the contents of this information is strictly prohibited.*

**IF THERE IS DOUBT ABOUT WHETHER TO REPORT ABUSE OR NEGLECT, ALWAYS ERR IN FAVOR OF MAKING THE REPORT.**

**DEFINITIONS**

**Abuse is:**

1. **Any physical injury**, not necessarily visible, or mental injury of a child or vulnerable adult, by any person who has permanent or temporary custody or responsibility for the care or supervision of a child or vulnerable adult, under circumstances that indicate that the health or welfare of the child or vulnerable adult is harmed or at substantial risk of being harmed.
2. **Any sexual act or acts** (whether physical injuries are sustained or not) involving sexual molestation or exploitation, including but not limited to incest, rape, or sexual offense in any degree, sodomy or unnatural or perverted sexual practices on a child or vulnerable adult, by any person who has permanent or temporary custody or responsibility for the care or supervision of a child or vulnerable adult. Sexual molestation or exploitation includes, but is not limited to, contact or conduct with a child or vulnerable adult, such as exposure, voyeurism, sexual advances, kissing, fondling, sexual crime in any degree, rape, sodomy, prostitution, trafficking, or allowing, permitting, encouraging, or engaging a child or vulnerable adult in pornographic display, photographing, filming, or depiction of a child or vulnerable adult as prohibited by law, or allowing a child or vulnerable adult to reside with or be in the regular presence of a registered sex offender.

**Child** refers to any MCPS student, regardless of the student's age, and any other person under the age of 18 years of age. Even though Maryland law generally does not criminalize abuse or neglect of a student over 18 years of age, MCPS expects such conduct to be reported using the same procedures for reporting abuse or neglect of a child under the age of 18 years

**Mental injury** is the observable, identifiable, and substantial impairment of a child's or vulnerable adult's mental or psychological ability to function that is caused by the act of any person who has permanent or temporary custody or responsibility for the care or supervision of a child or vulnerable adult.

**Neglect** is leaving a child or vulnerable adult unattended or other failure to give proper care or attention, or the provision of improper care or attention, to a child or vulnerable adult by any parent, guardian, family or household member, neighbor, MCPS employee, volunteer, or contractor, person in a position of authority, or any other person who has permanent or temporary care or custody of, or responsibility for, the supervision of the child or vulnerable adult under circumstances that indicate—

- a) that the child's or vulnerable adult's health or welfare is harmed or placed at substantial risk of harm, or
- b) mental injury to the child or vulnerable adult or a substantial risk of mental injury.

**Vulnerable adult** refers to a person 18 years of age or older who is believed by the individual reporting abuse or neglect to lack the physical or mental capacity to care for the vulnerable adult's daily needs.

**REPORTING REQUIREMENTS**

1. It is the policy of the Montgomery County Board of Education (Board) that all MCPS employees, contractors, and volunteers are personally and directly required to report any suspected instance of abuse or neglect of a child or vulnerable adult:
  - Whether the alleged victim is personally known by the reporting individual or not.
  - Whenever there is reason to believe that abuse occurred in the past, even if the alleged victim is an adult when the incident comes to light.
  - Regardless of where the child or vulnerable adult lives and regardless of where the suspected abuse or neglect is alleged to have occurred.
2. It is not the role of any MCPS employee, contractor, or volunteer to investigate to determine the validity of a case of suspected abuse or neglect.
3. An oral report of **SUSPECTED** child abuse and/or neglect must be made immediately:

**TO REPORT CHILD ABUSE, NEGLECT, AND MENTAL INJURY, CALL: 240-777-4417**

Child Protective Services, Department of Health and Human Services (24 hours)

**TO REPORT ABUSE OR NEGLECT OF A VULNERABLE ADULT, CALL: 240-777-3000**

Adult Protective Services, Department of Health and Human Services

**IF SEXUAL ABUSE IS SUSPECTED, PRINCIPAL/SUPERVISOR ALSO WILL CALL: 240-683-1600**

Emergency Communications Center, Montgomery County Police Department

4. A written report must be submitted within 48 hours to CPS or APS, Department of Health and Human Services. Use MCPS Form 335-44, *Report of Suspected Abuse and Neglect*. Address and distribution procedures are indicated on the form. There are **no exceptions** to this requirement.
5. All reports shall be sent in a plain envelope, sealed, addressed, and marked confidential. Envelopes containing reports sent to the Office of School Support and Improvement shall be enclosed in the usual interoffice mailer.
6. Under Maryland law, any person who in good faith makes or participates in making a report of abuse or neglect or who participates in an investigation or a resultant judicial proceeding is immune from any civil liability or criminal penalty that would otherwise result from making a report of abuse or neglect, or participating in an investigation or a resultant judicial proceeding.
7. Any MCPS employees, contractors, or volunteers, acting in their professional or service capacity for MCPS, who suspect child abuse and/or neglect and knowingly fail to report it, or intentionally prevent or interfere with reporting, shall be subject to discipline up to and including suspension for misconduct in office, discontinuation of contract services, or discontinuation of volunteering privileges, as appropriate. In addition, any certification issued under the authority of the Maryland State Department of Education or another licensing or certification board may be suspended or revoked, based on the criteria set forth in Maryland law.

*For additional information, refer to Board Policy JHC and MCPS Regulation JHC-RA.*



**2022–2023**

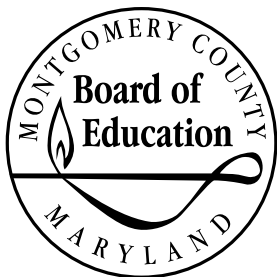
**EMPLOYEE CODE OF CONDUCT**

**in Montgomery County Public Schools**

[www.montgomeryschoolsmd.org](http://www.montgomeryschoolsmd.org)

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*Superintendent of Schools*

Dana E. Edwards  
*Chief of District Operations*

Helen A. Nixon, Ed.D.  
*Chief of Human Resources and Development*

Ruschelle Reuben  
*Chief of School Support and Well-Being*

Stephanie S. Sheron  
*Chief of Strategic Initiatives*

850 Hungerford Drive  
Rockville, Maryland 20850  
[www.montgomeryschoolsmd.org](http://www.montgomeryschoolsmd.org)

# 2022–2023

## EMPLOYEE CODE OF CONDUCT

**in Montgomery County Public Schools**

[www.montgomeryschoolsmd.org](http://www.montgomeryschoolsmd.org)

*This Employee Code of Conduct in Montgomery County Public Schools is available in English, Spanish, French, Chinese, Korean, Vietnamese, Amharic, and Portuguese on the MCPS web at [www.montgomeryschoolsmd.org/students/rights/](http://www.montgomeryschoolsmd.org/students/rights/)*

Employee Code of Conduct (English)

Código de Conducta del Empleado (Spanish)

員工行為守則 (Chinese)

Code de conduite de l'employé (French)

직원 행동 규범 (Korean)

Quy tắc Hành kiểm Nhân viên (Vietnamese)

የሠራተኛ ሥነ ምግባር ደንብ (Amharic)

Código de Conduta do Funcionário (Portuguese)

Maryland's Largest School District

**MONTGOMERY COUNTY PUBLIC SCHOOLS**

© September 2022

Montgomery County Public Schools  
Rockville, Maryland



# MONTGOMERY COUNTY PUBLIC SCHOOLS

*Expanding Opportunity and Unleashing Potential*

OFFICE OF THE SUPERINTENDENT OF SCHOOLS

September 2022

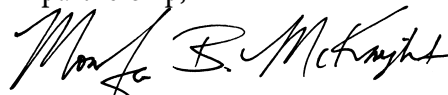
Dear Colleagues,

We have an exceptional workforce in Montgomery County Public Schools (MCPS). We hire for and work to retain the best employees for our school system. The Montgomery County community values a high-quality school system, and you are foundational to that work and our reputation. I have committed to three priorities to help focus our efforts this year: build trust with our community, ensure access to mental health and wellness resources, and focus on an equitable education for all students. This work is done when we hold ourselves to high standards of ethical conduct and professionalism. This document is provided to make clear the expectations that MCPS holds in order to meet those standards.

We have more than 24,000 employees, and each one plays a key role in this work, and we must remind ourselves of just how important our work is. The relationships we build today, the education we impart now, and the skills we are teaching strengthen not only our students but our community now and into the future. The *Employee Code of Conduct in Montgomery County Public Schools* is not only a set of guidelines of professionalism, but also reminders of the important task we have as employees in our school system. Together, and with excellence and high expectations, we will elevate our students to be successful in their futures.

Thank you for your dedicated service to all of our MCPS students and families.

In partnership,



Monifa B. McKnight



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# INTRODUCTION

Montgomery County Public Schools (MCPS) is committed to an organizational culture that furthers the Montgomery County Board of Education core values of Learning, Relationships, Respect, Excellence, and Equity. All employees must make every effort to create and maintain safe and healthy learning environments for all of our students. All employees are expected to interact with all students, parents/guardians, colleagues at all levels, and the community with the utmost integrity and professionalism.

This *Employee Code of Conduct* provides a general overview of the expectations and standards of conduct that MCPS and the broader community expect employees to follow in carrying out their important part of the district's mission. In addition, this Code of Conduct summarizes the disciplinary procedures that MCPS uses to address circumstances where employees fall short of our expectations and standards of conduct.

The *Employee Code of Conduct* applies to all MCPS employees, including certificated and noncertificated, full- and part-time, as well as substitutes and others employed in a temporary or seasonal capacity.

Many aspects of this Code of Conduct are based on applicable Board policies and MCPS regulations and other guidelines (referred to hereafter as MCPS rules) such as the Social Media Guidelines: *Best Practices for Employees* and *Best Practices for Email and Other Digital Communications*, as well as negotiated agreements and state and federal laws. This Code of Conduct is not intended to replace these resources, but rather to provide a one-document summary and reference point of appropriate items that would be useful to all employees. Specific topics related to employee conduct and responsibilities are further reinforced in the mandatory annual online compliance training modules. Please note that this Code of Conduct is not a contract. The policy and legal requirements that it references may change between editions of this publication and would supersede the statements contained in this publication.

MCPS continues to work with our employee associations, staff, and stakeholders to ensure that this document reflects our values, contributes to a culture of respect in all our work locations, and clearly articulates the high expectations we have for employees.<sup>1</sup>

## EXPECTATIONS FOR EMPLOYEE CONDUCT

MCPS expects all employees to perform their work with the requisite skill and knowledge; maintain the highest standards of responsible and ethical conduct; and obey all applicable laws, policies, and regulations. Under no circumstances may any employee engage in any of the following activities or behavior: immorality, misconduct in office (which includes knowingly failing to report suspected child abuse or neglect), insubordination, incompetence, or willful neglect of duty.

Whenever employees face a matter that requires an ethical decision concerning their behavior, MCPS expects them to consider whether it might violate a law, policy, regulation, or professional standard of responsible and ethical conduct. Equally important, employees should refrain from any action or conduct that—

- endangers or potentially threatens the health and/or safety of self or others;
- undermines the employee's professional integrity; and/or
- makes them unfit to perform their assigned duties.

The charts on the following pages provide specific examples of the standards of behavior that MCPS expects from all of its employees, as well as inappropriate or disruptive behavior that warrants correction or discipline. An employee's failure to perform expected behaviors, as well as an employee's performance of inappropriate behaviors (including, but not limited to, the "Do not's" listed on the following pages), may subject the employee to disciplinary action, up to and including suspension or termination.

Employees should understand that not all inappropriate, improper, or unethical conduct may be expressly referenced in this publication. Rather, the examples on the following pages are illustrative and nonexhaustive. Conduct that is not expressly listed nonetheless may warrant disciplinary action. For example, the charts do not attempt to list every standard of employee behavior grounded in common sense or commonly understood sound practices. Please note that the standards for employee conduct set forth in this Code of Conduct also apply to email, social media, text messages, messaging apps, and other electronic communications.

## ■ Ethical Conduct in the Work Environment

Employees are expected to behave honestly; diligently fulfill their job responsibilities; adhere to all laws, MCPS rules, and ethical standards governing their work; and comply with laws and MCPS rules outside of work where failure to do so affects their fitness to perform their job.

### Select examples of expected conduct:

- Complete work assignments in an appropriate, satisfactory, and timely manner and follow MCPS, department, and school procedures and guidelines, as well as the instructions, directions, and orders of supervisors and administrators.
- Report to work on time as scheduled, work as long as expected, follow leave procedures, and use work time for performance of MCPS responsibilities.
- Dress for work in a professionally appropriate manner.
- Follow legal requirements and MCPS rules on ethical behavior and avoid conflicts of interest.<sup>2</sup>
- Maintain the confidentiality of information you obtain through your work, including employee and student records.<sup>3</sup>
- Exercise due care and prudence when incurring expenses on behalf of MCPS and comply with all requirements for submitting any requests for reimbursement of travel and related expenses directly related to official MCPS business.<sup>4</sup>
- Complete all required reports on a timely basis and follow program and financial reporting guidelines.
- Attend and participate fully in all required MCPS professional learning opportunities, and complete all coursework and training to maintain valid certification/licensure required to hold the MCPS position to which you are assigned.
- Read and comply with the standards in the applicable Professional Growth System.
- Report known or suspected instances of fraud, false claims, false statements, bribery, theft, or embezzlement of MCPS funds or property.<sup>5</sup>
- Exercise fiscal responsibility with and properly account for MCPS funds, safeguard MCPS property, and respect other people's property.
- Follow legal requirements and MCPS rules prohibiting use of alcohol, tobacco, and other drugs<sup>6</sup> on MCPS property.<sup>7</sup>
- Follow legal requirements and MCPS rules concerning school safety and security.
- Utilize appropriate channels for raising workplace concerns.<sup>8</sup>
- Follow legal requirements and MCPS rules regarding appropriate use of MCPS websites, email, and other communications technology,<sup>9</sup> as well as test-security and data-reporting requirements.<sup>10</sup>
- Self-report criminal arrests, charges, or convictions when required to do so.<sup>11</sup>
- Follow MCPS rules and state election laws regarding participation in political campaigns, partisan election activities, and the distribution of political or partisan materials.<sup>12</sup>
- Respond honestly to a work-related inquiry by MCPS, law enforcement, or other authorized investigative officials.
- Operate school-sponsored trips involving students within MCPS rules and with appropriate approval.<sup>13</sup>
- Conduct your private life activities (including social media activities) in a manner that is not prejudicial to your effectiveness as an MCPS employee and recognize that criminal, dishonest, and other inappropriate activities may have an adverse impact on your employment with MCPS.<sup>14</sup>

### Select examples of inappropriate conduct:

- Do not engage in conduct that endangers the safety of students, employees, parents/guardians, or the public.
- Do not abandon your job.
- Do not provide false information or make a material omission on a résumé or job application.
- Do not misuse leave or submit incorrect or fraudulent requests for reimbursement, expenses, or pay.
- Do not submit incorrect or fraudulent information to MCPS or on behalf of MCPS.
- Do not steal.

- Do not participate in decision making during the course of your work for MCPS in areas where you have a personal interest or use your position as an MCPS employee, MCPS resources, or information gained through your employment, for personal gain.<sup>15</sup>
- Do not supervise within your immediate supervisory chain a spouse, relative, in-law, or any employee with whom you have a sexual and/or romantic relationship. Do not supervise within your immediate supervisory chain a vendor or contractor who is a spouse, relative, in-law, or anyone with whom you have a sexual and/or romantic relationship.<sup>16</sup>
- Do not accept gifts unless permitted by MCPS rules.<sup>17</sup>
- Do not provide tutoring, before-school, after-school, or summer activities for compensation, except as allowed by MCPS policy or regulation.<sup>18</sup>
- Do not possess firearms or other weapons on MCPS property or at an MCPS-sponsored activity.<sup>19</sup>

## ■ Ethical Conduct with Students

It is expected that all employees will build positive relationships with students to support learning while adhering to standards of professional practice.

Select examples of expected conduct:

- 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. This prohibition will not be used, however, to prevent responsible discussion of such language, images or symbols for educational purposes.
- Maintain high expectations for all students that are reasonable, clear, and age-appropriate.
- Use positive behavior-intervention strategies and supports to guide student behavior and appropriate responsive strategies to maintain a safe and secure learning environment.
- Respect students' personal space.
- Immediately report abuse or neglect of children or vulnerable adults when observed or suspected and do not interfere with the making of reports of abuse or neglect.<sup>21</sup>
- Limit email, social media, text messages, messaging apps, and other electronic communications with students to appropriate purposes directly related to instruction or your MCPS work responsibilities.

Select examples of inappropriate conduct:

- Do not discriminate against students 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.<sup>22</sup>
- Do not bully, harass, or intimidate students.<sup>23</sup>
- Do not engage in abuse or neglect of any child or vulnerable adult, including grooming behaviors through which an adult or a person in a position of authority forms an emotional connection with a child or vulnerable adult with the intent of making the child or vulnerable adult more receptive to sexual contact.<sup>24</sup>
- Do not engage or attempt to engage in a romantic or sexual relationship with an MCPS student, regardless of the age of the student, or engage in any conduct designed to promote a relationship. This includes oral, nonverbal, written or electronic communication, including the following:
  - A sexual or romantic invitation
  - Grooming
  - Dating or soliciting dates
  - Engaging in sexualized or romantic dialogue
  - Making sexually suggestive comments
  - Physical exposure of a sexual, romantic or erotic nature
  - Self-disclosure of a sexual, romantic, or erotic nature.<sup>25</sup>

- Do not meet with a student one-on-one in a room with the door locked or the lights off.
- Do not show pornography to MCPS students or involve children in or with pornography.
- Do not introduce, view, or distribute pornography on MCPS property or at any MCPS activity.
- Do not engage in inappropriate physical interactions with students, such as—
  - Hitting, tickling, or kissing;
  - Fondling any part of a student's body;
  - Any type of massage given by or to a child; and
  - Sending offensive or sexually explicit pictures, notes, cartoons, or jokes.

*NOTE: Certain touches may be appropriate in particular circumstances, such as a pat on the back or shoulder, handshakes, high fives, or holding the hand of younger children to guide or escort them.*

- Do not engage in inappropriate verbal interactions with students, such as—
  - Name-calling or using profanity;
  - Discussing intimate details of one's personal life;
  - Encouraging students to keep secrets from other adults;
  - Sexual or offensive humor;
  - Shaming, belittling, or derogatory remarks about a student, including negative comments about the student's physique, body development, dress, or family; and
  - Harsh language that may threaten, degrade, or humiliate children.
- Do not have one-on-one interactions with MCPS students through social media, email, text messages, messaging apps, or other electronic communication about subjects not directly related to instruction or your MCPS work responsibilities. Communication with students via temporary or anonymous messaging apps, is prohibited.
- Do not use personal email accounts, social media networking sites, text messages, messaging apps, or other electronic communications to socialize or become "friends" with students.
- Do not transport a student in a personal vehicle without written permission from a parent/guardian and a school administrator, and, if possible, arrange for a second adult to accompany the driver and the student.
- Do not give gifts to an individual student unless an administrator approves it in advance.
- Do not utilize corporal punishment or other inappropriate student disciplinary practices, such as shaking, slapping, shoving, pinching, ostracizing, or withholding food, light, or medical care.<sup>26</sup>
- Do not utilize physical restraints of students, except in very limited circumstances set forth in MCPS rules and district-sponsored training and guidance.<sup>27</sup>
- Do not contract or hire students who attend your school, or could reasonably be expected to attend your school, to perform household tasks like babysitting, dog walking, lawn mowing, etc.

## ■ Ethical Conduct with Colleagues, Parents/Guardians, and the Community

Employees are expected to treat parents/guardians, other employees, and members of the community professionally and respectfully and comply with all nondiscrimination laws and policies in their relationships with other adults. It is equally critical that all employees have an awareness, understanding, and tolerance of others' interests, viewpoints, cultures, and backgrounds.

### Select examples of expected conduct:

- Treat all colleagues, parents/guardians, and members of the community fairly, equitably, and with respect, regardless of their 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. 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.
- Practice civility in all interactions and seek and respect the opinions of others.

- Create a welcoming environment for parents/guardians and the school community.<sup>28</sup>
- Promote engagement of parents/guardians in their children's education.
- Use collaborative and interest-based strategies rather than positional or adversarial approaches.
- Communicate openly and respectfully.
- Provide and receive feedback constructively and respectfully.
- Provide appropriate supervision of visitors, volunteers, and contractors on MCPS property.<sup>29</sup>
- Be respectful of diverse opinions and beliefs of other employees, parents/guardians, and others in the school community.

Select examples of inappropriate conduct:

- Do not engage in conduct that is rude or disrespectful to others.
- Treat all colleagues, parents/guardians, and members of the community fairly, equitably, and with respect, regardless of their 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. 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.
- Do not bully, harass, or intimidate MCPS employees or other adults.<sup>31</sup>
- Do not retaliate against an employee or another person for taking any action or for reporting any facts or information related to real or perceived improper acts.

## APPLICATION AND ENFORCEMENT OF THE EMPLOYEE CODE OF CONDUCT

This Code of Conduct is intended to incorporate and provide additional context regarding the variety of legal and other requirements and systems that govern expectations regarding the conduct of MCPS employees. These include but are not limited to the following:

1. The **Education Article of the Annotated Code of Maryland** and the **Code of Maryland Regulations (COMAR)** set forth expectations regarding the behavior of teachers, principals, assistant principals, and other public school employees whose positions require a professional certificate issued by the Maryland State Department of Education (MSDE)<sup>32</sup> and provide standards for suspension and dismissal when those certificated employees fail to adhere to these standards. In addition, if school vehicle operators and attendants breach certain expectations, state law disqualifies them from driving and/or employment.<sup>33</sup>
2. **Other federal and state laws** establish requirements for MCPS employees in terms of the security of another's person, property or reputation; financial and program accountability; reporting child abuse and neglect; confidentiality of student and personnel records; and civil rights and nondiscrimination obligations.
3. **Negotiated collective bargaining agreements** with the Montgomery County Education Association (MCEA), Service Employees International Union Local 500 (SEIU), and the Montgomery County Association of Administrators and Principals/Business and Operations Administrators (MCAAP/MCBOA) set forth expectations regarding employee conduct, employee due process rights, and provisions that acknowledge that MCPS may discipline employees for "proper cause."<sup>34</sup> This standard recognizes that employees should adhere to expected standards of behavior and failure to do so may constitute "proper cause" for discipline or discharge from employment.
4. The **Culture of Respect Compact** among MCPS, MCEA, MCAAP, and SEIU sets forth expectations for MCPS employees to promote a positive work environment that ensures the success of each employee, high student achievement, and continuous improvement in a self-renewing organization.<sup>35</sup>

5. **Professional Growth Systems** for all MCPS employees, as provided by each collective bargaining agreement, identify in great detail expected standards of job performance, providing extensive examples of behavior that meets or does not meet those expectations. The Professional Growth Systems also define evaluation mechanisms intended to ensure compliance with those expectations.<sup>36</sup>

6. **Board policies and MCPS regulations** govern subjects such as ethics, financial management, reporting of child abuse and neglect, and nondiscrimination and create expectations regarding employee behavior.<sup>37</sup> In addition, the Department of Transportation has an employee handbook, titled *Just Cause Standards for Bus Attendants and Bus Operators*.<sup>38</sup>

It is the responsibility of all MCPS employees to ensure that their behavior conforms to these various standards. Failure to do so may result in use of the process for improvement in the Professional Growth System, the employee discipline provisions under the collective bargaining agreements, or, for certificated employees, the suspension and discharge procedures under Section 6-202 of the Education Article of the Annotated Code of Maryland as appropriate under the circumstances. In some instances, more than one approach may be appropriate. Such actions are initiated and determined on a case-by-case basis by MCPS, subject to review and appeal through grievance and appeal procedures provided by law, Board policies and MCPS regulations, and the collectively negotiated agreements. While this Code of Conduct focuses on actions that may subject an employee to discipline, there are certain instances that may, or should, be handled appropriately through the Professional Growth System.

## ■ Corrective and Progressive Discipline

MCPS is committed to fair and consistent treatment of employees in a disciplinary process that is both corrective and progressive.

### **Nondisciplinary Corrective Actions**

In some circumstances, a supervisor or manager may determine that an employee's conduct does not warrant formal disciplinary action but does warrant a clarification as to expectations regarding future conduct. In such cases, the supervisor or manager may provide written guidance as to expectations regarding future conduct. Such a document is not considered disciplinary in nature, but a confidential record will be maintained because it may provide context for future disciplinary action if the employee's conduct does not

conform to the communicated expectations. After consultation with the Department of Compliance and Investigations (DCI), a written response is required in all cases involving allegations of sexual misconduct or harassment.

### **Disciplinary actions**

Typical disciplinary actions include the following:

- Verbal or written warning
- Written reprimand
- Suspension without pay
- Demotion
- Removal from position
- Termination

MCPS is not obligated to use any specific level of progressive discipline or to utilize the actions in the order listed above. Rather, the specific facts of each situation determine which of the listed disciplinary actions will be appropriate. In making a determination as to the appropriate level of disciplinary action in each case, consideration of mitigating factors (such as an employee's long history of good service with a clean record or an indication of less culpability on the part of the employee) or aggravating factors (such as placing others at risk of serious injury, demonstrating intentional wrongdoing, or indifference to the effect of an action or the outcome on others) may be considered. Lack of awareness or knowledge of this Code of Conduct, or applicable policies or regulations, is not a defense to a charge of misconduct.

Except for serious infractions, including but not limited to the prohibited criminal conduct discussed on the following pages, the lowest appropriate level of disciplinary action should be applied initially to focus on ensuring that an employee understands expectations and does not repeat the inappropriate conduct. In general, discipline should progress to a more severe level after a lesser disciplinary action has been implemented and proven to be ineffective. Nevertheless, a more serious infraction may warrant suspension or termination, even for a first-time offense, or repeated offenses, depending on the circumstances. This may be the case even when the infraction violates a standard of conduct that is not specifically enumerated in writing but involves common-sense application of governing principles or criminal law.

### **Process for cases involving suspected child abuse and other criminal activity**

Cases involving suspected child abuse or neglect by an MCPS employee require immediate oral reporting to Child Welfare Services in the Montgomery County Department of Health and Human Services, commonly known as Child Protective Services

(CPS), and, in cases of sexual abuse, to the Special Victims Investigations Division of the Montgomery County Police Department (MCPD) as well, as required by state law, Board Policy JHC, and MCPS Regulation JHC-RA. In every case of alleged abuse or neglect by an MCPS employee, the DCI, will conduct an internal investigation consistent with all applicable Board policies and MCPS regulations and recommend appropriate discipline. DCI will conduct an internal investigation even when CPS or MCPD screens out or closes the case without taking action and/or the Montgomery County State's Attorney's Office declines to bring criminal charges, because such cases may involve violations of Board policies, MCPS regulations, contracts, and/or other guidance. While any investigation by CPS, MCPD, or another external agency is pending, MCPS may not interview witnesses, alleged victims, or alleged perpetrators without prior agreement from and subject to any limitations recommended by the investigating agencies. In addition, MCPS must conduct all internal investigations in a manner that is fully cooperative with the external agencies that are investigating and that does not interfere with or jeopardize the external investigation.

Other critical incidents involving suspected criminal activity, such as drug distribution or use of weapons on MCPS property, require reporting to MCPD, pursuant to Board policy and the Memorandum of Understanding among MCPS, MCPD, and other county agencies involving the Community Engagement Officer Program and Other Law Enforcement Responses to School-Based Incidents.<sup>39</sup> In cases of suspected criminal activity, DCI may conduct an internal investigation in a manner that is fully cooperative with the external agencies that are investigating and that does not interfere with or jeopardize the external investigation.

### **Process for cases involving other suspected misconduct**

In other cases, and consistent with applicable law and MCPS rules, managers and supervisors should use professional judgment in reporting to DCI. Managers and supervisors who feel that an employee's actions may warrant a reprimand from a district official higher than the immediate supervisor, a suspension without pay, or termination from employment should refer the matter to DCI through their own associate superintendent, if the employee is a professional employee, or the employee's administrator or supervisor (frequently a department director) if the employee is a supporting services employee. DCI will then review the information submitted, conduct or direct investigation as appropriate, and take or recommend any action that may be warranted by the

information obtained. If the manager or supervisor has a question about whether an employee's conduct should be addressed through the professional growth system or the employee discipline process, the manager or supervisor should contact DCI. Cases involving unsatisfactory performance of an employee's job duties, due to lack of skill or knowledge, ordinarily will be addressed through the professional growth system, and may result in termination of employment if the employee is unsuccessful in achieving and sustaining a satisfactory level of performance. In instances that could be addressed under either the professional growth system or the discipline process, MCPS is not required to use one process prior to another. Employees who are members of one of the employee collective bargaining units may be entitled to representation during the investigation through their employee association, in accordance with the provisions of the respective collective bargaining agreements. If managers or supervisors have questions about the right to representation, they should contact DCI for assistance and guidance.

### **Administrative leave**

Any suspicion of inappropriate behavior by an employee may be reason for placing the employee on administrative leave, pending an investigation into the allegations. Cases are reviewed on an individual basis, and the key factor is whether the employee's continued presence on the job poses a potential threat to students or staff, to the investigation of the allegedly inappropriate conduct, or to perpetuation of the allegedly inappropriate conduct (e.g., if the allegation is of financial malfeasance and the person handles MCPS funds). In accordance with MCPS Regulation JHC-RA, *Reporting Child Abuse and Neglect*, an MCPS employee who is the subject of allegations of child abuse or neglect will be placed on administrative leave, unless there is significant, credible information that another course of action is warranted. When employees are placed on administrative leave, steps will be taken to limit their access to MCPS email and other communications technology.

## **■ Prohibited Criminal Conduct**

In addition to MCPS disciplinary procedures, an employee may face criminal prosecution for certain misconduct. These criminal proceedings may have consequences for the employee's continued employment with MCPS. For instance, under Section 6-113 of the Education Article of the Annotated Code of Maryland, MCPS may not knowingly hire or retain any employee who has been convicted of, or pled guilty or nolo contendere (no contest) to, a crime

involving certain sexual offenses, child sexual abuse, and crimes of violence.<sup>40</sup> In addition, the Maryland state superintendent of schools is required to revoke the state-issued certificate of a teacher or other professional in certain circumstances involving criminal and other wrongdoing.<sup>41</sup>

MCPS also requires that all staff members must self-report if they are arrested or criminally charged for any offenses listed in MCPS Regulation GCC-RA, *Staff Self-Reporting of Arrests, Criminal Charges, and Convictions*, as well as the disposition of any ensuing criminal proceeding. This self-reporting requirement reflects MCPS's commitment to providing a safe and secure environment for all students and staff and promotes compliance with Maryland law, including Section 6-113 of the Education Article of the Annotated Code of Maryland. This requirement applies prospectively to arrests and criminal charges, as well as disposition of any criminal proceedings, that occur on or after October 1, 2016.

## ■ Prohibition on Recommendations for Future Employment when Sexual Misconduct is Suspected or Alleged

As set forth in federal law<sup>42</sup>, no MCPS employee may assist an MCPS employee, contractor, or volunteer in obtaining a job, apart from the routine transmission of administrative and personnel files, if the individual knows, or has probable cause to believe, that such employee, contractor, or volunteer engaged in sexual misconduct regarding a minor or student in violation of the law.

MCPS employees who have questions about such permissible or prohibited actions should contact DCI.

## ■ Best Practices and Guidelines

To assist employees in adhering to expected behavior and excellence in their work, MCPS provides required compliance training for all employees. In addition, MCPS issues a number of guidance and best-practice documents to support employees, such as *Social Media: Best Practices for Employees*,<sup>43</sup> the *MCPS Guidelines for Respecting Religious Diversity*,<sup>44</sup> *MCPS Best Practices for Email and Other Digital Communications*,<sup>45</sup> and the *MCPS Guidelines for Student Gender Identity*.<sup>46</sup>

## ■ Districtwide Compliance Training

MCPS is committed to providing a safe and welcoming learning and working environment for students and staff across our district. To fulfill this commitment, all staff are required to complete the annual Districtwide Compliance Training every school year.<sup>47</sup> This training is designed to ensure that every employee has the necessary information to establish and maintain a positive, safe, healthy and lawful climate and culture in which all adults and students are able to thrive and do their best work.

The mandatory training consists of multiple online modules. Topics include preventing, recognizing and reporting child abuse and neglect; equal opportunity in the workplace; bullying, harassment and intimidation prevention; religious diversity; ethics; conflict of interest; and other important issues.

Additionally, based on your MCPS position, you may be required to complete job-specific trainings that are separate and in addition to the districtwide compliance modules. Your principal or supervisor will notify you of these requirements.

Failure to complete the required training will result in progressive disciplinary action. In these rare cases, DCI will work directly with principals and supervisors to determine specific actions to be taken, up to and including termination.

## ■ Questions and Further Information

If MCPS employees have questions about the meaning or interpretation of this Code of Conduct or how it applies to specific situations, they should consult with their principal or supervisor. If principals or supervisors have further questions, they should contact DCI at 240-740-2888.

Additionally, employees may contact their respective employee association staff for advice and assistance.



## ■ ENDNOTES

- <sup>1</sup> Further information is available on the MCPS website, [www.montgomeryschoolsmd.org](http://www.montgomeryschoolsmd.org). This *Employee Code of Conduct* is distinct from the *MCPS Student Code of Conduct* for students.
- <sup>2</sup> For more information, see Board Policy BBB, *Ethics*, and MCPS Regulation GCA-RA, *Employee Conflict of Interest*.
- <sup>3</sup> For more information, see MCPS Regulation JOA-RA, *Student Records*.
- <sup>4</sup> For more information, see MCPS Regulation DIE-RA, *Travel for MCPS Purposes*.
- <sup>5</sup> For more information, see MCPS Regulation GCB-RA, *Reporting and Handling Fraudulent Actions by MCPS Employees, Agents, or Contractors*. MCPS offers a hotline for anonymously reporting fraud, waste, or abuse, as an avenue for employees to raise concerns and reassurance that they will be protected from reprisals or victimization for whistleblowing in good faith. If employees feel that their anonymity is not required then they should share their concerns with their supervisor or other leaders in their school or department. More information is available at [www.montgomeryschoolsmd.org/departments/fraudhotline/](http://www.montgomeryschoolsmd.org/departments/fraudhotline/).
- <sup>6</sup> For more information, see Board Policy IGN, *Preventing Alcohol, Tobacco, and Other Drug Abuse in Montgomery County Public Schools*, and MCPS Regulation COF-RA, *Alcohol, Tobacco, and Other Drugs on MCPS Property*. Use of alcohol on MCPS property is prohibited except for very limited circumstances when it may be approved by the Board.
- <sup>7</sup> MCPS property includes any school or other facility, including grounds owned or operated by MCPS, buses and other MCPS vehicles, and the facility and/or grounds of any MCPS-sponsored activity involving students.
- <sup>8</sup> Appropriate channels for raising workplace concerns include, for example, administrative complaints under MCPS Regulation GKA-RA, *Administrative Complaints*, and grievances pursuant to negotiated labor agreements.
- <sup>9</sup> For more information, see MCPS Regulation IGT-RA, *User Responsibilities for Computer Systems, Electronic Information, and Network Security*, and MCPS *Best Practices for E-mail and Other Digital Communications*.
- <sup>10</sup> For more information, see MCPS Regulation ILA-RA, *Assessments with Security and Reporting Requirements*.
- <sup>11</sup> MCPS requires that all staff members self-report if they are arrested or criminally charged for any offenses listed in MCPS Regulation GCC-RA, *Staff Self-Reporting of Arrests, Criminal Charges, and Convictions*, as well as the disposition of any ensuing criminal proceeding. Staff members should use MCPS Form 230-41, *Staff Self-Reporting of Arrests, Criminal Charges, and Conviction*, to self-report. This requirement applies prospectively to arrests and criminal charges, as well as disposition of any criminal proceedings, that occur on or after October 1, 2016.
- <sup>12</sup> For more information, see Board Policy KEA, *Political Campaigns and Political Materials*, and MCPS Regulation KEA-RA, *Participation in Political Campaigns and Distribution of Campaign Materials*.
- <sup>13</sup> For more information, see MCPS Regulation IPD-RA, *Travel-Study Programs, Field Trips, and Student Organization Trips*.
- <sup>14</sup> For more information, see Article 22F of the MCAAP agreement, Article 111A of the MCEA agreement, and Article 35C of the SEIU agreement.
- <sup>15</sup> For more information, see Board Policy BBB, *Ethics*, and MCPS Regulation GCA-RA, *Employee Conflict of Interest*.
- <sup>16</sup> For more information, see MCPS Regulation GCA-RA, *Employee Conflict of Interest*.
- <sup>17</sup> For more information, see Board Policy BBB, *Ethics*, and MCPS Regulation GCA-RA, *Employee Conflict of Interest*.
- <sup>18</sup> For more information, see Board Policy BBB, *Ethics*, and MCPS Regulation GCA-RA, *Employee Conflict of Interest*.
- <sup>19</sup> For more information, see MCPS Regulation COE-RA, *Weapons*.
- <sup>20</sup> For more information, see Board Policies ACA, *Nondiscrimination, Equity, and Cultural Proficiency*, JHF, *Bullying, Harassment, or Intimidation*, and MCPS Regulation ACA-RA, *Human Relations*, and Regulation JHF-RA, *Bullying, Harassment, or Intimidation*. Under Policy ACA, MCPS prohibits illegal discrimination. Discrimination includes actions that are motivated by an invidious intent to target individuals based on their actual or perceived personal characteristics, as well as acts of hate, violence, insensitivity, disrespect, or retaliation—such as verbal abuse, harassment, bullying, slurs, threats, physical violence, vandalism, or destruction of property—that impede or affect the learning or work environment. Discrimination also includes conduct or practices that may be facially neutral but that have an unjustified disparate impact based on individuals' actual or perceived personal characteristics. Discrimination encompasses racism, sexism, and other forms of institutional prejudice in all their manifestations.
- <sup>21</sup> For more information, see Board Policy JHC, *Child Abuse and Neglect*, and MCPS Regulation JHC-RA, *Reporting and Investigating Child Abuse and Neglect*. Criminal penalties also may apply to knowingly failing to report child abuse and neglect or interfering with reporting. For more information, see *Annotated Code of Maryland: Education Article Section 6-113*.
- <sup>22</sup> For more information, see Board Policies ACA, *Nondiscrimination, Equity, and Cultural Proficiency*, and JHF, *Bullying, Harassment, or Intimidation*, and MCPS Regulation ACA-RA, *Human Relations*, and Regulation JHF-RA, *Bullying, Harassment, or Intimidation*. Additional information is available in MCPS's *Guidelines for Respecting Religious Diversity*, a publication designed to ensure our students have the right to express their religious beliefs and practices, free from discrimination, bullying, or harassment.
- <sup>23</sup> For more information, see Board Policy JHF, *Bullying, Harassment, or Intimidation*, and MCPS Regulation, *JHF-RA, Bullying, Harassment, or Intimidation*.
- <sup>24</sup> For more information see Board Policy JHC, *Child Abuse and Neglect*, and MCPS Regulation JHC-RA, *Reporting and Investigating Child Abuse and Neglect*. Please note that examples of inappropriate conduct listed in this Code of Conduct may constitute abuse or neglect, under certain circumstances. Under MCPS Regulation JHC-RA, abuse is defined as follows:

- Any physical injury, not necessarily visible, or mental injury of a child or vulnerable adult by any person who has permanent or temporary custody or responsibility for the care or supervision of a child or vulnerable adult under circumstances that indicate that the health or welfare of the child or vulnerable adult is harmed or at substantial risk of being harmed.
- Any sexual act or acts (whether physical injuries are sustained or not) involving sexual molestation or exploitation, including but not limited to incest, rape, or sexual offense in any degree, sodomy or unnatural or perverted sexual practices on a child or vulnerable adult by any person who has permanent or temporary custody or responsibility for the care or supervision of a child or vulnerable adult. Sexual molestation or exploitation includes, but is not limited to, engaging in exposure or voyeurism; making sexual advances; kissing or fondling; grooming for sexual activity; committing a sexual crime in any degree, including rape, sodomy, or prostitution; allowing, encouraging, or engaging in obscene or pornographic display, photographing, filming, or depiction of a child or vulnerable adult in a manner prohibited by law; or sex trafficking.

Under MCPS Regulation JHC-RA, neglect is defined as the leaving of a child or vulnerable adult unattended or other failure to give proper care or attention, or the provision of improper care or attention, to a child or vulnerable adult by any parent, guardian, family or household member, neighbor, MCPS employee, volunteer or contractor, a person in a position of authority, or any other person who has permanent or temporary care or custody or responsibility for supervision of the child or vulnerable adult under circumstances that indicate—

- that the child's or vulnerable adult's health or welfare is harmed or placed at substantial risk of harm, or
- mental injury to the child or vulnerable adult or a substantial risk of mental injury.

<sup>25</sup> For more information, see Maryland House Bill 1072 (2018), Education—Child Sexual Abuse Prevention—Instruction and Training.

<sup>26</sup> For more information, see Board Policies JGA, *Student Discipline*, and JFA, *Student Rights and Responsibilities*, and MCPS Regulations JGA-RA, *Classroom Management and Student Behavior Interventions*, JGA-RB, *Suspension and Expulsion*, JGA-RC, *Suspension and Expulsion of Students with Disabilities*, JFA-RA, *Student Rights and Responsibilities*, and the MCPS *Student Code of Conduct*.

<sup>27</sup> For more information, see MCPS Regulation JGA-RA, *Classroom Management and Student Behavior Interventions*.

<sup>28</sup> For more information, see Board Policy ABC, *Parent and Family Involvement*, and MCPS Regulation ABC-RA, *Parent and Family Involvement*.

<sup>29</sup> For more information, see MCPS Regulations ABA-RB, *School Visitors*, and IRB-RA, *Volunteers in Schools*.

<sup>30</sup> For more information, see Board Policies, ACA, *Nondiscrimination, Equity, and Cultural Proficiency*.

<sup>31</sup> For more information, see Board Policies ACF, *Sexual Misconduct and Sexual Harassment of Students*, and ACH, *Workplace Bullying*, ACH-RA, *Workplace Bullying*, and ACI, *Sexual Harassment of Employees*.

<sup>32</sup> Under Section 6-202 of the Education Article of the Annotated Code of Maryland, certificated employees may be suspended or dismissed for one or more of five different reasons: immorality; misconduct in office, including a knowing failure to report suspected child abuse in violation of Section 5-704 of the Family Law Article; insubordination; incompetence; and willful neglect of duty. These five statutory grounds for suspension or dismissal of certificated employees are broad in nature and, therefore, provide a basis (depending upon all relevant facts and circumstances) for adverse employment action resulting from, among many other things, convictions of criminal offenses stemming from either employment or non-employment-related activities.

<sup>33</sup> For more information, see COMAR 13A.06.07.07 (school vehicle operators) and COMAR 13A.06.07.08 (school vehicle attendants).

<sup>34</sup> The Code of Conduct is not intended to supplant the common law of labor arbitration or bar a duly appointed arbitrator applying it in cases arising under district collective bargaining agreements.

<sup>35</sup> The Compact is available at [www.montgomeryschoolsmd.org/staff/respect/](http://www.montgomeryschoolsmd.org/staff/respect/).

<sup>36</sup> For more information, see [www.montgomeryschoolsmd.org/departments/professionalgrowth/](http://www.montgomeryschoolsmd.org/departments/professionalgrowth/).

<sup>37</sup> A full compendium of Board policies and MCPS regulations is available at [www.montgomeryschoolsmd.org/departments/policy/](http://www.montgomeryschoolsmd.org/departments/policy/).

<sup>38</sup> The Department of Transportation handbook is available at [www.montgomeryschoolsmd.org/departments/transportation/about/jcsbabo.pdf](http://www.montgomeryschoolsmd.org/departments/transportation/about/jcsbabo.pdf), and is applied in conjunction with the collective bargaining agreement between the Board and SEIU.

<sup>39</sup> This Memorandum of Understanding is available at [www.montgomeryschoolsmd.org/uploadedFiles/departments/security-new/220426-MCPS-Police-MOUCEO.pdf](http://www.montgomeryschoolsmd.org/uploadedFiles/departments/security-new/220426-MCPS-Police-MOUCEO.pdf).

<sup>40</sup> Section 6-113 of the Education Article of the Annotated Code of Maryland prohibits MCPS from knowingly hiring or retaining any employee who has been convicted of, or pled guilty or nolo contendere (no contest), to the following:

- a. A **sexual offense** in the third or fourth degree under §3-307 or §3-308 of the Criminal Law Article of the Maryland Code or an offense under the laws of another state that would constitute an offense under §3-307 or §3-308 of the Criminal Law Article if committed in Maryland;
- b. **Child sexual abuse** under §3-602 of the Criminal Law Article, or an offense under the laws of another state that would constitute child sexual abuse under §3-602 of the Criminal Law Article if committed in Maryland; or

- c. A **crime of violence** as defined in §14–101 of the Criminal Law Article, or an offense under the laws of another state that would be a violation of §14–101 of the Criminal Law Article if committed in Maryland, including: (1) abduction; (2) arson in the first degree; (3) kidnapping; (4) manslaughter, except involuntary manslaughter; (5) mayhem; (6) maiming; (7) murder; (8) rape; (9) robbery; (10) carjacking; (11) armed carjacking; (12) sexual offense in the first degree; (13) sexual offense in the second degree; (14) use of a handgun in the commission of a felony or other crime of violence; (15) child abuse in the first degree; (16) sexual abuse of a minor; (17) an attempt to commit any of the crimes described in items (1) through (16) of this list; (18) continuing course of conduct with a child under §3-315 of the Criminal Law Article; (19) assault in the first degree; (20) assault with intent to murder; (21) assault with intent to rape; (22) assault with intent to rob; (23) assault with intent to commit a sexual offense in the first degree; and (24) assault with intent to commit a sexual offense in the second degree.

<sup>41</sup> Under the Code of Maryland Regulations (COMAR) 13A.12.05.02, the Maryland state superintendent of schools is **required** to revoke a certificate issued by the Maryland State Board of Education to a teacher or other professional if an individual—

- 1. Pleads guilty or nolo contendere (no contest) with respect to, receives probation before judgment with respect to, or is convicted of a crime involving—
  - a. Child abuse or neglect as defined in Criminal Law Article, §§3-601–3-603, Annotated Code of Maryland, or a comparable crime in another state, or
  - b. A crime of violence as defined in Criminal Law Article, §14-101, Annotated Code of Maryland, or a comparable crime in another state; or
- 2. Is dismissed or resigns after notice of allegations of sexual child abuse.

In addition, COMAR 13A.12.05.02 states that the Maryland state superintendent of schools shall either suspend or revoke a professional certificate on a number of other grounds, including if the certificate holder—

- 1. Pleads guilty or nolo contendere (no contest) with respect to, receives probation before judgment with respect to, or is convicted of a crime involving—
  - a. Contributing to the delinquency of a minor;
  - b. Moral turpitude if the offense bears directly on the individual's fitness to teach; or

- c. A controlled dangerous substance offense as defined in federal or state law, and the sanction for this offense committed in Maryland shall be imposed in accordance with Article 41, §§1-501–1-507, and Criminal Law Article §5-810, Annotated Code of Maryland;

- 2. Willfully and knowingly—
  - a. Makes a material misrepresentation or concealment in the application for a certificate,
  - b. Files a false report or record about a material matter in the application for a certificate, or
  - c. Commits a violation of the test security and data reporting policy and procedures set forth in COMAR 13A.03.04;
- 3. Fraudulently or deceptively obtains a certificate;
- 4. Knowingly fails to report suspected child abuse in violation of Family Law Article, §5-701, Annotated Code of Maryland;
- 5. Is dismissed or resigns after notice of allegation of misconduct involving a student in any school system or any minor, or allegation of misconduct involving any cause for suspension or revocation of a certificate provided in this regulation;
- 6. Has had a certificate suspended, revoked, or voluntarily surrendered in another state for a cause that would be grounds for suspension or revocation under this regulation.

<sup>42</sup> *Elementary and Secondary Education Act of 1965 (ESEA)*, as amended by the *Every Student Succeeds Act* Section 8546 (20 U.S.C. § 7926), and details provided in MCPS Regulation JHC-RA, *Reporting and Investigating Child Abuse and Neglect*.

<sup>43</sup> For more information, search *Social Media: Best Practices for Employees* on the MCPS website.

<sup>44</sup> For more information, see the *MCPS Guidelines for Respecting Religious Diversity*.

<sup>45</sup> For more information, search *MCPS Best Practices for Email and other Digital Communications* on the MCPS website. MCPS prohibits special stationery, quotations or sayings as part of or following an employee's email signature. Only the motto or vision statement of an employee's specific school or of MCPS are acceptable.

<sup>46</sup> For more information, search *MCPS Guidelines for Student Gender Identity* on the MCPS website.

<sup>47</sup> For more information, search *Student Welfare and Compliance* on the MCPS website.

# 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.\*\*

<b>For inquiries or complaints about discrimination against MCPS students*</b>	<b>For inquiries or complaints about discrimination against MCPS staff*</b>
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 2100, Rockville, MD 20850 240-740-2888 DCI@mcpsmd.org
<b>For student requests for accommodations under Section 504 of the Rehabilitation Act of 1973</b>	<b>For staff requests for accommodations under the Americans with Disabilities Act</b>
Section 504 Coordinator Office of Academic Officer Resolution and Compliance Unit 850 Hungerford Drive, Room 208, Rockville, MD 20850 240-740-3230 RACU@mcpsmd.org	ADA Compliance Coordinator Office of Human Resources and Development Department of Compliance and Investigations 45 West Gude Drive, Suite 2100, Rockville, MD 20850 240-740-2888 DCI@mcpsmd.org
<b>For inquiries or complaints about sex discrimination under Title IX, including sexual harassment, against students or staff*</b>	
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](http://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](mailto: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](mailto:mcpsinterpretingservices@mcpsmd.org), or [MCPSInterpretingServices@mcpsmd.org](mailto:MCPSInterpretingServices@mcpsmd.org).

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Maryland's Largest School District  
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## MONTGOMERY COUNTY PUBLIC SCHOOLS

Published by the Department of Materials Management for the  
Office of Human Resources and Development



# POLICY

## BOARD OF EDUCATION OF MONTGOMERY COUNTY

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**Related Entries:** GCA-RA  
**Responsible Office:** Board of Education

### Ethics

#### A. PURPOSE

To promote the highest level of ethical conduct on the part of all persons associated with Montgomery County Public Schools (MCPS), to ensure the highest public trust and confidence in the impartiality and independent judgment of Board of Education members and MCPS school officials and employees, and to provide guidance for MCPS personnel concerning ethics-related matters

#### B. ISSUE

Chapter 277 of the 2010 Laws of Maryland directs and authorizes local boards of education to adopt appropriate provisions concerning conflicts of interest, financial disclosure, and lobbying to help ensure the highest public confidence in the impartiality and independent judgment of Board members and MCPS school officials and employees.

#### C. DEFINITIONS

Words in this policy have their normal accepted meanings except as set forth below:

1. *Business entity* means a corporation, general or limited partnership, sole proprietorship, joint venture, unincorporated association or firm, institution, trust, foundation, or other organization, whether or not operated for profit. Business entity does not include a governmental entity.
2. *Board of Elections* means Montgomery County Board of Elections.
3. *Compensation* means any money or thing of value, regardless of form, received or to be received by any individual covered by this policy from an employer for service rendered. For purposes of *Section H. (Lobbying Disclosure)* of this policy, if lobbying is only a portion of a person's employment, "compensation" means a prorated amount based on the time devoted to lobbying compared to the time devoted to other employment duties.

4. *Doing business with* means having or negotiating a contract that involves the commitment, either in a single or combination of transactions, of \$5,000 or more of school system funds during a calendar year, being subject to the authority of the school system, or being registered as a lobbyist in accordance with Section H. (*Lobbying Disclosure*) of this policy.
5. *Employee* means any person employed by the Board, or the school system, including the superintendent of schools.
6. *Financial interest* means:
  - a) Ownership of any interest as the result of which the owner has received within the past 3 years, or is presently receiving, or is entitled to receive in the future in excess of \$1,000 annually; or
  - b) Ownership, or the ownership of securities of any kind representing or convertible into ownership, of more than 3 percent of a business entity by an official or the spouse of an official.
7. *Gift* means the transfer of anything of economic value, regardless of the form, without adequate and lawful consideration. Gift does not include political campaign contributions regulated under Maryland or local law. (See also exemptions in section D.6.d.)
8. *Home Address* means the address of an individual's principal home, and designated second home as defined in Maryland law, if any.
9. *Immediate family* means a spouse and dependent children.
10. *Interest* means a legal or equitable economic interest, whether or not subject to an encumbrance or a condition, which was owned or held in whole or in part, jointly or severally, directly or indirectly, at any time during the reporting period. Interest does not include:
  - a) An interest held in the capacity of a personal agent, personal representative, agent, custodian, fiduciary, or trustee, unless the holder has an equitable interest in the subject matter;
  - b) An interest in a time or demand deposit in a financial institution;

- c) An interest in an insurance or endowment policy or annuity contract under which an insurer promises to pay a fixed amount of money in a lump sum or periodically for life or some other specified period;
  - d) A common trust fund or a trust which forms part of a pension or profit-sharing plan which has more than 25 participants and which has been determined by the Internal Revenue Service to be a qualified trust under the Internal Revenue Code;
  - e) A college savings plan under the Internal Revenue Code; or
  - f) A mutual fund or exchange-traded fund that is publicly traded on a national scale unless the mutual fund or exchange-traded fund is composed primarily of holdings of stocks and interests in a specific sector or area that is regulated by the individual's governmental unit.
11. *Lobbying* means:
- a) Communicating in the presence of a school official with the intent to influence any official action of that official, and where \$100 or more is spent during a calendar year for food, entertainment, other gifts, or a series of gifts in furtherance of this activity; or
  - b) Engaging in activities having the express purpose of soliciting others to communicate with an official with the intent to influence that official in the outcome of any official action, where \$300 or more is spent in furtherance of this activity during the calendar year.
12. *Lobbyist* means a person required to register and report expenses related to lobbying under section H. of this policy.
13. *Official or school official* means each member of the Board, an employee of the Board, or certain MCPS school officials or employees, including the superintendent of schools.
14. *Panel* means the Board Ethics Panel.
15. *Person* includes an individual or a business entity.
16. *Qualified relative* means a spouse, parent/guardian, child, or sibling.
17. *School system* means the educational system under the authority of the Board.

18. *Subject to the authority of* refers to business entities regulated by the Board or subject to significant control or impact by policies of the school system relating to the operations of the entity.

#### D. CONFLICTS OF INTEREST

##### 1. Participation

- a) Except as permitted by Board policy or MCPS regulation or in the exercise of an administrative or ministerial duty that does not affect the disposition or decision in the matter, an official may not participate in:
  - (1) Any matter in which, to the knowledge of the official, the official or a qualified relative of the official, has an interest; or
  - (2) Any matter in which any of the following is a party:
    - (a) A business entity in which the official has a direct financial interest of which the official may reasonably be expected to know;
    - (b) A business entity for which the official, or a qualified relative of the official, is an officer, director, trustee, partner, or employee;
    - (c) A business entity with which the official or, to the knowledge of the official, a qualified relative of the official is negotiating or has any arrangement concerning prospective employment;
    - (d) A business entity that is a party to an existing contract with the school official or which, to the knowledge of the official, a qualified relative of the official, if the contract reasonably could be expected to result in a conflict between the private interests of the official and the school system or Board duties of the official;
    - (e) An entity, doing business with the Board or school system, in which a direct financial interest is owned by another entity in which the official has a direct financial interest, if the official may reasonably be expected to know of both direct financial interests; or



- (f) A business entity that;
    - (i) The official knows is a creditor or obligee of the official, or a qualified relative of the official, with respect to anything of economic value; and
    - (ii) As a creditor or obligee, is in a position to directly and substantially affect the interest of the official or qualified relative of the official.
- b) An official who is disqualified from participating under section D.1.a) shall disclose the nature and circumstances of the conflict and may participate or act if:
  - (1) The disqualification leaves the Board with less than a quorum capable of acting;
  - (2) The disqualified official is required by law to act; or
  - (3) The disqualified official is the only person authorized to act.
- c) The prohibitions of section D.1.a do not apply if participation is allowed by opinion of the Panel.
- d) A former regulated lobbyist who is, or becomes subject under this section as, an employee or official, other than a member of the Board, may not participate in a case, contract, or other specific matter as an employee or official, other than a member of the Board, for one calendar year after the termination of the registration of the former regulated lobbyist if the former regulated lobbyist previously assisted or represented another party for compensation in the matter.

2. Employment and financial interests

- a) Except as permitted by Board policy or MCPS regulation when the interest is disclosed or when the employment does not create a conflict of interest or appearance of a conflict, an official may not:
  - (1) Be employed by or have a financial interest in an entity that is:
    - (a) Subject to the authority of the school system or Board; or

- (b) Negotiating or has a contract with the school system or Board; or
  - (2) Hold any other employment relationship that would impair the impartiality or independence of judgment of the official, affect their usefulness as employees in the school system, make time and/or energy demands that could interfere with their effectiveness in performing their regularly assigned duties, adversely affect their employment status, or would in any way conflict with assigned duties.
- b) This prohibition does not apply to:
  - (1) An official whose duties are ministerial, if the private employment or financial interest does not create a conflict of interest or the appearance of a conflict of interest, as permitted by Board policy or MCPS regulations; or
  - (2) Subject to other provisions of regulation and law, a member of the Board in regard to a financial interest or employment held at the time of the oath of office, if the financial interest or employment was disclosed on the financial disclosure statement filed with the certificate of candidacy to be a candidate to be a member of the Board; or
  - (3) Employment or financial interests allowed by opinion of the Panel if the employment does not create a conflict of interest or the appearance of a conflict of interest or the financial interest is disclosed.

3. Post-employment

A former official may not assist or represent any party other than the Board or school system for compensation in a case, contract, or other specific matter involving the Board or the school system if the matter is one in which the former official significantly participated as an official.

4. Contingent compensation

An official may not assist or represent a party for contingent compensation in any matter before or involving the Board or the school system.

5. Prestige of office

- a) An official may not intentionally use the prestige of office or public position for the private gain of that official or the private gain of another, or to influence the award of a state or local contract to a specific person, unless it is part of the official duties of the official or as a usual and customary constituent service by a member of the Board without additional compensation.
- b) An official may not directly or indirectly initiate a solicitation for a person to retain the compensated services of a particular regulated lobbyist or lobbying firm.
- c) The performance of usual and customary constituent services by a member of the Board without additional compensation does not constitute the use of prestige of office or public position.
- d) Neither an official nor a member of the Board may use public resources to solicit a contribution as regulated under Maryland or local law. In addition, an official, other than a member of the Board, may not use the title of the official to solicit a political contribution as regulated under Maryland or local law.

6. Gifts

- a) An official may not solicit any gift.
- b) An official may not directly solicit or facilitate the solicitation of a gift, on behalf of another person, from an individual lobbyist.
- c) An official may not knowingly accept a gift, directly or indirectly, from a person that the official knows or has reason to know:
  - (1) Is doing business with or seeking to do business with the school system or Board;
  - (2) Is subject to the authority of the school system;
  - (3) Is a lobbyist with respect to a matter within the jurisdiction of the official; or
  - (4) Has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by

the performance or nonperformance of the school system duties of the official.

- d) Notwithstanding paragraph 6. c) of this subsection, an official may accept:
  - (1) Meals and beverages consumed in the presence of the donor or sponsoring entity;
  - (2) Ceremonial gifts or awards that have insignificant monetary value;
  - (3) An unsolicited gift that does not exceed \$20 in value, or an unsolicited series of gifts not exceeding \$100 in value in a calendar year, or trivial items of informational value;
  - (4) Reasonable expenses for food, travel, lodging, and scheduled entertainment of the official at a meeting which is given in return for the participation of the official in a panel or speaking engagement at the meeting;
  - (5) Gifts of tickets or free admission extended to members of the Board to attend a charitable, cultural, or political event, if the purpose of the gift or admission is a courtesy or ceremony extended to the Board;
  - (6) A specific gift or class of gifts which the Panel exempts from the operation of this subsection upon a written finding that acceptance of the gift or class of gifts would not be detrimental to the impartial conduct of the business of the school system or Board and that the gift is purely personal and private in nature;
  - (7) Gifts from a person related by blood or marriage, or any other individual who is a member of the household of the official; or
  - (8) An honorarium for speaking to or participating in a meeting, provided that the offering of the honorarium is in no way related to the school system or Board position of the official.
- e) Paragraph 6.d) above does not apply to gifts:
  - (1) That would tend to impair the impartiality and independence of judgment of the official receiving the gift;

- (2) Of significant value that would give the appearance of impairing the impartiality and independent judgment of the official; or
- (3) Of significant value that the recipient official believes or has reason to believe is designed to impair the impartiality and independent judgment of the official.

7. Disclosure of confidential information

Other than in the discharge of official duties, an official may not disclose or use confidential information that the official acquired by reason of the official's public position and that is not available to the public for their own economic benefit or that of another person.

8. Procurement

- a) An individual or person that employs an individual who assists the school system or Board in the drafting of specifications, an invitation for bids, or a request for proposals for a procurement may not submit a bid or proposal for that procurement or assist or represent another person, directly or indirectly, who is submitting a bid or proposal for the procurement.
- b) The Panel may establish exemptions from the requirements of this section for providing descriptive literature, sole source procurements, and written comments solicited by the procurement office.

**E. FINANCIAL DISCLOSURE STATEMENTS – GENERAL PROVISIONS**

1. Public record

- a) The Panel shall maintain all financial disclosure statements filed under this section.
- b) The Panel shall make financial disclosure statements available during normal office hours, for examination and copying by the public subject to reasonable fees and administrative procedures established by the Board.
- c) If an individual examines or copies a financial disclosure statement, the Panel shall record:
  - (1) The name and home address of the individual reviewing or copying the statement; and

(2) The name of the person whose financial disclosure statement was examined or copied.

d) Upon request by the individual whose financial disclosure statement was examined or copied, the Panel shall provide the individual with a copy of the name and home address of the person who reviewed the individual's financial disclosure statement.

e) For statements filed after January 1, 2019, the Panel may not provide public access to an individual's home address that the individual has designated as the individual's home address.

2. Retention requirements

The Panel shall retain financial disclosure statements for four years from the date of receipt.

3. Review by Panel

The Panel shall review the financial disclosure statements submitted for compliance with the provisions of this policy and shall notify an individual submitting the statement of any omissions or deficiencies. Evidence of noncompliance shall be pursued by the Panel.

**F. FINANCIAL DISCLOSURE STATEMENTS – CERTAIN SCHOOL OFFICIALS AND EMPLOYEES**

1. School officials and school employees who have decision-making authority or act as principal advisors to a person with that authority in any of the following capacities, in any fiscal year, shall file a financial disclosure statement as provided in this section:

a) making school system or school board policy;

b) exercising quasi-judicial, regulatory, licensing, inspecting, or auditing functions;

c) preparing, approving, or auditing, or who has the authority to commit the school system to rent, purchase, or lease, any of the following items with an aggregate value of \$100,000 in any fiscal year:

(1) Personal service contracts

- (2) Specifications for materials, supplies, or equipment
- (3) Requests for proposals or bids

2. Deadline for filing

- a) The school officials and employees referenced in paragraph F.1 are required to file a financial disclosure statement on or before April 30 of each year during which they are employed or hold office for the preceding calendar year.
- b) An official who is appointed to fill a vacancy in an office for which a financial disclosure statement is required and who has not already filed a financial disclosure statement shall file a statement for the preceding calendar year within 30 days after appointment.
- c) An individual who, other than by reason of death, leaves an office for which a statement is required shall file a statement within 60 days after leaving the office. The statement shall cover the calendar year immediately preceding the year in which the individual left office, unless a statement covering that year has already been filed by the individual, as well as the portion of the current calendar year during which the individual held the office.

3. Contents of Disclosure Statement for Certain MCPS School Officials and Employees

The financial disclosure statement shall require the school employee to disclose outside employment, any conflicts of interests, and gifts received during the preceding calendar year from any person or entity that contracts with or is under the authority of the Board or the school system, including the name of the donor of the gift and the approximate retail value at the time of receipts. This statement shall be submitted to the Panel on a form approved by the Panel, under oath or affirmation.

- 4. An official or employee shall disclose employment and interest that raise conflicts of interest or potential conflicts of interest in connection with a specific proposed action by the employee or official sufficiently in advance of the action to provide adequate disclosure to the public.

**G. FINANCIAL DISCLOSURE FORMS – BOARD MEMBERS AND CANDIDATES**

- 1. This section shall apply to all Board members and candidates for the Board.

2. Deadline for filing

- a) Board members shall file financial disclosure statements on or before April 30 of each year for the preceding calendar year with the Panel on a form approved by the Panel, under oath or affirmation.
- b) Candidates to be members of the Board
  - (1) Except for an official who has filed a financial disclosure statement under another provision of this section for the reporting period, a candidate to be a member of the Board shall file a financial disclosure statement each year beginning with the year in which the certificate of candidacy is filed through the year of the election.
  - (2) A candidate to be a member of the Board shall file a statement required under this section:
    - (a) In the year the certificate of candidacy is filed, no later than the filing of the certificate of candidacy. This statement may be filed with the Board of Elections with the certificate of candidacy or with the Panel prior to filing the certificate of candidacy.
    - (b) In the year of the election, on or before the earlier of April 30 or the last day for the withdrawal of candidacy, this statement shall be filed with the Panel; and
    - (c) In all other years for which a statement is required, this statement shall be filed on or before April 30 with the Panel.
  - (3) Failure to file a statement
    - (a) If a statement required to be filed by a candidate is overdue and not filed within 8 days after written notice of the failure to file is provided by the Board of Elections, the candidate is deemed to have withdrawn the candidacy.
    - (b) The Board of Elections may not accept any certificate of candidacy unless a statement required under section G. has been filed in proper form.



- (4) Within 30 days of the receipt of a statement required under this section, the Board of Elections shall forward the statement to the Panel, or the office designated by the Panel or Board.

c) Appointment to Position

An official who is appointed to fill a vacancy on the Board and who has not already filed a financial disclosure statement shall file a statement for the preceding calendar year within 30 days after appointment.

d) Resignation of Position

An individual who, other than by reason of death, leaves the Board of Education shall file a statement within 60 days after leaving the office. The statement shall cover the calendar year immediately preceding the year in which the individual left office, unless a statement covering that year has already been filed by the individual, as well as the portion of the current calendar year during which the individual held office.

- 3. The Student Member of the Board of Education (SMOB) is elected by the secondary students of MCPS. The SMOB is elected for a one-year term that begins July 1 and ends June 30. Within 30 calendar days of the announcement of the election results, the SMOB must submit a financial disclosure form (as outlined in Section G.4.) covering the preceding calendar year through the date of election to the Montgomery County Board of Education Ethics Panel. The SMOB shall file a financial disclosure form by June 30 of the year the SMOB term ends, covering from the date of election until the expiration of the SMOB's term.

4. Contents of Financial Disclosure Form for Board Members and Candidates

Board members and candidates must complete a financial disclosure form approved by the Panel, under oath or affirmation disclosing the following interests:

a) Interests in real property

A statement filed under this section shall include a schedule of all interests in real property wherever located. For each interest in real property, the schedule shall include:

- (1) The nature of the property and the location by street address, mailing address, or legal description of the property;

- (2) The nature and extent of the interest held, including any conditions and encumbrances on the interest;
- (3) The date when, the manner in which, and the identity of the person from whom the interest was acquired;
- (4) The nature and amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired;
- (5) If any interest was transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and the identity of the person to whom the interest was transferred; and
- (6) The identity of any other person with an interest in the property.

b) Interests in corporations and partnerships

A statement filed under this section shall include a schedule of all interests in any corporation, partnership, limited liability partnership, or limited liability corporation, regardless of whether the corporation or partnership does business with the school system or Board. For each interest reported under this paragraph, the schedule shall include:

- (1) The name and address of the principal office of the corporation, partnership, limited liability partnership, or limited liability corporation;
- (2) The nature and amount of the interest held, including any conditions and encumbrances on the interest;
- (3) With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and if known, the identity of the person to whom the interest was transferred; and
- (4) With respect to any interest acquired during the reporting period:
  - (a) The date when, the manner in which, and the identity of the person from whom the interest was acquired; and

- (b) The nature and the amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired.
- (c) An individual may satisfy the requirement to report the amount of the interest held under item 2.b)(2) of this paragraph by reporting, instead of a dollar amount:
  - (i) For an equity interest in a corporation, the number of shares held and, unless the corporation's stock is publicly traded, the percentage of equity interest held; or
  - (ii) For an equity interest in a partnership, the percentage of equity interest held.

c) Interests in business entities doing business with the school system or Board

A statement filed under this section shall include a schedule of all interests in any business entity that does business with the school system or Board, other than interests reported under paragraph b) of this subsection. For each interest reported under this paragraph, the schedule shall include:

- (1) The name and address of the principal office of the business entity;
  - (a) The nature and amount of the interest held, including any conditions to and encumbrances on the interest;
  - (b) With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received in exchange for the interest, and, if known, the identity of the person to whom the interest was transferred; and
  - (c) With respect to any interest acquired during the reporting period:
    - (i) The date when, the manner in which, and the identity of, the person from whom the interest was acquired; and

- (ii) The nature and the amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired.

d) Gifts

A statement filed under this section shall include a schedule of each gift in excess of \$20 in value, or a series of gifts totaling \$100 or more, received during the calendar year from, or on behalf of, directly or indirectly, any one person who does business with the school system or Board. For each gift reported the schedule shall include:

- (1) A description of the nature and value of the gift; and
- (2) The identity of the person from whom, or on behalf of whom, directly or indirectly, the gift was received.

e) Employment with or interests in entities doing business with the school system or Board

A statement filed under this section shall include a schedule of all offices, directorships, and salaried employment by the individual or member of the immediate family of the individual held at any time during the reporting period with entities doing business with the school system or Board. For each position reported under this paragraph, the schedule shall include:

- (1) The name and address of the principal office of the business entity;
- (2) The title and nature of the office, directorship, or salaried employment held and the date it commenced; and
- (3) The name of each school system or Board unit with which the entity is involved as indicated by identifying one or more of the three categories of “doing business,” as specified in the Definitions section of this policy.

f) Indebtedness to entities doing business with or regulated by the individual’s school system unit or department

A statement filed under this section shall include a schedule of all liabilities, excluding retail credit accounts, to persons doing business with or regulated by the individual’s school system unit or department owed at any time during the reporting period by the individual or by a member of the

immediate family of the individual if the individual was involved in the transaction giving rise to the liability. For each liability reported under this paragraph, the schedule shall include:

- (1) The identity of the person to whom the liability was owed and the date the liability was incurred;
- (2) The amount of the liability owed as of the end of the reporting period;
- (3) The terms of payment of the liability and the extent to which the principal amount of the liability was increased or reduced during the year; and
- (4) The security given, if any, for the liability.

g) Employment with the school system or Board

A statement filed under this section shall include a schedule of the immediate family members of the Board member or candidate employed by the school system or Board in any capacity at any time during the reporting period.

h) Sources of earned income

- (1) A statement filed under this section shall include a schedule of the name and address of each place of employment and of each business entity of which the individual or a member of the individual's immediate family was a sole or partial owner and from which the individual or member of the individual's immediate family received earned income at any time during the reporting period.
- (2) A minor child's employment or business ownership need not be disclosed if the Board or school system does not regulate, exercise authority over, or contract with the place of employment or business entity of the minor child.
- (3) For a statement filed on or after January 1, 2019, if the individual's spouse is a lobbyist regulated by the Board, the individual shall disclose the entity that has engaged the spouse for lobbying purposes.

- i) A statement filed under this section may also include a schedule of additional interests or information that the individual making the statement wishes to disclose.
5. For the purposes of sections G 2. (a) (b), and (c) of this policy, the following interests are considered to be the interests of the individual making the statement:
- a) An interest held by a member of the individual's immediate family, if the interest was, at any time during the reporting period, directly or indirectly controlled by the individual.
  - b) An interest held by a business entity in which the individual held a 30 percent or greater interest at any time during the reporting period.
  - c) An interest held by a trust or an estate in which, at any time during the reporting periods;
    - (1) The individual held a reversionary interest or was a beneficiary; or
    - (2) If a revocable trust, the individual was a settlor.
6. In addition to the financial disclosure provisions set forth in this section, Board members and candidates shall file a statement with the Panel disclosing any interests that raise conflicts of interest or potential conflicts of interest in connection with a specific proposed action by such person, sufficiently in advance of any anticipated action to allow adequate disclosure to the public.

#### **H. LOBBYING DISCLOSURE**

- 1. Persons representing themselves, a business entity, or an organization who personally appears before the Board, a school official, or employee with the intent to influence that body or individual in the performance of official duties, and who in connection with such intent expends or reasonably expects to expend in excess of \$100 in any calendar year on food, entertainment, or other gift or series of gifts for any member of the Board or a school official shall register with the Ethics Panel within 5 days after first making the appearance.
- 2. Persons representing themselves, a business entity, or an organization, who communicates with one or more members of the Board or school employees, or who solicits others to communicate with a school official or employee with the intent to influence that official or employee in the outcome of any official actions, and who incurs expenses of more than \$300 for this purpose in any calendar year, shall register with the Ethics Panel within 5 days after expending these funds.

3. The registration statement shall identify the name and address of the lobbyist and any person on whose behalf the lobbyist acts, and the subject matter which the registrant appeared before the Board or school official. The registration statement shall cover lobbying activities undertaken during the calendar year.
4. Registrants under this section shall file a report within 30 days after the end of any calendar year disclosing the value, date, and nature of any food, entertainment, or other gift provided to a school official. Where the value of a gift exceeds \$20 in value or series of gifts exceeds \$100 in value in the calendar year, the registrant shall disclose the name of the school official to whom it was made.
5. Registrations and reports filed pursuant to this section shall be maintained by the Ethics Panel as public records, available for inspection and copying subject to the conditions specified in Section E. 1. of this policy.
6. The provisions of this section do not apply to the following acts:
  - a) Professional services in advising and rendering opinions to clients as to the construction and effect of proposed or pending Board actions when these services do not otherwise constitute lobbying
  - b) Appearances before the Board upon its specific invitation or request if the person or entity engages in no further or other activities in connection with the passage or defeat of Board actions
  - c) Appearances before an organizational unit of the school system upon the specific invitation or request of the unit if the person or entity engages in no further or other activities in connection with the passage or defeat of school system or Board action
  - d) Appearance as part of the official duties of a duly elected or appointed official or employee of the State or a political subdivision of the State, or of the United States, and not on behalf of any other entity
  - e) Actions of a publisher or working member of the press, radio, or television in the ordinary course of the business of disseminating news or making editorial comment to the general public who does not engage in further or other lobbying that would directly and specifically benefit the economic, business, or professional interests of the person or entity or the employer of the person or entity

- f) Appearances by an individual before the Board at the specific invitation or request of a registered lobbyist if the person performs no other lobbying act and notifies the Board that the person or entity is testifying at the request of the lobbyist
- g) Appearances by an individual before the Board or an organizational unit of the school system at the specific invitation or request of a registered lobbyist if the person or entity performs no other lobbying act and notifies the unit that the person or entity is testifying at the request of the lobbyist
- h) The representation of a bona fide religious organization solely for the purpose of protecting the right of its own members to practice the doctrine of the organization
- i) Appearance as part of the official duties of an officer, director, member, or employee of an association engaged exclusively in lobbying for counties and municipalities and not on behalf of any other entity

#### **I. EXEMPTIONS AND MODIFICATIONS**

The Ethics Panel may grant exemptions and modifications to the provisions of Sections D and F of this policy to employees (but not members of the Board) when the Panel determines that application of those provisions is not required to preserve the purposes of this chapter and would—

- 1. constitute an unreasonable invasion of privacy;
- 2. significantly reduce the availability of qualified persons for public service; and
- 3. not be required to preserve the purposes of this policy.

#### **J. ETHICS PANEL**

- 1. There is a Montgomery County Board of Education Ethics Panel which consists of five members appointed by the Board.
- 2. Terms of members shall be for three years and established so that at least one member's term expires each year.
- 3. Panel members shall not be incumbent members of the Board, school officials or employees, persons employed by a business entity subject to the authority of the Board, or spouses of such persons.



4. The Panel shall elect a chairman from among its members.
  - a) The term of the chairman is one year.
  - b) The chairman may be reelected.
5. The Panel shall be assisted in carrying out the responsibilities specified in this policy by the ethics officer and the Board which, in consultation with the superintendent of schools, shall see that needed legal, technical, and clerical assistance is provided to the Panel.
6. The Board encourages all persons affected by this policy to seek the advice of the Ethics Panel as to any potential conflict of interest or other matter within the scope of this policy.
7. The Panel is the advisory body responsible for interpreting this policy and advising persons subject to this policy regarding its application.
8. The Panel shall implement a public information and education program regarding the purpose and implementation of this policy.
9. The Panel shall be the custodian of all forms submitted by any person under this policy and shall provide public access to such forms in accordance with this policy.
10. Request for advisory opinion
  - a) Any official, employee, or other person subject to this chapter may request an advisory opinion from the Panel concerning the application of this policy.
  - b) The Panel shall respond promptly to a request for an advisory opinion and shall provide interpretations of this policy within 60 days of the request based on the facts provided or reasonably available to the Panel.
  - c) In accordance with applicable state laws regarding public records, the Panel shall publish or otherwise make available to the public copies of the advisory opinions with the identities of the subjects deleted.
11. Filing a complaint
  - a) Any person may file a complaint with the Panel alleging a violation of any of the provisions of this policy.

- b) A complaint shall be in writing and under oath.
- c) The Panel may refer a complaint to legal counsel for the Board or other legal counsel approved by the Board for investigation and review.
- d) If the Panel determines that there are insufficient facts upon which to base a determination of a violation, the Panel shall dismiss the complaint.
- e) If there is a reasonable basis for believing a violation has occurred, the subject of the complaint shall be given an opportunity for a hearing which will be conducted by the Panel.
  - (1) A respondent may propose a settlement or cure to the Panel before a hearing.
  - (2) If the Panel determines that the proposed settlement or cure is consistent with the purposes of this policy, the Panel shall recommend that the Board accept the proposed settlement or cure.
  - (3) If the Board concurs with the recommendation of the Panel, the Board shall accept the proposed settlement or cure.
- f) The Panel's findings of a violation resulting from the hearing shall include findings of fact and conclusions of law.
- g) The Panel shall report its findings and recommendations for action to the Board.
- h) If the Board concurs with the findings of a violation and recommendations of the Panel, the Board may take enforcement action as provided in this policy.
- i) The Board may dismiss a complaint:
  - (1) On the recommendation of the Panel; or
  - (2) If the Board disagrees with a finding of a violation by the Panel.
- j) After a complaint is filed and until a final determination by the Board, all actions regarding a complaint are confidential. Concurrence by the Board with a finding of a violation by the Panel is public information except as otherwise precluded by law.

- k) If a Board member is the subject of a complaint filed with the Panel, the Board member may not vote or participate in the Board's deliberations on the complaint.

## 12. Sanctions

- a) A finding that a Board member, school official, or employee has violated these provisions shall constitute grounds for removal from office, discipline, or other personnel action consistent with provisions of the *Annotated Code of Maryland, Education*, or the policies of the Board.
- b) Persons or organizations found in violation of the lobbying provisions of this policy shall be publicly identified and subject to other penalties as provided by law.

## K. DESIRED OUTCOME

MCPS will maintain high standards of ethics on a regular and ongoing basis. All those subject to this policy, including administrators, teachers, and support staff will thoroughly understand and fully adhere to the highest ethical standards. Ethical principles such as honesty, integrity, responsibility, and citizenship will be in the forefront of all activities and promoted to the greatest possible extent with MCPS.

## L. IMPLEMENTATION STRATEGIES

The position of ethics officer for MCPS is hereby established. The ethics officer shall report directly to the Board. The ethics officer will support and facilitate the work of the Ethics Panel and provide leadership for implementing all MCPS activities concerning ethics and conflicts of interest.

## M. REVIEW AND REPORTING

This policy will be reviewed in accordance with the Board policy review process.

**Related Sources:** Annotated Code of Maryland, General Provisions Article §§ 5-205, 5-206, and 5-815—5-820, and Appendix A, under Code of Maryland Regulations, Board of Education Ethics Regulations

**Policy History:** Adopted by Resolution No. 1003-83, December 13, 1983; amended by Resolution Nos. 203-84, 204-84, 205-84, 206-84, 207-84, March 13, 1984; reformatted in accordance with Resolution No. 333-86, June 12, 1986 and Resolution No. 458-86, August 12, 1986, and accepted by Resolution No. 550-88, October 24, 1988; amended by Resolution No. 209-99, March 22, 1999; modified to reflect Resolution No. 314-03, June 10, 2003; amended by Resolution No. 442-12, October 9, 2012; amended by Resolution No. 249-19, April 9, 2019.



# REGULATION

## MONTGOMERY COUNTY PUBLIC SCHOOLS

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**Related Entries:** ABA-RB, AFA-RA, BBB, CNA-RA, DJA-RA, GAA, GGA-RA, IGK-RB, IGT-RA, KGA-RA

**Responsible Office:** Chief Operating Officer  
Chief Academic Officer  
Deputy Superintendent of School Support and Improvement

### Employee Conflict of Interest

#### I. PURPOSE

Montgomery County Public Schools (MCPS) is committed to the highest standards of ethical conduct and professionalism. This regulation sets forth expectations (in addition to those specifically addressed in Maryland ethics law and Montgomery County Board of Education Policy BBB, *Ethics*) and clarifies guidelines for MCPS employees to avoid conflicts of interest in their conduct and action to be taken in the event of a potential conflict of interest.

#### II. BACKGROUND

- A. All employees are expected to interact with all students, parents/guardians, colleagues at all levels, and the community with the utmost integrity and professionalism.
- B. MCPS employees are expected to be knowledgeable about and conduct themselves in accordance with this regulation and Board Policy BBB, *Ethics*, and to assume responsibility for ensuring that their behavior and activities are consistent with the policies of the Board and do not constitute a conflict of interest, in order to:
  - 1. Promote the highest public confidence in the impartiality and independent judgment of MCPS employees in the discharge of their duties; and
  - 2. Appropriately use MCPS resources to execute their duties for the public good.

- C. It is a conflict of interest for an employee to
  - 1. take advantage of relationships with students, parents/guardians, employees, or others doing business with the school system for personal benefit or to benefit another individual or entity, or
  - 2. use their position, MCPS resources, and/or confidential or proprietary information acquired in their official school system position for personal benefit or to benefit another individual or entity.
- D. Employees are encouraged to disclose potential conflicts of interest in advance or seek prior guidance regarding conduct about which there may be potential concerns.
- E. Not all conflicts of interest are expressly referenced in this regulation. For instances not specifically covered by this regulation, or if there is a question of interpretation, a request for guidance should be made to
  - 1. the employee's principal or supervisor, as applicable; then
  - 2. to the chief operating officer/designee if principals or supervisors have further questions, or, to the ethics officer according to the processes set forth in Policy BBB, *Ethics*, if the issue in question is covered by Board Policy BBB.

### III. DEFINITIONS

- A. *Immediate supervisory chain* means employees for whom one has responsibility for directing or overseeing the daily activities, and/or for evaluating an employee or conducting observations that would lead to an evaluation.
- B. *MCPS resources* are items purchased with public funds and owned and/or operated by MCPS, including, but not limited to facilities, including schools; vehicles; equipment; supplies; and intellectual property, including curricula and/or other proprietary or confidential information.

### IV. GUIDELINES FOR AVOIDING CONFLICT OF INTEREST

- A. Supervisory Expectations
  - 1. Employees With Supervisory Roles

MCPS employees in supervisory or leadership positions may not supervise within their immediate supervisory chain a spouse, relative<sup>1</sup>, in-law, or any employee with whom they have a sexual and/or romantic relationship. An MCPS employee may not supervise within their immediate supervisory chain a vendor or contractor who is a spouse, relative, in-law, or anyone with whom they have a sexual and/or romantic relationship.

- a) MCPS supervisors, administrators, or designated leaders must notify their direct supervisor, who in turn must notify the Office of Employee Engagement and Labor Relations if a situation arises by which they would be in a position of supervising a spouse, relative, in-law, or someone with whom they have a sexual and/or romantic relationship.
  - b) Action will then be taken by the appropriate executive staff member to ensure that supervisory responsibilities for the employee are reassigned to another supervisor, or one of the employees may be reassigned as the needs of the school or office requires.
2. Supervisors may not engage in a financial relationship with employees within their immediate supervisory chain for the private benefit or gain of the supervisor or the supervisor's spouse, relative, in-law, or anyone with whom they have a sexual and/or romantic relationship.

**B. Children of Employees in School**

1. A child should attend a school where a parent or relative is employed only if the child's bona fide residence is within the school boundaries, the child has an approved Change of School Assignment (COSA), or non-residency attendance has been approved and tuition has been paid or waived. Approval of such requests will move forward only if other options do not exist and it is determined by the supervisor that no conflict of interest exists.
2. Whenever possible, decision making or professional input about the child will be deferred to the supervisor of the employee in order to avoid any actual or perceived conflict between the employee's relationship to the child and the employee's job responsibilities.

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<sup>1</sup> "Relative" includes a domestic partner or child.

3. The child should not be assigned to the parent's/guardian's or relative's classroom unless no other options exist. If no other options exist, a plan for the child will be developed with the employee, his or her supervisor, and school administrator.
- C. Use of Persons, Money, Property, or other MCPS Resources for Personal Benefit or Gain
1. MCPS employees shall not use any person, money, property, or other MCPS resources under their official control or direction, or in their official custody, for personal benefit or gain, or for the personal benefit or gain of another individual or entity, except employees may make occasional or limited use of MCPS equipment or facilities for their personal benefit if—
    - a) the cost of the use to MCPS is negligible,
    - b) the use does not interfere with the employee's official duties or with another employee's performance of official duties, and
    - c) the use does not conflict with any other Board policy or MCPS regulation.
  2. Absent prior agreement by the Chief Operating Officer or designee, MCPS vehicles should be used while on MCPS business only. Other MCPS equipment that may be used for MCPS business only include machine tools, cleaning and painting equipment, and any other items that would wear out with use.
- D. Employment
1. Outside Employment/Employment Outside the Duty Day
    - a) General - It is recognized that certain time requirements in addition to the normal work day may be made upon all professional personnel to fulfill job responsibilities. These requirements take priority at all times.

Outside employment that occurs during hours not required to fulfill MCPS responsibilities and does not violate this regulation or Board Policy BBB, *Ethics*, may not constitute a conflict of interest.



- b) School-related - MCPS employees shall not accept payment from an organization other than the Board to conduct school-related activities, for which parents must pay a fee, for students who attend, or can reasonably be expected to attend, the employee's assigned school(s), unless paid at the same rate as that applicable to stipends. This includes, but is not limited to, drama, dance, or music classes or performances.
- c) Non-school related - MCPS employees may not engage in instruction of students who attend, or can be reasonably expected to attend, the school(s) to which the employee is assigned, when the activity is not school-related, takes place before or after school at the school(s) to which the employee is assigned, and for which the parents must pay a fee.

Exemptions may be approved by the superintendent/designee on a case-by-case basis consistent with terms of partnership agreements, established between MCPS and outside entities, that support the educational mission of MCPS and provided that staff who engage in such instruction may not be involved in the process by which students are referred to the program.

## 2. Employment While on Leave

An employee who is on leave from MCPS, in a paid or unpaid status, may not be employed by MCPS in any capacity during the period of leave except with the written authorization of the chief operating officer/designee.

## 3. Tutoring and Summer Camps

### a) Tutoring

Tutoring is additional, special, or remedial instruction that occurs outside the regular school day for payment. (See also MCPS Regulation ABA-RB, *School Visitors*)

- (1) Tutoring must occur outside of the employee's hours of duty.
- (2) An MCPS employee may not tutor students who attend, or can be reasonably expected to attend, a school at which the employee works.

- (3) Exemptions may be approved by the superintendent of schools/designee on a case-by-case basis —
  - (a) during the summer in programs for children with disabilities in which the number of specialized staff members are few, when a written request from parents/guardians for such summer tutoring is approved by the associate superintendent within the Office of School Support and Improvement/designee, the associate superintendent for special education /designee, and the principal, or
  - (b) consistent with terms of partnership agreements, established between MCPS and outside entities, that support the educational mission of MCPS and provided that staff who tutor may not be involved in the process by which students are referred to the program.
- (4) Employees may not receive compensation from a non-MCPS entity or individual to prepare students to take an examination for admission into a MCPS program.
- (5) MCPS employees who wish to provide tutoring services on MCPS property must comply with MCPS Regulation KGA-RA, *Community Use of Public Schools*.

b) Summer Camps and Before- or After-school Activities

- (1) School-sponsored summer camps and before- or after-school activities

Employees must follow the *Guidelines for Montgomery County Public Schools Conducting Summer Camps/Programs/Activities* and applicable sections of the *MCPS Athletic Handbook and Maryland Public Secondary Schools Athletic Association Handbook*.

- (2) Non-school sponsored summer camps and before- or after-school activities:
  - (a) Employees may not teach at any sports camp or skills building camp, or before- or after-school activities,

students who are attending or can reasonably be expected to attend the school where that employee teaches, coaches a team in the same sport or participates in the selection of student members of any competitively selected group.

- (b) Employees must apply through Community Use of Public Facilities for use of a school facility or school grounds.
- (c) Employees may not use school equipment and supplies except to the extent that all community use of public facilities users are allowed to do so.

E. Development of Materials

Supplies, Equipment, or Materials Created by an Employee

1. Procurement by MCPS

Supplies, equipment, or materials created by employees wholly independently from their employment with MCPS; unconnected to their job responsibilities; and without use of MCPS resources, time, or materials; may be purchased by MCPS on the same basis as any other item.

- a) Employee-created supplies, equipment, or materials must be selected and approved for procurement in compliance with Board Policy BBB, *Ethics*, and all other established procedures.
- b) The fact that the item was created by a current or former employee shall not be considered as a factor for or against its selection.

2. In order to avoid conflicts of interest, employees shall recuse themselves from participating in any procurement decision, selection, or other decision-making process from which they or a spouse, relative, in-law, or anyone with whom they have a sexual and/or romantic relationship may personally benefit.

3. Property of MCPS

- a) Supplies, equipment, or materials created alone by an employee of MCPS, or created in association with other employees, for which time, facilities, materials, or resources of MCPS have been used or

which were created as part of the employee's job responsibilities, are the property of MCPS.

- b) In a situation in which the activity is partially private and partially public, specific arrangements must be approved in advance by the chief operating officer/designee, regardless of whether royalties are paid.

#### F. Uses of Proprietary or Confidential Information

1. No employee is permitted to compile lists of student and/or parent/guardian information available through their position, for any other person or commercial enterprise, except as permitted under MCPS Regulation JOA-RA, *Student Records* and MCPS Regulation AFA-RA, *Research and Other Data Collection Activities in Montgomery County Public Schools*.
2. Employees may not disclose or use proprietary information acquired by reason of their employment with MCPS that is not available to the public. Any exceptions must be approved in advance in writing by the chief operating officer/designee.

#### V. VIOLATION

An alleged violation of this regulation is cause for an immediate investigation by the chief operating officer/designee. If it is determined that an employee has violated this regulation, the employee may be disciplined, including reprimand, suspension, or termination, in accordance with applicable laws, Board policies, MCPS regulations, and the MCPS Employee Code of Conduct.

**Related Sources:** Annotated Code of Maryland, Maryland Public Ethics Law Article, Subtitle 8; Code of Maryland Regulations, §13A.06.03.04.G; MCPS Employee Code of Conduct; Handbook of the Maryland Public Secondary Schools Athletic Association; Guidelines for Montgomery County Public Schools Conducting Summer Camps/Programs/Activities

*Regulation History:* Formerly Regulation No. 490-1, December 29, 1978 (directory information updated); revised November 16, 2000; revised April 9, 2002; revised April 17, 2013; revised July 31, 2017.

# POLICY

## BOARD OF EDUCATION OF MONTGOMERY COUNTY

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**Related Entries:** ACD, ACF, ACH, ACH-RA, ACG, BMA, GAA, GBA-RA, GBH, GEG-RA, JHF, JHF-RA, JHG-RA

**Responsible Offices:** Chief of Staff Montgomery County Public School; Teaching, Learning, and Schools; Strategic Initiatives; Districtwide Services and Supports; Human Resources and Development; General Counsel

### **Nondiscrimination, Equity, and Cultural Proficiency**

#### **A. PURPOSE**

To affirm the Montgomery County Board of Education's desire to create an educational community guided by its five core values—Learning, Relationships, Respect, Excellence, and Equity.

To affirm the Board's deep commitment to providing every student equitable access to the educational opportunities, rigor, resources, and supports that are designed to maximize the student's academic success and physical, psychological, and social/emotional well-being, and ensuring all staff are empowered to do their best work.

To assert the Board's belief that each and every student matters, each student's individual characteristics are valuable, and in particular, that educational outcomes should never be predictable by any individual's actual or perceived personal characteristics, and that equity demands intensive focus and attention to eliminate all gaps in student achievement.

To establish and promote a framework that prepares all students to live and work in a globally-minded society; fosters a positive learning environment that embraces all unique and individual differences; and, uses an equity lens to consider the impact of any program, practice, decision, or action on all student groups with a strategic focus on marginalized student groups.

To affirm the Board's unwavering commitment that all staff will be culturally proficient, and demonstrate mutual respect without regard to any individual's actual or perceived personal characteristics.

To uphold the Board's core values, and ensure compliance with all federal, state, and local nondiscrimination laws.

## **B. ISSUE**

Discrimination in any form will not be tolerated. It impedes Montgomery County Public Schools' (MCPS) ability to discharge its responsibilities to all students and staff, and achieve our community's long-standing efforts to create, foster, and promote equity, inclusion, and acceptance for all.

The Board recognizes that equity goes beyond meeting the letter of the law. Equity also requires proactive steps to identify and redress implicit biases and structural and institutional barriers that too often have resulted in identifiable groups of students and staff being unjustifiably or disproportionately excluded from or underrepresented in key educational program areas and sectors of the workforce, as well as over-identified in student discipline actions. Continued vigilance is necessary to end identified inequities that students and staff experience because of their actual or perceived personal characteristics.

For the purposes of this policy, the following definitions are used:

1. *Cultural proficiency* is the ongoing process of becoming knowledgeable of one's own culture, as well as the cultures of others in order to foster an appreciation, understanding, and respect for varying cultural expressions that exist in the actions and interactions of an organization; and, to strengthen and enrich the organization and the community at large with the presence and contributions of many cultures.
2. *Discrimination* includes actions that are motivated by an invidious intent to target individuals based on their actual or perceived personal characteristics, as well as acts of hate, violence, insensitivity, disrespect, or retaliation—such as verbal abuse, harassment, bullying, slurs, threats, physical violence, vandalism, or destruction of property—that impede or affect the learning or work environment. Discrimination also includes conduct or practices that may be facially neutral but that have an unjustified impact based on individuals' actual or perceived personal characteristics. Discrimination encompasses racism, sexism, and other forms of institutional prejudice in all their manifestations.
3. *Equity* is the commitment to ensure that every student and staff member, without regard to their actual or perceived personal characteristics, is given the individual challenges, support, and opportunities to exceed a rigorous common standard in order to be prepared for academic and career success.
4. *Equity lens* means that for any program, practice, decision, or action, the impact on all students is addressed, with a strategic focus on marginalized student groups.
5. *Implicit bias* refers to the attitudes or stereotypes that affect our understanding, actions, and decisions. These biases, which encompass both favorable and

unfavorable assessments, may be activated involuntarily and without an individual's awareness or intentional control.

6. *Personal Characteristics* include 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.

## C. POSITION

1. The Board expects the district to develop and promote a culture of high expectations for all students and staff performance and maintain environments that will be equitable, fair, safe, diverse, and inclusive; and eliminate inequities of opportunities, raise the level of achievement for all students, and significantly address achievement gaps.
2. 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. This prohibition will not be used, however, to prevent responsible discussion of such language, images or symbols for educational purposes.
3. The Board expects all students and staff to conduct themselves in a manner that demonstrates mutual respect without regard to an individual's actual or perceived personal characteristics.
4. The Board prohibits discrimination, by students and staff, of any kind, directed at persons because of their actual or perceived personal characteristics.
5. The Board commits to modelling the expectations in this policy, and expects all Board and MCPS reports, presentations, and decision making to take into account the equity implications of this policy.
6. The Board also expects and promotes the following:
  - a) Collaboration among staff, students, parents/guardians, and the community
    - (1) Staff are expected to work together and with students, parents/guardians, and community members to ensure that each school and work site is free from discrimination.
    - (2) Parents/guardians are encouraged to establish expectations for their children that are consistent with the beliefs, intentions, and obligations set forth in law and as reflected in this policy, and to collaborate with MCPS staff to meet these expectations.

- (3) Staff are expected to promote engagement of all parents/guardians in their children's education and work to remove barriers that impede their active participation without regard to actual or perceived personal characteristics.
- (4) MCPS shall seek broad participation on task forces, committees, commissions, and other advisory bodies which represent diverse communities, cultures, languages, and perspectives.

b) Equality of educational opportunities

- (1) The Board is committed to addressing disparities in levels of access to factors critical to the success of all students, including the following:
  - (a) Resources, including challenging and creative courses, programs, and extracurricular activities;
  - (b) Effective and qualified teachers, leaders, and support staff;
  - (c) Adequate facilities and equipment;
  - (d) Updated technology;
  - (e) Quality education materials;
  - (f) Practices and procedures that provide for educational equity and ensure that there are not obstacles to accessing educational opportunities for any student; and
  - (g) Sufficient funding.

This commitment is, and must continue to be, evident in how resources are allocated, including an intentional strategy of providing additional funding to students in greater need, as well as to schools that serve larger numbers of students in need.

- (2) MCPS will work to identify and address structural and institutional barriers that could prevent students from equitably accessing educational opportunities in all schools.
- (3) MCPS will expect the equitable administration of disciplinary consequences as one of the essential components to equitable access to educational opportunities in schools.



- (4) MCPS will work toward empowering emergent multilinguals/English Learners to master social and academic English, using their first language(s) and culture(s) as assets, to thrive in school, college, careers, and as global citizens. MCPS will provide access to rigorous coursework and equal access to comparable academic programs both among schools and among students within the same school without regard to actual or perceived personal characteristics.
- (5) MCPS will encourage all students to pursue their goals and interests, without regard to historical barriers or stereotypes. Students will be provided wide access to various and multiple opportunities to enroll in challenging programs and participate in a wide variety of school activities, including athletics, extracurricular and non-academic programs, to enrich their perspectives and to prepare for meaningful and fulfilling work in their chosen careers.
- (6) MCPS will promote and encourage schools, classrooms, work sites, and school-sponsored representations (including mascots, logos, team names, chants, or musical accompaniments) to be inclusive, nondiscriminatory, and bias-free, and to provide a welcoming climate for all.
- (7) MCPS will provide a culturally responsive Prekindergarten to Grade 12 curriculum that promotes equity, respect, and civility among our diverse community, accurately depicts and represents the distinctive contributions of our global community, and provides opportunities for staff and students to model cultural proficiency in every school and program. The curriculum shall enable staff to model, and students to develop, the following attitudes, skills, and behaviors:
  - (a) Value one's heritage and the heritage of others;
  - (b) Respect, value, and celebrate diversity as an essential component of a healthy and thriving community;
  - (c) Value the richness of cultural pluralism and commonality;
  - (d) Develop and promote inclusive relationships and work effectively in cross-cultural environments; and
  - (e) Confront and eliminate stereotypes related to individuals' actual or perceived personal characteristics.
- (8) Instructional materials used in MCPS schools will reflect the diversity of the global community, the aspirations, issues, and

achievements of women, persons with disabilities, persons from diverse racial, ethnic, and cultural backgrounds, as well as persons of diverse gender identity, gender expression, or sexual orientation.

- c) Professional learning and education to achieve districtwide cultural proficiency

MCPS will encourage effective collaboration among staff, parents/guardians, and community members by offering opportunities to enhance cultural proficiency, creating districtwide engagement, and promoting understanding and resolution of differences and disagreements.

- d) Equality of employment opportunities

- (1) MCPS shall continue to monitor and promote a diverse workforce and take appropriate action to create a district free of implicit bias and discrimination in all aspects of employment.

- (2) MCPS will take positive steps to eliminate structural and institutional barriers to recruiting, hiring, retaining, and promoting a diverse workforce.

- (3) MCPS will identify staff positions in which individuals from diverse backgrounds are underrepresented, and promote a diverse workforce by actively recruiting and/or promoting qualified candidates, consistent with negotiated agreements. For example, MCPS will continue to recruit staff to positions that are nontraditional for their gender.

- (4) MCPS will empower staff to promote the Board's core values and beliefs expressed in this policy in daily interactions with peers, students, parents/guardians, and members of the community.

#### **D. DESIRED OUTCOMES**

1. Every school and work site will embody a culture of respect, grounded in the Board's core values, that promotes understanding, respect, civility, acceptance, and positive interaction among all individuals and groups.
2. Structural and institutional barriers to educational and employment opportunities will be eliminated.
3. MCPS schools and work sites will be equitable, safe, diverse, inclusive, and free of discriminatory acts of hate, violence, insensitivity, and disrespect.
4. Educational outcomes shall not be predictable by actual or perceived personal characteristics, and gaps in student achievement will be significantly reduced.

5. MCPS students and staff will become models in the community of civility, acceptance, respect, and positive interactions.
6. The educational experiences of all students will be enriched by providing exposure to staff from many backgrounds reflecting the pluralistic nature of the community, thereby providing settings for education that promote understanding of diversity and contribute to the quality of the exchange of ideas inherent in the educational setting.

#### **E. IMPLEMENTATION STRATEGIES**

1. The Board will address disparities in levels of access to resources critical to the success of students by implementing an intentional strategy of providing additional funding to students in greater need, as well as to schools that serve larger numbers of students in need; and ensuring equitable access to effective leaders and teachers for all students.
2. MCPS will engage with staff, students, parents/guardians, and the entire community to build and sustain a culture emblematic of the ideals of this policy.
3. MCPS will identify a process for analyzing data to develop goals, objectives, strategies, and timelines for the implementation of equitable and culturally competent practices in each school. Multiple indicators are necessary to monitor student outcomes, engagement, and school climate, and specific data will be used to ensure accountability for student, school, and districtwide performance; to reduce variability in outcomes; and to ensure that academic outcomes will not be predictable by actual or perceived personal characteristics and can be assessed and reported transparently to the public.
4. Programs, curricula, instructional materials, and activities, including athletics, extracurricular and non-academic programs and activities, will provide all students with the knowledge, skills, attitudes, and behaviors that promote cultural proficiency and behaviors that enable students to live and work together in our increasingly diverse county, state, nation, and world.
5. MCPS will provide tailored and differentiated professional learning to –
  - a) build capacity for cultural proficiency and cultural responsiveness,
  - b) gain the skills and knowledge to create a learning environment that is student-centered and meets the individual and diverse needs of all students, and
  - c) address areas of inequity in the system and the barriers that may impede students success, social-emotional learning, and physical and psychological health of students.

6. At all times, staff will foster –
  - a) physically and psychologically safe and welcoming environments for learning and working;
  - b) model and encourage respectful, and civil discourse and interactions among all staff, students, parents/guardians, and community members; and
  - c) strive to remove cultural, linguistic, technological, or transportation-related barriers that may prevent families from engaging with their children's education, through the use of culturally responsive resources, such as –
    1. interpreters,
    2. translated documents, and
    3. collaboration with organizations that may facilitate communication between MCPS and families.
7. Specific strategies will be identified, communicated and used to prevent discrimination, and procedures will be followed to resolve, monitor, and analyze such incidents of discrimination if they occur.
8. MCPS will identify partnerships and work cooperatively with the Montgomery County Executive, the Montgomery County Council, local law enforcement agencies, other county agencies, community groups, business organizations, and other stakeholders to increase equity and reduce discrimination for students and staff.
9. A statement summarizing this Board policy of nondiscrimination, will be prominently included in MCPS publications and on the MCPS website. Any publication that states the Board policy of nondiscrimination in English will also be translated into those languages for which translation and interpretation services are most frequently requested by parents/guardians of MCPS students.
10. The superintendent of schools will designate an appropriate lead office to implement this policy, with support from other offices as appropriate, and assume responsibility for the following:
  - a) Monitoring and ensuring MCPS compliance with all federal, state, and local nondiscrimination laws and MSDE reporting requirements;

- b) Identifying the method of evaluation to measure the effect of equitable practices districtwide and in schools;
  - c) Promptly investigating, and resolving complaints of discrimination;
  - d) Designating an individual responsible for the facilitation, monitoring, and implementation of system equity initiatives;
  - e) Increasing awareness of the Board's values and expectations under this policy;
  - f) Requiring that an equity lens be used in reviews of –
    - 1) staff, curriculum, pedagogy, professional learning, instructional materials, and assessment designs; and
    - 2) all staff recruiting, hiring, retention, and promotion processes;
  - g) Providing professional learning regarding nondiscrimination, equity and cultural proficiency; and conducting outreach to support the application of these concepts in professional conduct and practice; and
  - h) Maintaining appropriate records.
11. The superintendent of schools may direct an employee who exhibits insensitive behavior, as evidenced by violating the values and expectation expressed in this policy, to participate in additional training regarding cultural proficiency. Continued insensitivity will not be tolerated by the Board and may result in further disciplinary action, including dismissal, consistent with the *MCPS Employee Code of Conduct*.

#### **F. REVIEW AND REPORTING**

- 1. The superintendent of schools will –
  - a) ensure that equity be addressed in the Local Every Student Succeeds Act (ESSA) Consolidated Strategic Plan;
  - b) disaggregate student data to analyze trends and identify gaps, and use such data to support the creation of equitable solutions; and
  - c) provide the public and the Board with regular updates on the implementation of this policy and efforts undertaken by the district to create an equitable school system that fulfills the Board's core values.
- 2. This policy will be reviewed every three years in accordance with the Board of Education's policy review process.

**Related Sources:**

MCPS Culture of Respect Compact<sup>1</sup>; Student Code of Conduct in MCPS; MCPS Employee Code of Conduct; MCPS Guidelines for Respecting Religious Diversity; MCPS Guidelines for Student Gender Identity; U.S. Constitution U.S.C.), Amendment 14; Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq.; Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq.; Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq.; 34 Code of Federal Regulations (CFR), Part 106, 34 CFR Part 100; Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § § 1400-1487; Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794; Americans with Disabilities Act (ADA), 42 U.S.C. § 12131 et seq.; Section 1981 of the Civil Rights Act of 1866, 42 U.S.C. § 1981; Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-634; Equal Pay Act of 1963, 29 U.S.C. § 206(d); Equal Rights Amendment to the Maryland Constitution's Patient Protection Affordable Care Act, 42 U.S.C. § 18001 et seq.; Maryland Constitution Declaration of Rights (Article 46); Annotated Code of Maryland, State Government Article, Title 20, Human Relations; Annotated Code of Maryland, Education Article 6-104, 7-424.1; Code of Maryland Regulations (COMAR) 13A.05.01; Montgomery County Racial Equity and Social Justice Act Amendments to Montgomery County Code §1A-201, §2-64A, §2-81C, §27-83, §33A-14.

**Policy History:** Adopted by Resolution No. 595-69, November 11, 1969; amended by Resolution No. 16-72, January 11, 1972; amended by Resolution No. 536-77, August 2, 1977; amended by Resolution No. 240-96, March 25, 1996; amended by Resolution No. 323-96, May 14, 1996; amended by Resolution No. 249-03, May 13, 2003; amended by Resolution No. 318-17, June 26, 2017; copy edits December 11, 2019; amended June 29, 2021.

**Note:** Tenets of Board policies ACB, *Nondiscrimination*, ACE, *Gender Equity*, GBA, *Workforce Diversity*, and GMA, *Human Relations Training of MCPS Staff*, were incorporated into Resolution No. 318-17 amendments to this policy, and were rescinded upon adoption of amended Board Policy ACA on June 26, 2017.

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<sup>1</sup> *Culture of Respect Compact among Montgomery County Public Schools, Montgomery County Education Association, Service Employees International Union Local 500, and the Montgomery County Association of Administrators and Principals*

# **POLICY**

## BOARD OF EDUCATION OF MONTGOMERY COUNTY

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**Related Entries:** ACA, ACF, ACH, ACH-RA, GCC-RA, GKA-RA, JHC, JHC-RA

**Responsible Office:** Chief of Districtwide Services and Supports; Human Resources and Development

### **Sexual Harassment of MCPS Employees**

#### **A. PURPOSE**

To prohibit sexual harassment on Montgomery County Public School (MCPS) property.

To mandate the development of professional learning and educational programs designed to help MCPS employees recognize, understand, prevent, and take corrective action to end sexual harassment.

To establish the framework for effective procedures for addressing complaints of sexual harassment.

#### **B. ISSUE**

1. The Montgomery County Board of Education (Board) does not tolerate sexual harassment of any kind of, or by, employees, students, or third parties, as defined below, on MCPS property, under any circumstances. For the purposes of this policy, MCPS property means any school or other facility including grounds owned or operated by MCPS, MCPS buses, and other MCPS vehicles and the facility; and/or grounds of any MCPS-sponsored program or activity, which includes locations, events, or circumstances over which MCPS exercises substantial control over the individuals involved and the context in which alleged harassment occurred.
2. Employees, students, and third parties have a right to be free from sexual harassment. The Board is committed to the creation and maintenance of an educational environment in which all persons are free from all forms of sexual harassment, and to the prevention, correction, and discipline of behavior that violates this policy. Actions by the Board to enforce this policy will be consistent with Board policies, MCPS regulations, and state and federal laws.

3. Sexual harassment is a violation of Title VII of the Civil Rights Act of 1964, amended in 1972 and 1991, and some forms of sexual harassment of employees, students, and third parties may be in violation of Title IX of the Educational Amendments of 1972 (Title IX). Some forms of sexual harassment may also constitute criminal conduct resulting in criminal penalties.
4. Sexual harassment against an individual may be actionable under either one or both of the legal standards set forth below:
  - a) Sexual harassment is actionable as employment discrimination if an individual experiences unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. Such conduct constitutes sexual harassment when –
    - (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment (i.e., quid pro quo sexual harassment); or
    - (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals; and/or
    - (3) such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive work environment.
  - b) Sexual harassment is actionable under Title IX, as interpreted by the U.S. Department of Education, if an individual experiences one or more of the following:
    - (1) A MCPS employee conditioning the provision of an aid, benefit, or service of MCPS on an individual’s participation in unwelcome sexual conduct, or
    - (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies an individual equal access to a MCPS education program or activity, defined in Title IX regulations as locations, events, or circumstances over which MCPS exercised substantial control over both a complainant and a respondent and the context in which sexual harassment occurred; or
    - (3) “Sexual assault,” “dating violence,” “domestic violence,” or “stalking” as defined under the U.S. Violence Against Women Act.



- (4) A third party is any person, other than a MCPS employee or student, who participates in MCPS activities or is present on MCPS property and is under the authority or control of MCPS, and may include, but is not limited to, parents/guardians, mentors, volunteers, vendors, contractors, coaches, and others with whom employees and/or students interact on MCPS property.

## C. POSITION

1. The superintendent of schools is directed to make every effort to make certain that everyone affected by this policy shall be informed of its provisions and also informed that infractions of the policy may be in violation of state or federal civil and/or criminal laws, resulting in criminal penalties.
2. This policy applies to all incidents of sexual harassment of a MCPS employee or third party. It addresses incidents committed by employees, third parties, or students.
3. Sexual harassment can occur between any persons, as single or repeated incidents.
4. A report of sexual harassment involving an employee or third party may be made by anyone, including a person who has experienced sexual misconduct, or a third party or bystander who has information that sexual misconduct may have occurred. The report may be made in-person, by telephone, or by email to an employee's supervisor who will guide them in the reporting and investigation process as well as other supportive measures available from the Employee Assistance Program (EAP). A report also may be made to the Office of Human Resources and Development, the Department of Compliance and Investigations email drop box at [DCI@mcpsmd.org](mailto:DCI@mcpsmd.org); or the Title IX sexual harassment reporting email drop box at [TitleIX@mcpsmd.org](mailto:TitleIX@mcpsmd.org).
  - a) If the subject of the complaint is the complainant's supervisor or is in a position of authority in relation to the complainant, the employee may submit the complaint to Employee Engagement, Compliance, and Investigations. The report should be made using the administrative complaint process set forth in MCPS Regulation GKA-RA, *Administrative Complaint*.
  - b) Filing of a complaint or otherwise reporting sexual harassment will not reflect upon an employee's status nor will it affect the employee's future employment opportunities, unless the complaint or report was knowingly false.
  - c) Retaliatory action shall not be taken against an employee or third party for filing a complaint of, or otherwise reporting, sexual harassment.

- d) Further, any person who attempts to interfere, restrain, coerce, intimidate, harass, or discriminate against an employee who files a complaint, or any person who participates in the investigative process, will be subject to disciplinary action.
5. Allegations of sexual harassment committed against employees and/or third parties by employees, third parties, and/or students will be investigated by the Office of Human Resources and Development - Employee Engagement, Compliance and Investigations, with support as appropriate by the Office of Districtwide Services and Supports - Student Welfare and Compliance and in accordance with requirements of state and federal laws.
- a) MCPS will make reasonable efforts to maintain the confidentiality of investigations, including claims by employees and third parties of sexual harassment. MCPS shall review all reports of sexual harassment, even when the complainant has made an anonymous report, and take appropriate action, including requesting a formal complaint, investigating complaints, and offering supportive measures.
  - b) MCPS also will respect and make reasonable efforts to maintain the confidentiality of the complainant, witnesses, and the individual against whom the complaint is filed, consistent with MCPS' legal obligations and the necessity to investigate allegations of sexual harassment and to take disciplinary actions when sexual harassment occurs.
6. In determining whether alleged conduct constitutes sexual harassment, MCPS will look at the record as a whole and at the totality of the circumstances, including the type and frequency of the conduct, the context in which the alleged incidents occurred, the severity of the conduct, whether it is physically threatening or humiliating, or merely an offensive act or utterance. These factors are evaluated from both subjective and objective viewpoints, considering not only the effect that the conduct actually had on the complainant, but also the impact it would likely have had on a reasonable person in the same situation. The determination will be made from the facts, on a case by case basis under the preponderance of evidence standard.
7. Employees should be aware that they are responsible for their conduct even if the conduct was not specifically intended to harass or discriminate.
- a) Offensive conduct may include, but is not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work or school performance.
  - b) Even if the conduct does not meet the definition of sexual harassment as defined in this policy, it may violate other laws, Board policies, as well as

the *Montgomery County Public Schools Employee Code of Conduct* and other established standards of conduct, and will be treated accordingly. Nothing in this policy is intended to limit discipline for violation of other Board policies or MCPS regulations, when appropriate and consistent with the law.

- c) It is prohibited for any MCPS employee to engage or attempt to engage in a romantic or sexual relationship with a MCPS student, regardless of the age of the student, or engage in any conduct designed to promote such a relationship. Prohibited behaviors include, but are not limited to, examples of unethical conduct set forth in the *Montgomery County Public Schools Employee Code of Conduct*.
- 8. MCPS employees should seek guidance, support, and/or advocacy in addressing matters related to sexual harassment. Office of Human Resources and Development - Employee Engagement, Compliance, and Investigations, and Employee Assistance Program (EAP) are available for these services.

#### **D. DESIRED OUTCOME**

- 1. All students and employees are educated and enabled to report sexual harassment.
- 2. Effective and legally compliant measures for reporting, investigating, responding, and providing supportive measures are established and implemented.
- 3. MCPS employees, students, and third parties shall work and learn in an environment free of sexual harassment.

#### **E. IMPLEMENTATION STRATEGIES**

- 1. The superintendent of schools will –
  - a) appoint a Title VII Equal Employment Opportunity officer and a Title IX coordinator to coordinate implementation of this policy and related federal and state laws and regulations;
  - b) develop regulations for the implementation of this policy in compliance with Title VII and Title IX, including investigative procedures that lead to the prompt and equitable resolution of a complaint and the provision of supportive measures as appropriate;
  - c) conduct professional development to support MCPS employees in implementing this policy, and provide –
    - (1) annual mandatory training to all employees to ensure the appropriate implementation of this policy; and

- (2) a code of conduct and other guidance for students, employees and others on MCPS property with clear standards for responsible behavior and appropriate conduct.
2. Any MCPS employee who violates this policy shall be subject to appropriate disciplinary action responsive to the offense in accordance with appropriate negotiated agreements. Disciplinary action may include, but is not limited to, oral or written reprimand, reassignment, demotion, suspension, or termination.
3. Any student who violates this policy shall be subject to appropriate disciplinary action responsive to the offense in accordance with the *MCPS Student Code of Conduct*.
4. At any time, an employee alleging a violation of Title VII, including but not limited to sexual harassment, may file a complaint with the U.S. Equal Employment Opportunity Commission (EEOC). An employee is not required to file a complaint with MCPS before or after making a complaint with the EEOC.

U.S. Equal Employment Opportunity Commission  
 EEOC Public Portal (<https://publicportal.eeoc.gov/>); or  
 Baltimore Field Office  
 GH Fallon Federal Building  
 31 Hopkins Plaza, Suite 1432  
 Baltimore, MD 21201

5. At any time, an employee alleging a violation of Title IX may file a complaint with the U.S. Department of Education, Office of Civil Rights (OCR).

U.S. Department of Education, Office of Civil Rights  
 OCR [Electronic Complaint Form](http://www.ed.gov/about/offices/list/ocr/complaintintro.html)  
 (<http://www.ed.gov/about/offices/list/ocr/complaintintro.html>); or  
 U.S. Department of Education, Office for Civil Rights  
 Lyndon Baines Johnson Department of Education Building  
 400 Maryland Avenue, SW  
 Washington, DC 20202-1100

6. At any time, an employee alleging crimes of a sexual nature may report or file a complaint directly with law enforcement.

Montgomery County Policy Department  
 Special Victims Investigation Division  
 100 Edison Park Drive  
 Gaithersburg, MD 20878

**F. REVIEW AND REPORTING**

1. The superintendent will report quarterly to the Board on reported sexual harassment incidents and other compliance efforts as required in this policy. The incident reports shall include aggregated incident data from the preceding quarter. The compliance report shall include complaint and resolution process evaluations and improvements; training statistics and schedules; ongoing evaluation of work environments in all MCPS schools, offices, and work locations; and, any other activities being planned or carried out by MCPS that are relevant to the successful implementation of this policy.
2. This policy will be reviewed on an ongoing basis in accordance with the Board policy review process.

**Related Sources:** Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e et seq; Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 et seq; 29 C.F.R. §1604,11; 34 C.F.R 106.30(a); Annotated Code of Maryland, Education Article, §6-104, §6-113, §6-113.2, §7-303.1, §7-424, §7-424.1, §7-424.3, and §11-60; Annotated Code of Maryland, State Government Article, Title 20, Human Relations; Code of Maryland Regulations §13A.12.05.02; Student Code of Conduct in MCPS; MCPS Employee Code of Conduct; MCPS Guidelines for Student Gender Identity

**Policy History:** New policy, adopted June 29, 2021.



**Administrative Complaint**

**Office of Employee Engagement and Labor Relations**  
 MONTGOMERY COUNTY PUBLIC SCHOOLS  
 850 Hungerford Drive, Room 55, Rockville, Maryland 20850

**INSTRUCTIONS:** Please print or type. For additional information, definitions, procedures, rights of employee, and timelines for this administrative complaint process, see MCPS Regulation GKA-RA, *Administrative Complaint*. Contact the Office of Employee Engagement and Labor Relations at 240-740-2888, to obtain the Register Number.

**To be completed by Employee (Complainant)**

Register number \_\_\_\_\_ Name of Employee (Complainant) \_\_\_\_\_

Employee Address \_\_\_\_\_

Employee E-mail \_\_\_\_\_

Date of alleged violation \_\_\_\_/\_\_\_\_/\_\_\_\_ Employee ID No. \_\_\_\_\_

Administrative regulation violated \_\_\_\_\_

Description \_\_\_\_\_

\_\_\_\_\_

Remedy requested \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Signature, Complainant\_\_\_\_\_  
Work Location\_\_\_\_\_  
Date**LEVEL ONE: ADMINISTRATIVE DISPOSITION—To be completed by principal or immediate supervisor**

Date received \_\_\_\_/\_\_\_\_/\_\_\_\_ Initials \_\_\_\_\_

☐ Granted ☐ Denied If denied, give reason \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Signature, Principal/Immediate Supervisor\_\_\_\_\_  
DateReply received by complainant \_\_\_\_/\_\_\_\_/\_\_\_\_ \_\_\_\_\_  
Date InitialsCopies distributed to parties in interest \_\_\_\_/\_\_\_\_/\_\_\_\_  
Date**LEVEL TWO: ADMINISTRATIVE DISPOSITION—To be completed by associate superintendent/department director**Date received \_\_\_\_/\_\_\_\_/\_\_\_\_ Initials \_\_\_\_\_ ☐ Granted ☐ Denied If denied, give reason \_\_\_\_\_

Meeting with complainant scheduled for \_\_\_\_/\_\_\_\_/\_\_\_\_

\_\_\_\_\_  
Signature, Associate Superintendent/Department Director\_\_\_\_\_  
DateReply received by complainant \_\_\_\_/\_\_\_\_/\_\_\_\_ \_\_\_\_\_  
Date InitialsCopies distributed to parties in interest \_\_\_\_/\_\_\_\_/\_\_\_\_  
Date**LEVEL THREE: ADMINISTRATIVE DISPOSITION—To be completed by superintendent of schools/designee**Date received \_\_\_\_/\_\_\_\_/\_\_\_\_ Initials \_\_\_\_\_ ☐ Granted ☐ Denied If denied, give reason \_\_\_\_\_

Meeting with complainant scheduled for \_\_\_\_/\_\_\_\_/\_\_\_\_

\_\_\_\_\_  
Signature, Superintendent of Schools/Designee\_\_\_\_\_  
DateReply received by complainant \_\_\_\_/\_\_\_\_/\_\_\_\_ \_\_\_\_\_  
Date InitialsCopies distributed to parties in interest \_\_\_\_/\_\_\_\_/\_\_\_\_  
Date





# POLICY

## BOARD OF EDUCATION OF MONTGOMERY COUNTY

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**Related Entries:** ACA, ACF-RA, GCC-RA, IGP-RA, JFA, JFA-RA, JGA-RB, JGA-RC, JHC, JHC-RA, JHF, JHF-RA

**Responsible Offices:** Chief of Districtwide Services and Supports; Human Resources and Development

### **Sexual Misconduct and Sexual Harassment of Students**

#### **A. PURPOSE**

To prohibit sexual misconduct and sexual harassment on Montgomery County Public School (MCPS) property.

To mandate the development of educational programs designed to help MCPS employees and students recognize, understand, and report sexual misconduct and sexual harassment.

To establish the framework for effective procedures for addressing complaints of sexual misconduct and sexual harassment.

#### **B. ISSUE**

1. The Montgomery County Board of Education (Board) does not tolerate sexual misconduct or sexual harassment of any kind of, or by, students in its educational programs and activities, or property, under any circumstances. For the purposes of this policy, MCPS property means any school or other facility including grounds owned or operated by MCPS, MCPS buses, and other MCPS vehicles and the facility and/or grounds of any MCPS-sponsored program or activity, which includes locations, events, or circumstances over which MCPS exercises substantial control over the individuals involved and the context in which alleged harassment occurred.
2. Students, employees, and third parties have a right to be free from sexual harassment. The Board is committed to the creation and maintenance of an educational environment in which all persons are free from all forms of sexual misconduct and sexual harassment, and to the prevention, correction, and discipline

of behaviors that violate this policy.

3. Definitions

a) Sexual misconduct

- (1) Sexual misconduct includes verbal, written, or physical behavior, directed at an individual, or against a particular group, because of that individual's or group's actual or perceived sex, sexual orientation, gender identity, gender expression, marital status, pregnancy/parenting status, and/or sex-based stereotyping, based on conformance or nonconformance to stereotypical notions of masculinity or femininity, when the conduct is unwelcome and meets the following criteria:
  - (a) Submission to or rejection of the conduct is made either explicitly or implicitly a term or condition of an individual's education, or participation in a MCPS activity or program; or
  - (b) Submission to or rejection of the conduct is used as the basis for, or as a factor in decisions affecting an individual's education, or participation in a MCPS activity or program; or
  - (c) The conduct has the purpose or effect of creating an intimidating, hostile, or offensive environment for an individual's education, or participation in an MCPS activity or program; or
  - (d) The conduct unreasonably interferes with an individual's education, or ability to participate in a MCPS activity or program; and
- (2) The conduct is sufficiently severe or pervasive that it alters the terms, conditions, or privileges of an individual's education, or participation in a MCPS activity or program.
- (3) Conduct may be verbal or nonverbal, written, or electronic.

b) Sexual harassment

- (1) Conduct considered sexual harassment is actionable under Title IX of the Education Amendments of 1972, and its implementing regulations, and other civil rights laws, including 42 U.S.C. Section 1983 (Title IX), as interpreted by the U.S. Department of Education, if a MCPS student experiences one or more of the following:
  - (a) A MCPS employee conditioning the provision of an MCPS aid, benefit, or service on an individual's participation in unwelcome sexual conduct; or
  - (b) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to MCPS's educational programs or activities; or
  - (c) "Sexual assault," "dating violence," "domestic violence," or "stalking" as defined in federal law.
- (2) For purposes of this policy, conduct does not constitute prohibited sexual harassment in violation of this policy if it occurred –
  - (a) outside the United States; or
  - (b) under circumstances in which MCPS did not have substantial control over both the harasser and the context in which the harassment occurred.
- (3) Whether conduct is sufficient to constitute sexual harassment under Title IX is evaluated under the totality of the circumstances, including the frequency of the conduct, its severity, whether it is physically threatening or humiliating, or merely an offensive conduct or utterance. These factors are evaluated from both subjective and objective viewpoints, considering not only the effect that the conduct actually had on the person, but also the impact it would likely have had on a reasonable person in the same situation.
- (4) Conduct that does not meet the elements of sexual harassment, as defined in federal law, may constitute sexual misconduct which is also subject to investigation and discipline in accordance with Board Policy JHF, *Bullying, Harassment, or Intimidation*, the *Student Code of Conduct in MCPS*, and the *MCPS Employee Code of Conduct*.

- c) Conduct that may be considered sexual misconduct or sexual harassment may include, but is not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures.
- d) A third party is any person, other than a MCPS employee or student, who participates in MCPS activities or is present on MCPS property and is under the authority or control of MCPS, and may include, but is not limited to parents/guardians, mentors, volunteers, vendors, contractors, coaches, and others with whom employees and/or students interact on MCPS property.

**C. POSITION**

1. The superintendent of schools is directed to make every effort to make certain that everyone affected by this policy shall be informed of its provisions and also informed that infractions of the policy may be in violation of state or federal civil and/or criminal laws, resulting in criminal penalties.
2. This policy applies to all incidents of sexual harassment of a MCPS student. It addresses incidents committed by students, employees, or third parties.
3. Sexual harassment can occur between any persons, as single or repeated incidents.
4. Reporting and Supportive Measures
  - a) Students, or their parents/guardians, experiencing or witnessing sexual misconduct or sexual harassment of a student should report the matter to their principal or other MCPS staff member who will guide them in the reporting and investigation process as well as other supportive measures available. A report also may be made to the Title IX sexual harassment reporting email drop box at [TitleIX@mcpsmd.org](mailto:TitleIX@mcpsmd.org).
  - b) In cases of sexual misconduct or sexual harassment, all involved parties will be notified of available supportive measures. Supportive measures include, but are not limited to, counseling, extensions of deadlines or other course-related adjustments, modifications of class schedules, or mutual restrictions on contact between the parties.
  - c) The Board prohibits retaliation against an individual who reports sexual misconduct or sexual harassment in either an oral or written complaint, or who participates in or cooperates with an investigation.

5. Investigations

All allegations of sexual misconduct or sexual harassment committed against students by students, MCPS employees, contractors, vendors, or volunteers will be investigated by the principal or designee in collaboration with Student Welfare and Compliance and in accordance with requirements of state and federal laws.

**D. DESIRED OUTCOMES**

1. All MCPS employees and students are educated to recognize inappropriate sexual conduct in all forms that may constitute sexual misconduct or sexual harassment.
2. All students and employees are enabled to report sexual misconduct or sexual harassment.
3. Effective and legally compliant measures for reporting, investigating, responding, and providing supportive measures are established and implemented.
4. MCPS students, employees, and third parties shall learn and work in an environment free of sexual harassment.

**E. IMPLEMENTATION STRATEGIES**

1. The superintendent of schools will –
  - a) appoint a Title IX Coordinator to coordinate the implementation of this policy and related federal and state laws and regulations;
  - b) develop regulations to implement this policy in compliance with Title IX, including investigative procedures that lead to the prompt and equitable resolution of a complaint and the provision of supportive measures as appropriate;
  - c) educate all students and parents/guardians about this policy and associated federal and state laws prohibiting sexual misconduct or sexual harassment, and how a student may file a complaint, or receive assistance, by widely disseminating information in documents such as announcements, bulletins, brochures, applications, contracts, and other communications;
  - d) conduct professional development to support MCPS employees in implementing this policy, and provide –

- (1) annual mandatory training to all employees to ensure the appropriate implementation of this policy; and
    - (2) a code of conduct and other guidance for students, employees and others on MCPS property with clear standards for responsible behavior and appropriate conduct; and
  - e) implement the Comprehensive Health Education instructional program for all students as required by Maryland law; and
  - f) utilize other opportunities as appropriate to educate students about matters related to sexual misconduct and sexual harassment in order to develop behaviors and attitudes that mitigate against inappropriate sexual overtures and pressures in school, work, and social settings.
2. Any student who violates this policy shall be subject to appropriate disciplinary action responsive to the offense in accordance with the *MCPS Student Code of Conduct*.
3. At any time, a student alleging a violation of Title IX, including but not limited to sexual harassment, may file a complaint with the U.S. Department of Education's Office for Civil Rights (OCR). A student is not required to file a complaint with MCPS before or after making a complaint with the U.S. Department of Education's Office for Civil Rights.

U.S. Department of Education, Office of Civil Rights  
OCR [Electronic Complaint Form](http://www.ed.gov/about/offices/list/ocr/complaintintro.html)  
(<http://www.ed.gov/about/offices/list/ocr/complaintintro.html>); or  
U.S. Department of Education, Office for Civil Rights  
Lyndon Baines Johnson Department of Education Building  
400 Maryland Avenue, SW  
Washington, DC 20202-1100

4. At any time, a student alleging crimes of a sexual nature may report or file a complaint directly with law enforcement:

Montgomery County Police Department  
Special Victims Investigation Division  
100 Edison Park Drive  
Gaithersburg, MD 20878

Or, the Safe Schools Maryland Tip Line 1-833-MD-B-SAFE

**F. REVIEW AND REPORTING**

1. The superintendent of schools will report quarterly to the Board on reported sexual harassment and sexual misconduct incidents and other compliance efforts as required in this policy. The incident reports shall include aggregated incident data from the preceding quarter. The compliance report shall include complaint and resolution process evaluations and improvements; training statistics and schedules; ongoing evaluation of work environments in all MCPS schools, offices, and work locations; and, any other activities being planned or carried out by MCPS that are relevant to the successful implementation of this policy.
2. This policy will be reviewed on an ongoing basis in accordance with the Board policy review process.

**Related Sources:** Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e et seq; Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 et seq; 29 C.F.R. §1604,11; 34 C.F.R 106.30(a); Annotated Code of Maryland, Education Article, §6-104, §6-113, §6-113.2, §7-303.1, §7-424, §7-424.1, §7-424.3, and §11-60; Annotated Code of Maryland, State Government Article, Title 20, Human Relations; Code of Maryland Regulations §13A.12.05.02; Student Code of Conduct in MCPS; MCPS Employee Code of Conduct; MCPS Guidelines for Student Gender Identity

*Policy History:* Adopted by Resolution No. 837-92, November 23, 1992; amended by Resolution No. 466-96, June 24, 1996; amended June 29, 2021.





# POLICY

## BOARD OF EDUCATION OF MONTGOMERY COUNTY

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**Related Entries:** ACA, ACF, COB-RA, COG-RA, IGT-RA, IRB-RA, JFA-RA, JGA, JHC, JHC-RA, JHF-RA

**Responsible Office:** Chief of Teaching, Learning, and Schools; Chief of Districtwide Services and Supports; Chief of Strategic Initiatives

### **Bullying, Harassment, or Intimidation**

#### **A. PURPOSE**

To affirm that all students have a right to be free of bullying, harassment, or intimidation

To prohibit bullying, harassment, and intimidation on Montgomery County Public Schools (MCPS) property

To establish the framework for effective procedures to maintain a relationship-focused, welcoming, supportive school environment, fostering academic and personal growth for every student

#### **B. ISSUE**

The Montgomery County Board of Education is committed to an environment that is free of bullying, harassment, or intimidation so that schools are a safe place in which to learn. Bullying, harassment, or intimidation is disruptive to learning and can adversely affect academic achievement, emotional well-being, and school climate.

#### **C. POSITION**

1. The Board prohibits verbal, physical, or written (including electronic) bullying, including cyberbullying, harassment (including sexual harassment), hazing, intimidation, or incidents of hate-bias of any person on MCPS property, which includes schools, grounds owned or operated by MCPS, MCPS buses, the facility and/or the grounds of any MCPS-sponsored activities involving students; or by the use of electronic technology.
2. For the purposes of this policy and in accordance with Maryland law, prohibited conduct means bullying, harassment, or intimidation that is –

- a) intentional conduct, including verbal, physical, or written conduct, or an intentional electronic communication that either occurs on MCPS property, which includes schools, grounds owned or operated by MCPS, MCPS buses, the facility and/or the grounds of any MCPS-sponsored activities involving students, or substantially disrupts the orderly operations of a school; and
  - b) creates a hostile educational environment by substantially interfering with a student's educational benefits, opportunities, or performance, or with a student's physical or psychological well-being and is either –
    - (1) motivated by actual or perceived personal characteristics identified in Board Policy ACA, *Nondiscrimination, Equity, and Cultural Proficiency*;
    - (2) sexual in nature, including descriptions or depictions of a student with the student's intimate parts exposed or while engaged in an act of sexual contact; or
    - (3) threatening or seriously intimidating.
      - (a) *Intimate parts*, are defined in Annotated Code of Maryland, Education Article, §7-424, and means the naked genitals, pubic area, buttocks, or female nipple.
      - (b) *Sexual contact*, as defined in Annotated Code of Maryland, Education Article, §7-424, means sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex.
3. For the purposes of this policy and in accordance with the Maryland State Department of Education (MSDE) guidance, the following definitions are used to address harm caused by bullying (including cyberbullying), harassment, or intimidation of any person on MCPS property:
- a) *Bullying* means unwanted, demeaning behavior among students that meets the criteria for prohibited conduct in section C.2 and includes –
    - (1) an imbalance of power (individuals who bully use their physical, emotional, social, or academic power to control, exclude, or harm others); and
    - (2) repetition (bullying behaviors happen more than once or are highly likely to be repeated based on evidence gathered).

- b) *Cyberbullying* means bullying that meets the criteria for prohibited conduct in sections C.2 and C.3.a and is transmitted by means of a portable communication device through electronic communication that allows individuals to view or share content.
    - (1) Cyberbullying includes sending, posting, or sharing personal or private information about someone, causing embarrassment or humiliation.
    - (2) Cyberbullying may be subject to disciplinary action when there is a connection back to the school setting; it creates risk of harm to other students while they are at school; or it interferes with the educational environment, regardless of whether the instructional environment is in person or virtual.
  - c) *Electronic communication* means a communication transmitted by means of an electronic device, including a telephone, computer, or portable communication device.
  - d) *Harassment* means actual or perceived negative actions that meet the criteria for prohibited conduct in section C.2 and offend, ridicule, or demean another individual with regard to an individual's actual or perceived personal characteristics, as defined in Board Policy ACA, *Nondiscrimination, Equity, and Cultural Proficiency*, or are sexual in nature, as set forth in Board Policy ACF, *Sexual Misconduct and Sexual Harassment of Students*, or Board Policy ACI, *Sexual Harassment of Employees*, including descriptions or depictions of a student with the student's intimate parts exposed or while engaged in an act of sexual contact.
  - e) *Intimidation* means any communication or action directed against another individual that meets the criteria for prohibited conduct in section C.2 and threatens or induces a sense of fear and/or inferiority. Retaliation may be considered a form of intimidation.
- 4. The Board is further committed to prohibiting reprisal or retaliation against individuals who report acts of bullying, harassment, or intimidation; students who are alleged to have been harmed by bullying, harassment, or intimidation; or witnesses, bystanders, or others with reliable information about an act of bullying, harassment, or intimidation.
  - 5. As used in this policy, bullying may include but not be limited to physical (hitting, pushing, shoving); verbal (being teased, threatened, coerced, made fun of, called derogatory names); or relational (spreading rumors, being left out or ostracized).

**D. IMPLEMENTATION STRATEGIES**

1. The prevention of bullying, harassment, or intimidation as well as the prevention of retaliation against individuals who report acts of bullying, harassment, or intimidation require a systemwide effort involving prevention and intervention training with students, administration, and school staff. Targeted individuals (hereafter referred to as “complainants”) and those who are alleged to have bullied, harassed, or intimidated others (hereafter referred to as “respondents”) may experience a range of significant health, safety, and educational risks.
2. MCPS will provide professional learning for staff, and educational opportunities for students and volunteers, to identify and report bullying, including cyberbullying, harassment, or intimidation. Staff shall be prepared, as appropriate, to implement prevention programs that are proven to be effective; intervene when bullying, harassment, or intimidation occurs; implement intervention strategies; and provide outside referrals if needed. The prohibition of bullying, harassment, or intimidation in schools and reprisal and retaliation against individuals who report acts of bullying, harassment, or intimidation as well as consequences and remedial actions must be included as part of a systemwide prevention and intervention program. Components of such a program must include the following:
  3. Professional Learning

Annual professional learning for administrators and staff members, using evidence-based practices to increase understanding and awareness of –

  - a) the prevalence, causes, and consequences of bullying, harassment, or intimidation;
  - b) the importance of adult visibility, especially during noninstructional activities such as lunch, recess, and hallway transitions and in spaces such as locker rooms;
  - c) multitiered, restorative approaches to improve school climate and reduce incidents of bullying, harassment, or intimidation;
  - d) safe, supportive, culturally responsive school and classroom practices, integrating social/emotional learning, trauma-informed practices, and restorative approaches to help all students feel welcomed, included, and connected;
  - e) strategies to increase awareness and the ability to –

- (1) identify and respond appropriately to bullying, harassment, and intimidating behaviors and understand their impact on targeted students, respondents, and bystanders;
- (2) use research-based strategies; remedial measures; and consequences for preventing bullying, harassment, or intimidation; and
- (3) identify and provide supportive measures to students who may be vulnerable to bullying, harassment, or intimidation, on the basis of actual or perceived personal characteristics identified in Board Policy ACA, *Nondiscrimination, Equity, and Cultural Proficiency*.

#### 4. Prevention and Education

MCPS will provide schoolwide, evidence-based educational programs as part of a system of positive behavioral supports and school improvement efforts at all grade levels, emphasizing the development of a positive, safe, and restorative school climate in all schools, where students feel physically and emotionally safe, to include –

- a) comprehensive health education for all students, which includes instruction on interpersonal communication and addresses bullying, cyberbullying, harassment, intimidation, and the bullying report form;
- b) providing opportunities for parents, volunteers, and the broader community to develop awareness about the prevalence, causes, and consequences of bullying, harassment, or intimidation; the significance of bullying, harassment, or intimidation as a potential public health hazard; recognition and reporting bullying, harassment, and intimidation; and strategies for supporting their children;
- c) collaboration with community health and mental health resources to communicate that bullying, harassment, or intimidation is a public health hazard and that health resources are available to complainants, respondents, and bystanders; and
- d) a range of behavior interventions, safety, and well-being plans developed to prevent bullying, harassment, or intimidation while ensuring the safety of complainants and respondents, including, but not limited to, student involvement in bullying, harassment, or intimidation prevention efforts, such as programs that foster support of peers who may be targeted or vulnerable to bullying, harassment, or intimidation; mutual respect; and sensitivity to diversity and culture.

5. Procedures for Reporting Acts of Bullying, Harassment, or Intimidation

- a) MCPS shall provide to schools procedures that are convenient, safe, private, and age-appropriate for reporting acts of bullying, harassment, or intimidation.
- b) Students, staff, and parents/guardians shall be informed of the reporting procedures at each school, including the availability of MCPS Form 230-35, *Bullying, Harassment, or Intimidation Reporting Form*.
  - (1) Reporting of bullying, harassment, or intimidation incidents shall be encouraged and supported by MCPS. MCPS shall communicate a clear message that reporting will lead to help for complainants, respondents, and bystanders.
  - (2) The principal/director or designee shall contact law enforcement immediately for incidents identified for law enforcement involvement in relevant Memoranda of Understanding and MCPS Regulation COB-RA, *Incident Reporting*.
  - (3) In accordance with Maryland law, a school employee who reports an act of bullying, harassment, or intimidation is not civilly liable for any act of omission in reporting or failing to report an act of bullying, harassment, or intimidation.

6. Procedures for the Prompt Investigation of Acts of Bullying, Harassment, or Intimidation.

- a) The principal/designee shall promptly conduct an adequate, reliable, and impartial investigation, in compliance with relevant law as appropriate, including the opportunity for the parties to present evidence into all reports of bullying, harassment, or intimidation.
- b) Upon completing the investigation, the principal/designee shall implement supportive measures and consequences as appropriate and take steps to prevent the recurrence of bullying, harassment, or intimidation of the complainant or correct its discriminatory effects that may occur.
- c) The principal/designee will contact the parent/guardian of all students identified in a report of bullying, harassment, or intimidation within 48 hours of receiving the report, unless the principal/designee is otherwise directed by law enforcement.

- d) After the investigation has concluded, staff members will conduct individual and private conferences with both the complainant and the respondent to determine if the bullying, harassment, or intimidation has continued.

7. Consequences and Remedial Actions

Behavior intervention strategies and remedial actions for persons who have harmed others; for persons engaged in reprisal or retaliation; and for persons found to have made false accusations of bullying, harassment, or intimidation will be administered fairly, equitably, and consistently applied in accordance with Board Policy ACA, *Nondiscrimination, Equity, and Cultural Proficiency*; Board Policy JGA, *Behavior Intervention Safety and Well-being Plan*; and MCPS Regulation JFA-RA, *Student Rights and Responsibilities*.

8. Interventions and Support Services To Be Made Available to Complainants, Respondents, and Bystanders

- a) MCPS will develop a continuum of culturally responsive social/emotional supports for both complainants and respondents, which utilizes a trauma-informed and restorative approach. These may include supportive measures to potentially vulnerable students and students exhibiting bullying, harassment, or intimidation behaviors as well as individualized, intensive supports for complainants and respondents.
- b) As appropriate, complainants and respondents may be offered supports to build resilience, increase social connections and peer interaction, reduce the possibility of further episodes of bullying, and otherwise increase the student's sense of safety and social connection.
- c) If a student expresses a desire to discuss an incident of bullying, harassment, or intimidation with a staff member, the staff member will make an effort to provide the student with a practical, safe, private, and age-appropriate way of doing so.
- d) MCPS shall maintain and make readily available to students and families an array of counseling and mental health supports that are available to complainants, respondents, and bystanders within both the schools and the community.

9. The superintendent of schools will develop regulations for implementing this policy that specify the name and contact information of the MSDE employee who is familiar with the reporting and investigating procedures in MCPS; procedures for reporting and investigating incidents of bullying, harassment, or intimidation,

including notice to parents/guardians, and law enforcement, as applicable; supportive measures provided for complainants, respondents, and bystanders; consequences or remedial actions; the process for publicizing those procedures; and monitoring data on occurrences.

10. The superintendent of schools will develop educational and professional learning activities for students and staff in the effort to implement this policy and prevent bullying, harassment, or intimidation in schools.
11. All regulations developed in support of Board-adopted policies shall be sent to the Board as items of information.

**E. DESIRED OUTCOME**

Schools will provide prevention, behavior intervention, safety, and well-being strategies as well as consequences and supportive measures to create an educational environment that is free of bullying (including cyberbullying), harassment, and intimidation.

**F. REVIEW AND REPORTING**

This policy will be reviewed in accordance with the Board policy review process.

**Related Source:**

*Annotated Code of Maryland*, Education Article, §7-303.1, §7-424, §7-424.1; Code of Maryland Regulations 13A.08.01.15; Maryland State Department of Education Maryland's *Model Policy to Address Bullying, Harassment, or Intimidation 2021 Update*; *A Student's Guide to Rights and Responsibilities in MCPS*; *Student Code of Conduct in MCPS*; *Guidelines for Respecting Religious Diversity*; *Guidelines for Student Gender Identity*

**Policy History:** New policy adopted by Resolution No. 132-10, March 9, 2010; amended by Resolution No. 489-16, November 15, 2016; technical amendments by Resolution No. 319-17, June 26, 2017; technical amendments by Resolution No. 351-18, June 25, 2018; amended by Resolution No. 113-22, March 8, 2022.



**MONTGOMERY COUNTY PUBLIC SCHOOLS****Bullying, Harassment, or Intimidation Reporting Form**

Office of District Operations—Student Welfare and Compliance  
MONTGOMERY COUNTY PUBLIC SCHOOLS • Rockville, Maryland 20850

*This form is to be maintained confidentially in accordance with the Safe Schools Reporting Act of 2005, Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g.*

See Montgomery County Board Policy ACA, Nondiscrimination, Equity, and Cultural Proficiency, Board Policy JHF, Bullying, Harassment, or Intimidation, and MCPS Regulation JHF-RA, Student Bullying, Harassment, or Intimidation, for additional information and definitions.

Today's date \_\_\_\_/\_\_\_\_/\_\_\_\_ School \_\_\_\_\_ School System **MONTGOMERY COUNTY PUBLIC SCHOOLS**

**DIRECTIONS**

The Bullying, Harassment or Intimidation Reporting Form should be used to report alleged incidents of bullying, harassment, or intimidation that occurred during the current school year on school property, at a school-sponsored activity or event off school property, on a school bus, on the way to and/or from school, or through personal mobile device on or off school property. School staff will address incidents that occur at school or have a connection or nexus back to the school setting that create a risk of harm to other students while they are at school or interfere with the educational environment.

If you are a student, the parent/guardian or a family member of a student, a school staff member, or a bystander and wish to report an incident of alleged bullying, cyberbullying, harassment, or intimidation, please complete this form and return it to the school principal.

You may contact the school for additional information or assistance at any time. (Bullying, cyberbullying, harassment, and intimidation definitions are provided below.)

**DEFINITIONS**

**BULLYING**—is unwanted, demeaning behavior among students that involves a real or perceived power imbalance. The behavior is repeated, or is highly likely to be repeated, over time. In order to be considered bullying, the behavior must be intentional and include 1) An imbalance of power (students who bully use their physical, emotional, social, or academic power to control, exclude, or harm others) and 2) Repetition (bullying behaviors happen more than once or are highly likely to be repeated based on evidence gathered).

**CYBERBULLYING**—is bullying transmitted by means of personal mobile devices through electronic communication that allows individuals to view or share content. Cyberbullying includes sending, posting, or sharing personal or private information about someone causing embarrassment or humiliation.

**HARASSMENT**—includes actual or perceived negative actions that offend, ridicule, or demean another student with regard to race, ethnicity, national origin, immigration status, family/parental or marital status, sex, sexual orientation, gender identity, gender expression, religion, ancestry, physical attributes, socioeconomic status, physical or mental ability, or disability.

**INTIMIDATION**—is any communication or action directed against another student that threatens or induces a sense of fear and/or inferiority. Retaliation may be considered a form of intimidation.

**PERSON REPORTING INCIDENT (Please print all information)**

Name \_\_\_\_\_

Telephone \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ Email \_\_\_\_\_

Check the appropriate box:

☐ Student ☐ Parent/guardian/caregiver of a student ☐ Close adult relative of a student ☐ School staff ☐ Bystander

**1. COMPLAINANT(S): PERSON(S) ALLEGED TO BE THE VICTIM**

Name	Age	School (if known)	Days absent as a result of the incident (if known)

**2. ALLEGED WITNESS(ES) (if known)**

Name	School (if known)	Age (if known)	Student: (Y/N)	Days absent as a result of the incident (if known)

**3. RESPONDENT(S): PERSON(S) ALLEGED TO BE THE OFFENDER (if known)**

Name	School (if known)	Age (if known)	Student: (Y/N)	Days absent as a result of the incident (if known)

**4. ON WHAT DATE(S) DID THE INCIDENT(S) HAPPEN?**

\_\_\_\_/\_\_\_\_/\_\_\_\_ \_\_\_\_/\_\_\_\_/\_\_\_\_ \_\_\_\_/\_\_\_\_/\_\_\_\_ \_\_\_\_/\_\_\_\_/\_\_\_\_ \_\_\_\_/\_\_\_\_/\_\_\_\_

**5. WHERE DID THE INCIDENT(S) HAPPEN? (check all that apply)**

- |  |  |
|--|--|
| <input type="checkbox"/> On school property (please specify location) _____          | <input type="checkbox"/> Personal Mobile Device on school property |
| <input type="checkbox"/> At a school-sponsored activity or event off school property | <input type="checkbox"/> Digital device off school property        |
| <input type="checkbox"/> On a school bus   | <input type="checkbox"/> During virtual learning                   |
| <input type="checkbox"/> On the way to/from school                                   | <input type="checkbox"/> Other (please specify) _____              |
| <input type="checkbox"/> Off school property   |  |

**6. WHAT STATEMENT BEST DESCRIBES WHAT HAPPENED? (check all that apply)**

- |  |  |
|--|--|
| <input type="checkbox"/> Actions/comments related to the student's race/ethnicity                    | <input type="checkbox"/> Demeaning or making the student the target of jokes             |
| <input type="checkbox"/> Demeaning behavior just to be mean  | <input type="checkbox"/> Actions/comments related to the student's academic performance  |
| <input type="checkbox"/> Actions/comments related to the student's national origin.                  | <input type="checkbox"/> Making rude and/or threatening gestures                         |
| <input type="checkbox"/> An act or threat of retaliation   | <input type="checkbox"/> Excluding or rejecting the student perceived sexual orientation |
| <input type="checkbox"/> Actions/comments related to the student's religion                          | <input type="checkbox"/> Intimidating, extorting, exploiting the student                 |
| <input type="checkbox"/> Gang related/gang recruitment   | <input type="checkbox"/> Actions/comments related to the student's gender expression     |
| <input type="checkbox"/> Actions/comments related to the student's sex                               | <input type="checkbox"/> Getting another person to target or demean the student          |
| <input type="checkbox"/> Human trafficking/prostitution recruitment                                  | <input type="checkbox"/> Actions/comments related to the student's gender identity       |
| <input type="checkbox"/> Actions/comments related to the student's Immigration status                | <input type="checkbox"/> Spreading hurtful rumors or gossip                              |
| <input type="checkbox"/> Any bullying, harassment, or intimidation that involves physical aggression | <input type="checkbox"/> Actions/comments related to the student's disability            |
| <input type="checkbox"/> Cyberbullying (social media, text messages, etc.)                           | <input type="checkbox"/> Racial/ethnic harassment  |
| <input type="checkbox"/> Family/parental or marital status   | <input type="checkbox"/> Actions/comments related to the student's physical appearance   |
| <input type="checkbox"/> Teasing, name-calling, making critical remarks                              | <input type="checkbox"/> Sexual harassment   |
| <input type="checkbox"/> Actions/comments related to the student's socio-economic status             | <input type="checkbox"/> Demeaning behavior to impress others                            |
| <input type="checkbox"/> Other (Please specify) _____  |  |

**7. WHY DO YOU THINK THE BULLYING, CYBERBULLYING, HARASSMENT, AND/OR INTIMIDATION OCCURRED?**

**8. DESCRIBE THE INCIDENT(S) INCLUDING WHAT THE RESPONDENT SAID OR DID.**

**9. DID A PHYSICAL INJURY RESULT FROM THIS INCIDENT?**

- ☐ No   ☐ Yes, but it did not require medical attention   ☐ Yes, and it required medical attention  
If there was a physical injury, do you think there will be permanent effects on the student victim? ☐ Yes   ☐ No

**10. WAS THE COMPLAINANT ABSENT FROM SCHOOL AS A RESULT OF THE INCIDENT?**

- ☐ Yes   ☐ No   If yes, how many days was the complainant absent from school as a result of the incident? \_\_\_\_\_

**11. DID A PSYCHOLOGICAL INJURY RESULT FROM THIS INCIDENT?**

- ☐ No   ☐ Yes, but psychological services have not been sought   ☐ Yes, and psychological services have been sought.

**12. IS THERE ANY ADDITIONAL INFORMATION YOU WOULD LIKE TO PROVIDE?**

**SIGNATURE**

I understand that my electronic submission of this form and my electronic signature are intended to be, constitute, and are equivalent to my personal signature.

Signature \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_

# MONTGOMERY COUNTY PUBLIC SCHOOLS

## Suicide Risk Reporting Form

Office of Student and Family Support and Engagement  
MONTGOMERY COUNTY PUBLIC SCHOOLS • Carver Educational Services Center (CESC)  
850 Hungerford Drive, Room 50, Rockville, Maryland 20850

Under Maryland law, MCPS staff members have a legal duty to act when they suspect a student's suicidal intent. This law has two essential elements:

**Intervene:** MCPS staff have a duty to use reasonable means to attempt to prevent a suicide when they are on a notice of a student's suicidal intent.

**Parent/Guardian Notification:** MCPS staff are required to warn parents/guardians of any suicide threat, including secondhand information, even when the student denies the threat.

**Please complete all items below before the end of the school day. Indicate date and time when each step occurred. Some steps are mandatory.**

Student \_\_\_\_\_ MCPS ID# \_\_\_\_\_

School \_\_\_\_\_ DOB \_\_\_\_/\_\_\_\_/\_\_\_\_ Grade \_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_

Person Completing this Form \_\_\_\_\_ Phone \_\_\_\_-\_\_\_\_-\_\_\_\_  
(If different than Interviewer) Name Title

✓	DATE	TIME specify a.m./p.m.	ACTION STEP
	____/____/____	:	1. Describe what the student said and did to indicate risk of harm to self. <b>Be specific</b> and include the words, actions, or behaviors that initiated this reporting process.
	____/____/____	:	2. <b>IF THERE IS A MEDICAL EMERGENCY, CALL 911 IMMEDIATELY.</b>
	____/____/____	:	3. Notify the principal or designee
	____/____/____	:	4. Locate the student and keep the student under constant supervision by an MCPS staff member, as necessary.
	____/____/____	:	5. Contact the school counselor, psychologist, pupil personnel worker, nurse, or social worker to obtain additional information such as:
	____/____/____	:	a. Have you thought about hurting yourself? <input type="checkbox"/> Yes <input type="checkbox"/> No
	____/____/____	:	b. Have you thought about how you would hurt yourself? <input type="checkbox"/> Yes <input type="checkbox"/> No
	____/____/____	:	c. Do you have a plan in mind for hurting yourself (describe)? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Considering means/nonspecific
	____/____/____	:	d. Have you tried to hurt or kill yourself before? <input type="checkbox"/> Yes <input type="checkbox"/> No
	____/____/____	:	e. How often do you think about hurting or killing yourself? ____ times per hour/day/week
	____/____/____	:	f. Do you have access to firearms or medications? <input type="checkbox"/> Yes <input type="checkbox"/> No
	____/____/____	:	g. Have you told or shown anyone what you are thinking about doing? <input type="checkbox"/> Yes <input type="checkbox"/> No
	____/____/____	:	h. Do you see hope in your future? <input type="checkbox"/> Yes <input type="checkbox"/> No
	____/____/____	:	i. Have you been using drugs or alcohol? <input type="checkbox"/> Yes <input type="checkbox"/> No
	____/____/____	:	j. Have you experienced any big changes or losses? <input type="checkbox"/> Yes <input type="checkbox"/> No
	____/____/____	:	k. Tell me about family or friends who support you (describe)?
	____/____/____	:	l. Have you been feeling irritable or depressed recently? <input type="checkbox"/> Yes <input type="checkbox"/> No
	____/____/____	:	m. Has your mood been like it is now or has it changed recently? <input type="checkbox"/> Yes <input type="checkbox"/> No
	____/____/____	:	n. Will you sign a safety commitment? <input type="checkbox"/> Yes <input type="checkbox"/> No
	____/____/____	:	6. Presence of the following risk factors (list is not all inclusive, check all that apply):
<div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"> <input type="checkbox"/> Change in social relations  <input type="checkbox"/> Concerns about home supervision  <input type="checkbox"/> Decreased interest in activities  <input type="checkbox"/> Suicide of family member or friend  <input type="checkbox"/> Verbalizations of hating life  <input type="checkbox"/> Family mental health concerns  <input type="checkbox"/> Ongoing family conflict  <input type="checkbox"/> Recent academic failure  <input type="checkbox"/> Decreased interest in school  <input type="checkbox"/> Increased risk-taking behavior  <input type="checkbox"/> Use of alcohol and/or drugs         </div> <div style="width: 33%;"> <input type="checkbox"/> Chronic medical condition  <input type="checkbox"/> Awareness of media attention to suicide  <input type="checkbox"/> Lack of sense of belonging  <input type="checkbox"/> Prior suicide attempts  <input type="checkbox"/> Sleep and/or appetite disturbances  <input type="checkbox"/> Concerns about sexual orientation  <input type="checkbox"/> Experiences with recent personal rejection  <input type="checkbox"/> Feelings of boredom  <input type="checkbox"/> Recent neglect of personal appearance  <input type="checkbox"/> Poor concentration  <input type="checkbox"/> Verbalizations/writings/drawings about death         </div> <div style="width: 33%;"> <input type="checkbox"/> Feelings of guilt, shame, or self-derogation  <input type="checkbox"/> Feelings of excessive pressure to succeed  <input type="checkbox"/> Victim of abuse or suspected abuse (e.g., physical, verbal, sexual)  <input type="checkbox"/> Perception of others' actions as demeaning or threatening  <input type="checkbox"/> History of scratching, cutting, or marking of body  <input type="checkbox"/> Feelings of loneliness and having no one in which to confide  <input type="checkbox"/> Fear of or actual perception of loss of self-control  <input type="checkbox"/> Access to methods (e.g., weapons or medication)         </div> </div>			

Name of Interviewer: \_\_\_\_\_ Title \_\_\_\_\_

**Distribution:** COPY 1/Parent/Guardian; COPY 2/Principal's file (form destroyed after one calendar year), COPY 3/Office of Student and Family Support and Engagement Google Drive: <https://forms.gle/9SnJosytUWXJuoNy6> (do not submit hard copy).

✓	DATE	TIME <i>specify a.m./p.m.</i>	ACTION STEP
	___/___/___	:	7. <b>MANDATORY. PRINCIPAL/DESIGNEE MUST NOTIFY PARENT/GUARDIAN.</b>
	___/___/___	:	8. Inform the parent/guardian of school concerns.
	___/___/___	:	9. Request that the parent/guardian or designee pick up the student.
	___/___/___	:	10. <b>MANDATORY.</b> Recommend that parent/guardian make <b>immediate</b> contact with a mental health professional.
	___/___/___	:	a. Student's private therapist, if student has one.
	___/___/___	:	b. Montgomery County Crisis Center, regardless of whether student has a private therapist. Complete MCPS Form 560-10, <i>Crisis Center Referral Information</i> and provide parent/guardian with: <ul style="list-style-type: none"> <li>• Telephone number of the Crisis Center, 240-777-4000, for free emergency assessment,</li> <li>• Copy of Crisis Center Referral,</li> <li>• Copy of MCPS Form 270-1, <i>Summary of Parent Conference</i>, if completed (<i>see below</i>), and</li> <li>• Copy of MCPS Form 336-32, <i>Authorization for Release of Confidential Information</i> (<i>see 11 below</i>).</li> </ul>
	___/___/___	:	c. Other (please specify):
	___/___/___	:	11. Ask parent/guardian to complete and sign MCPS Form 336-32, <i>Authorization for Release of Confidential Information</i> to permit communication between MCPS and mental health provider.
	___/___/___	:	12. Work with parent/guardian to implement recommendations made by mental health professional that are appropriate to and feasible in the school setting.
	___/___/___	:	13. If parent/guardian is unavailable or uncooperative regarding emergency assessment, consider contacting the <b>Mobile Crisis Center Outreach</b> team, <b>240-777-4000</b> , for consultation.
	___/___/___	:	14. If child is in crisis and parent/guardian is unwilling to follow through with emergency assessment, consider contacting <b>Child Protective Services, 240-777-4417</b> .
	___/___/___	:	15. Provide telephone number for confidential <b>Youth Hotline, 301-738-9697</b> , and <b>Text Line, 301-738-2255</b> , if appropriate.
	___/___/___	:	16. Follow MCPS Regulation COB-RA, <i>Reporting a Serious Incident</i> , as necessary.
	___/___/___	:	17. Notify the school nurse, if not previously notified.

Describe in detail parents'/guardians' responses (use MCPS Form 270-1, *Summary of Parent Conference* if more space is needed):

**SUPPORT STRATEGIES IMPLEMENTED** (Check all that apply)

✓	ACTION	DESCRIPTION	PERSON(S) RESPONSIBLE	DUE DATE
	<b>MANDATORY</b> mental health referral			___/___/___
	Written safety commitment			___/___/___
	Parent/Guardian follow-up with mental health professional			___/___/___
	Teacher follow-up			___/___/___
	Administrator follow-up			___/___/___
	School counselor monitoring and follow-up			___/___/___
	Consultation with coordinated student services team members			___/___/___
	Referral to the Educational Management Team			___/___/___
	Consultation with student's therapist or Crisis Center			___/___/___
	Consultation with community agencies			___/___/___
	Child Protective Services		<b>CONFIDENTIAL</b> Do NOT name an individual	___/___/___
	Other (specify)			___/___/___

\_\_\_\_\_  
Signature, Interviewer

\_\_\_\_\_  
Position

\_\_\_/\_\_\_/\_\_\_  
Date

\_\_\_\_\_  
Signature, Administrator

\_\_\_/\_\_\_/\_\_\_  
Date

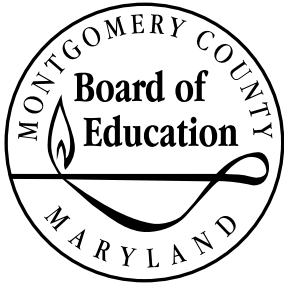
**2022–2023**

**Guidelines for Student**

.....  
**GENDER IDENTITY**

**in Montgomery County Public Schools**

[www.montgomeryschoolsmd.org](http://www.montgomeryschoolsmd.org)



## **VISION**

*We inspire learning by providing the greatest public education to each and every student.*

## **MISSION**

*Every student will have the academic, creative problem solving, and social emotional skills to be successful in college and career.*

## **CORE PURPOSE**

*Prepare all students to thrive in their future.*

## **CORE VALUES**

*Learning  
Relationships  
Respect  
Excellence  
Equity*

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*Chief of Staff*

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[www.montgomeryschoolsmd.org](http://www.montgomeryschoolsmd.org)

# 2022–2023

## Guidelines for Student

# GENDER IDENTITY

in Montgomery County Public Schools

[www.montgomeryschoolsmd.org](http://www.montgomeryschoolsmd.org)

These *Guidelines for Student Gender Identity in Montgomery County Public Schools* are available in English, Spanish, French, Chinese, Korean, Vietnamese, Amharic, and Portuguese on the MCPS web at [www.montgomeryschoolsmd.org/students/rights/](http://www.montgomeryschoolsmd.org/students/rights/)

Guidelines for Student Gender Identity (English)

Normas sobre la Identidad de Género del Estudiante (Spanish)

學生性別認定指引 (Chinese)

Lignes directrices en matière d'identité de genre chez les élèves (French)

학생의 성 정체성에 관한 지침서 (Korean)

Hướng dẫn về Nhận dạng Giới tính của Học sinh (Vietnamese)

የተማሪ ጾታ ማንነት መመሪያዎች (Amharic)

Diretrizes sobre a Identidade de Gênero do Aluno (Portuguese)

Maryland's Largest School District

**MONTGOMERY COUNTY PUBLIC SCHOOLS**

© September 2022

Montgomery County Public Schools

Rockville, Maryland





# MONTGOMERY COUNTY PUBLIC SCHOOLS

*Expanding Opportunity and Unleashing Potential*

OFFICE OF THE SUPERINTENDENT OF SCHOOLS

September 2022

Dear Students, Parents/Guardians, and Colleagues,

Returning to school five days a week and in person during the 2021–2022 school year was rewarding, but not without challenges. As a community, we have adjusted to changing guidelines for in-school and out-of-school operations, necessitated by the ongoing pandemic, to keep all of us safe. As a community, it has become more important than ever before to collaborate and partner in every aspect of the work that must be done to ensure a high-quality education for all students.

We must continue to embrace the vibrant diversity of our Montgomery County community and ensure that all students feel welcomed, safe, and respected. This is foundational so that each student will have equitable access to meaningful opportunities to succeed and thrive.

This commitment is codified in Montgomery County Board of Education Policy ACA, *Nondiscrimination, Equity, and Cultural Proficiency*, and it reaffirms our community's long-standing efforts to create, foster, and promote equity, inclusion, and acceptance for all. Part of that commitment is making sure our LGBTQ+ students can express their gender identity free from discrimination, bullying, intimidation, or harassment. As a school district, we are committed in recognizing and respecting matters of gender identity; making all reasonable accommodations in response to student requests regarding gender identity; and protecting student privacy and confidentiality as we strive to create safe, positive, and respectful learning environments for all of our students.

In partnership,



Monifa B. McKnight



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# QUICK REFERENCE GUIDE RESOURCES FOR STUDENTS

## MONTGOMERY COUNTY CRISIS HOTLINES

24-hour information, Referrals and Supportive Conversation

**Maryland Crisis Hotline/EveryMind/** . . . . 301-738-2255  
and <https://www.every-mind.org/>

Provides a staffed hotline as well as a 24-hour chat box on their website.

**Montgomery County Crisis Center** . . . . 240-777-4000

The Crisis Center provides free crisis support services 24/7 for individuals who are experiencing a mental health crisis.

**Youth Crisis Hotline of**

**Montgomery County** . . . . . 301-738-9697

Provides confidential and anonymous support by trained counselors through a 24-hour telephone active listening and referral service.

## TO REPORT SAFETY AND SECURITY CONCERNS

**MCPS Department of Systemwide Emergency**

**Management.** . . . . . 240-740-3066

The MCPS office responsible for ensuring the safety of MCPS schools and offices.

**MCPS Student Welfare and Compliance: SWC@mcpsmd.org or TitleIX@mcpsmd.org.** . . . . 240-740-3215

The MCPS districtwide Title IX coordinator and districtwide child abuse and neglect contact. The Student Welfare and Compliance web page is at <https://www.montgomeryschoolsmd.org/compliance/>. SWC works collaboratively with schools, the Office of the General Counsel and other MCPS offices, and community agencies to ensure consistency and coherence with implementation of policies, regulations, and guidelines, such as issues related to human relations; bullying, harassment (including Title IX sexual harassment), and intimidation; recognizing and reporting child abuse and neglect; incidents of hate-bias, hazing, and student gender identity.

**MCPS Cyber Safety dropbox: CyberSafety@mcpsmd.org**

Dropbox to report inappropriate online activity within MCPS.

**The Cyber Tipline** . . . . . 1-800-843-5678

24/7 hotline to report suspected online enticement of children for sexual acts, extra-familial child sexual molestation, child pornography, child sex tourism, child sex trafficking, unsolicited obscene materials sent to a child, misleading domain names, and misleading words or digital images on the Internet.

**Safe Schools Maryland Hotline** . . . . 833-MD-B-Safe (833-632-7233)

A 24/7 anonymous and free reporting system available to students, teachers, school staff members, parents, and the general public to report any school or student safety concerns, including mental health concerns. Information about incidents is shared with the appropriate offices at Montgomery County Public Schools, respecting anonymity of caller.

**Montgomery County Child Protective Services,**

**Department of Health and Human Services**

**(24 hours)** . . . . 240-777-4417 or 240-777-4815 TTY

24/7 reporting hotline to report suspected child abuse or neglect to Montgomery County Child Protective Services.

**Montgomery County Adult Protective Services for**

**Vulnerable Adults** .240-777-3000, 240-777-4815 TTY

24/7 hotline to report suspected adult abuse and neglect

**Montgomery County Police Department, Special Victims Investigation Division (24 hours)** . . . 240-773-5400

24/7 hotline to report sex crimes against children and adults, physical child abuse, runaways, missing children, felony domestic violence, elder abuse/vulnerable adult abuse, and registration violations of sex offenders to Montgomery County Police Department.

**Montgomery County Police:**

**Drug and Gang Tip Hotline.** . . 240-773-GANG (4264) or 240-773-DRUG (3784)

24/7 hotline to leave an anonymous tip with information relating to illegal drug/gang activities in Montgomery County.

## MCPS RESOURCES

**Countywide Student Government**

[www.montgomeryschoolsmd.org/departments/student-leadership](http://www.montgomeryschoolsmd.org/departments/student-leadership)

**Director, Student Leadership and**

**Extracurricular Activities.** . . . . 240-740-4692

**Student Member of the Board**

[www.montgomeryschoolsmd.org/boe/members/student.aspx](http://www.montgomeryschoolsmd.org/boe/members/student.aspx)

**Office of the Board of Education.** . . . . 240-740-3030

**Area Associate Superintendents,**

**School Support and Improvement** . . . 240-740-3100

**Associate Superintendent, Student and**

**Family Support and Engagement** . . . 240-740-5630

**Section 504 Resolution and Compliance** . 240-740-3230

## MONTGOMERY NONEMERGENCY RESOURCES

**Montgomery County Police**

**Nonemergency Line.** . . . . . 301-279-8000

**Montgomery County Health and Human Services**

**Information Line**

Contact the Department of Health and Human Services

General Information . . . . . 311, 301-251-4850 TTY

Outside Montgomery County Residents . 240-777-0311

## MCPS INFORMATION AND EMERGENCY ANNOUNCEMENTS

**Stay Connected to MCPS** [www.montgomeryschoolsmd.org](http://www.montgomeryschoolsmd.org)

For systemwide information and emergency announcements:

MCPS on Twitter . . . . . [www.twitter.com/mcps](http://www.twitter.com/mcps)

MCPS en Español . . . . [www.twitter.com/mcpsespanol](http://www.twitter.com/mcpsespanol)

MCPS on Facebook . . . . [www.facebook.com/mcpsmd](http://www.facebook.com/mcpsmd)

MCPS en Español . . . [www.facebook.com/mcpsespanol](http://www.facebook.com/mcpsespanol)

Alert MCPS . [www.montgomeryschoolsmd.org/alertMCPS](http://www.montgomeryschoolsmd.org/alertMCPS)

## MCPS INFORMATION AND EMERGENCY ANNOUNCEMENTS (CONTINUED)

*MCPS QuickNotes Email Messages  
and Newsletter.* . . . . . [www.mcpsQuickNotes.org](http://www.mcpsQuickNotes.org)

### Ask MCPS Information Service

Telephone. . . . . 240-740-3000  
Spanish Hotline . . . . . 240-740-2845  
Email. . . . . [AskMCPS@mcpsmd.org](mailto:AskMCPS@mcpsmd.org)

### MCPS Public Information Office . . . . . 240-740-2837

MCPS Television . . . . . [www.mcpsTV.org](http://www.mcpsTV.org);  
Comcast 34, 998; RCN 89, 1058; Verizon 36

*Recorded Emergency and  
Weather Information* . . . . . 301-279-3673

## MCPS RESOURCES ON THE WEB

[www.montgomeryschoolsmd.org](http://www.montgomeryschoolsmd.org)

### Search:

MCPS School Directory  
MCPS Staff Directory  
MCPS Strategic Plan  
Athletics  
Be Well 365  
Board of Education  
B The One  
Bullying, Harassment, and Intimidation  
Bus Routes  
Child Abuse and Neglect  
College and Career Center  
Common Sense Education  
Course Bulletin  
Cybercivility and CyberSafety  
Diploma Requirements  
Gangs and Gang Activity

## MCPS RESOURCES ON THE WEB (CONTINUED)

[www.montgomeryschoolsmd.org](http://www.montgomeryschoolsmd.org)

Grading and Reporting  
Guidelines for Respecting Religious Diversity  
Guidelines for Student Gender Identity  
Lunch Menus  
Maryland High School Assessments  
myMCPS Classroom  
Nondiscrimination  
Online Pathway to Graduation  
Physical Education  
Policies and Regulations  
Psychological Services  
Pupil Personnel Services  
Reporting Allegations of Child Abuse and Neglect  
Restorative Justice  
School Counseling Services  
School Health Services  
School Safety  
Sexual Harassment  
Social Media Digital Citizenship  
Special Education  
Special Programs  
Strategic Planning  
Student Code of Conduct  
Student eLearning  
Student Privacy  
Student Service Learning  
Suicide Prevention  
Summer School

# INTRODUCTION

Montgomery County Public Schools (MCPS) is committed to providing all students with opportunities to succeed and thrive. Part of that commitment is making sure our students have a safe, welcoming school environment where students are engaged in learning and are active participants in the school community because they feel accepted and valued, free from discrimination, bullying, harassment, or intimidation. The Montgomery County Board of Education's core values, guidance from the Maryland State Department of Education, and Montgomery County Board of Education Policy ACA, *Nondiscrimination, Equity, and Cultural Proficiency*, prohibit discrimination, stigmatization, and bullying based on gender identity, as well as sex, gender, gender expression, and sexual orientation, among other personal characteristics.

These guidelines are intended to provide a quick reference regarding several Board policies and MCPS regulations, as well as state and federal laws, which guide the district on these topics. These guidelines cannot anticipate every situation that might occur. Consequently, the needs of each student must be assessed on a case-by-case basis.

MCPS created these guidelines in collaboration with members of the MCCPTA-LGBTQ Sub-Committee and other stakeholders. These partnerships promote respect and appreciation for all students and deepen our community's commitment to the core values of Learning, Relationships, Respect, Excellence, and Equity. Our community has long been engaged in efforts to create, foster, and promote equity, inclusion, and acceptance for all. Part of that commitment is making sure our LGBTQ students can express their gender identity free from discrimination, bullying, or harassment as we learn together in our schools.

It is critical that all MCPS staff members recognize and respect matters of gender identity; make all reasonable accommodations in response to student requests regarding gender identity; and protect student privacy and confidentiality.

MCPS has developed the following guidance to help achieve these goals with respect to student gender identity:

- Support students so they may participate in school life consistent with their asserted gender identity, including students who identify as transgender or gender nonconforming.
- Reduce stigmatization and marginalization of transgender and gender nonconforming students.
- Foster social integration and cultural inclusiveness of transgender and gender nonconforming students.
- Respect the right of students to keep their gender identity or transgender status private and confidential.
- Provide support for MCPS staff members to enable them to appropriately and consistently address matters of student gender identity and expression.

We hope you find these guidelines helpful. If you have questions about anything in this Guide, please first talk with your school administrators. If you have further questions, contact the MCPS Office of District Operations, Student Welfare and Compliance, at 240-740-3215, [SWC@mcpsmd.org](mailto:SWC@mcpsmd.org) or [TitleIX@mcps.org](mailto:TitleIX@mcps.org). A *Student Gender Quick Guide* is available from Student Welfare and Compliance. If your questions cannot be answered by MCPS staff, you also may contact the Board of Education chief of staff or the Board ombudsman at 240-740-3030 or [boe@mcpsmd.org](mailto:boe@mcpsmd.org).

## ■ Definitions

The definitions provided here are not intended to label students but rather to assist in understanding transgender and gender nonconforming students. Students might or might not use these terms to describe themselves.<sup>3,4</sup>

**AGENDER** Without a gender (also “nongendered” or “genderless”).

**CISGENDER** A person whose gender identity and gender expression align with the person’s sex assigned at birth; a person who is not transgender or gender nonconforming.

**GENDER EXPRESSION** The manner with which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice, speech and word choices, or mannerisms.

**GENDER FLUID** A person whose gender identity or gender expression is not fixed and shifts over time, depending on the situation.

**GENDER IDENTITY** A person’s deeply held internalized sense or psychological knowledge of the person’s own gender. One’s gender identity may be the same as or different from the sex assigned at birth. Most people have a gender identity that matches their sex assigned at birth. For some, however, their gender identity is different from their sex assigned at birth. All people have gender identity, not just persons who are transgender or gender nonconforming people. For the purposes of this guidance, a student’s gender identity is that which is consistently asserted at school.

**GENDER NONCONFORMING** A term for individuals whose gender expression differs from conventional or stereotypical expectations, such as “feminine” boys, “masculine” girls, and those whose gender expression may be androgynous. This includes people who identify outside traditional gender categories or identify as two or more genders. Other terms that can have similar meanings include “gender diverse” or “gender expansive.”

**INTERSEX** A range of conditions associated with the development of physical sex characteristics that do not fit the typical definition of male or female.

**LGBTQ** An acronym for the Lesbian, Gay, Bisexual, Transgender, Queer, and Questioning community. This acronym often is written as LGBTQ+ in an effort to be more inclusive. It is also stated as LGBTIA to include people who are asexual, or LGBTI, with the I representing intersex, or LGBTQIA to represent all of the above.

**NON-BINARY** A person who does not identify solely, or at all, as either male or female. Some non-binary people are also transgender.

**SEX ASSIGNED AT BIRTH** The sex designation recorded on an infant’s birth certificate, should such a record be provided at birth.

**SEXUAL ORIENTATION** Describes a person’s emotional, romantic, or sexual attraction to other people. Some examples of sexual orientation are gay, lesbian, bisexual, asexual, or pansexual.

**TRANSGENDER** An adjective describing a person whose gender identity or expression is different from that traditionally associated with the person’s sex assigned at birth. Other terms that can have similar meanings are “transsexual” and “trans.”

**TRANSITION** The process by which a person decides to live as the gender with which the person identifies, rather than the gender assigned at birth. In order to openly express their gender identity to other people, transgender people may take a variety of steps (e.g., using a nickname or legally changing their names and/or their sex designation on legal documents; choosing clothes and hairstyles that reflect their gender identity; and generally living, and presenting themselves to others consistently with their gender identity). Some, but not all, transgender people take hormones or undergo surgical procedures to change their bodies to align with their gender identity. Although transitioning includes the public representation of one’s gender expression, transitioning is a personal process and individuals transitioning have the right to privacy.

**X MARKER** Gender marker option for a person who does not identify with the binary categories of “M” for male or “F” for female.

## ■ Proactively Working with Transgender and Gender Nonconforming Students

### Gender Support Plan

The principal (or designee), in collaboration with the student and the student’s family (if the family is supportive of the student), should develop a plan to ensure that the student has equal access and equal opportunity to participate in all programs and activities at school and is otherwise protected from gender-based discrimination at school. The principal, designee, or school-based mental health professional

<sup>1</sup>Related Montgomery County Board of Education Policies and MCPS Regulations: ACA, ACF, JHF, JHF-RA, ACA-RA, ACF-RA, COA, COA-RA

<sup>2</sup>For more information and lists of additional resources, see: *Maryland State Department of Education, Providing Safe Spaces for Transgender and Gender Non-Conforming Youth: Guidelines for Gender Identity Non-Discrimination* (October 2015), available at [marylandpublicschools.org/about/Documents/DSFSS/SSSP/ProvidingSafeSpacesTransgendergenderNonConformingYouth012016.pdf](http://marylandpublicschools.org/about/Documents/DSFSS/SSSP/ProvidingSafeSpacesTransgendergenderNonConformingYouth012016.pdf).

<sup>3</sup>Terminology used in these guidelines is intended to be as inclusive as possible; however, it is understood that terms and language are evolving and may become outdated quickly.

<sup>4</sup>Definitions were informed by the following sources: American Civil Liberties Union; American Psychological Association; Baltimore City Schools; California School Boards Association; Chicago Public Schools; District of Columbia Public Schools; Gay, Lesbian, and Straight Education Network; Howard County Public Schools; Human Rights Campaign; Lambda Legal; Maryland State Department of Education; Maryland Public Secondary Schools Athletic Association; Massachusetts Department of Elementary and Secondary Education; National Collegiate Athletic Association; National School Boards Association; New York City Department of Education; PFLAG; and Trevor Project.



(e.g., school psychologist, school counselor, and/or school social worker) should use MCPS Form 560-80, *Intake Form: Supporting Students, Gender Identity*, to support this process and assist the student in participating in school. The completed form must be maintained in a secure location and may not be placed in the student's cumulative or confidential files. While the plan should be consistently implemented by all school staff, the form itself is not intended to be used or accessed by other school staff members.

- Each student's needs should be evaluated on a case-by-case basis, and all plans should be evaluated on an ongoing basis and revised as needed. As a part of the plan, schools should identify staff member(s) who will be the key contact(s) for the student. The plan should delineate how support will be provided and how and to whom information will be disseminated.
- In addition, each plan should address identified name; pronouns; athletics; extracurricular activities; locker rooms; bathrooms; safe spaces, safe zones, and other safety supports; and formal events such as graduation.

### Communication with Families

Prior to contacting a student's parent/guardian, the principal or identified staff member should speak with the student to ascertain the level of support the student either receives or anticipates receiving from home. In some cases, transgender and gender nonconforming students may not openly express their gender identity at home because of safety concerns or lack of acceptance. Matters of gender identity can be complex and may involve familial conflict. If this is the case, and support is required, Student Welfare and Compliance (SWC) should be contacted. In such cases, staff will support the development of a student-led plan that works toward inclusion of the family, if possible, taking safety concerns into consideration, as well as student privacy, and recognizing that providing support for a student is critical, even when the family is nonsupportive.

### ■ Privacy and Disclosure of Information

- All students have a right to privacy. This includes the right to keep private one's transgender status or gender nonconforming presentation at school.
- Information about a student's transgender status, legal name, or sex assigned at birth may constitute confidential medical information. Disclosing this information to other students, their parents/guardians, or third parties may violate privacy laws, such as the federal *Family Educational Rights and Privacy Act* (FERPA).
- Schools will ensure that all medical information, including that relating to transgender students, is kept confidential in accordance with applicable state, local, and federal privacy laws.
- Please note that medical diagnosis, treatment, and/or other documentation are not required for a school to

accommodate requests regarding gender presentation, identity, and diversity.

- Transgender and gender nonconforming students have the right to discuss and demonstrate their gender identity and expression openly and decide when, with whom, and how much to share private information. The fact that students choose to disclose their status to staff members or other students does not authorize school staff members to disclose a student's status to others, including parents/guardians and other school staff members, unless legally required to do so or unless students have authorized such disclosure.
- It is inappropriate to ask transgender or gender nonconforming students more questions than are necessary to support them at school.

### ■ Names/Pronouns

All students have the right to be referred to by their identified name and/or pronoun. School staff members should address students by the name and pronoun corresponding to the gender identity that is consistently asserted at school. Students are not required to change their permanent student records as described in the next section (e.g., obtain a court-ordered name and/or new birth certificate) as a prerequisite to being addressed by the name and pronoun that corresponds to their identified name. To the extent possible, and consistent with these guidelines, school personnel will make efforts to maintain the confidentiality of the student's transgender status.

### Staff Communication

Whenever schools are not legally required to use a student's legal name or sex assigned at birth on school records and other documents, the school should use the gender and name identified by the student on documents such as classroom rosters, identification badges, announcements, certificates, newspapers, newsletters, and yearbooks. To avoid harmful misgendering or misnaming, schools should be especially mindful that all information shared with substitute teachers should be in alignment with the student's identified gender and name.

- Schools should seek to minimize the use of permission slips and other school-specific forms that require disclosure of a student's gender or use gendered terminology such as boys/girls (instead of students) or mother/father (instead of parent/guardian).
- Unless the student or parent/guardian has specified otherwise, when contacting the parent/guardian of a transgender student, MCPS school staff members should use the student's legal name and pronoun that correspond to the student's sex assigned at birth.
- Asking about a person's pronouns makes spaces more inclusive and welcoming of transgender, gender nonconforming, and non-binary people.

## ■ Permanent School Records

Schools are required to maintain a permanent student record for each student, which includes the gender and legal name of the student. Students or parents/guardians seeking to change the student's gender or legal name should consult with the school counselor, who will assist the family with completion of Form 560-80, *Intake Form: Supporting Student Gender Identity*, and direct any questions to Student Welfare and Compliance. Changes to a student's gender and legal name are subject to different requirements by the Maryland State Department of Education (MSDE). For more information, see MCPS Regulation JOA-RA, *Student Records*.

**Change to Legal Name:** A student's permanent record will be changed to reflect a change in the student's legal name upon receipt of documentation that such legal name has been changed. Any of the following documents is evidence of a legal name change:

- Birth Certificate
- Passport/Visa
- Physician's Certificate
- Baptismal or Church Certificate
- Hospital Certificate
- Parent's/Guardian's Affidavit
- Birth Registration
- Other evidence of birth certificate

If a student and/or the student's parent/guardian requests a change to the student's permanent record, absent such documentation, the school should contact SWC.

**Change to Gender:** Self-identification of a student's gender is sufficient for the student's permanent record. In accordance with guidance from MSDE, a student's records may identify the student as male, female, or gender X. The Maryland Student Records System Manual allows for self-identification of a student's gender on student records as follows:

- 1-Male
- 2-Female
- X-Non-Binary, student identifies as neither male or female or both

**Prevention of Disclosure:** The school must protect the student's previous identity once a change to a student's gender and/or legal name has occurred. Please refer to the Student Record Keeper Manual, Office of Shared Accountability (OSA) or SWC for additional information.

In situations where schools are required to use the gender and legal name from a student's permanent record, such as for standardized tests or reports to MSDE, school staff members and administrators shall adopt practices to avoid the inadvertent disclosure of the student's gender and legal name when they differ from the student's identified name and gender.

When a gender and/or name change has been made to the permanent school record—

- the school must notify OSA so that appropriate notice to MSDE can be made;
- school administrators should advise families that they must provide updated copies of any records provided to

the school that were generated by external sources (e.g., immunization records, doctor's orders, or other records from medical providers).

**Former Students:** Similarly, a former student's permanent record should be changed to reflect a change in the former student's gender and/or legal name, on receipt of documentation that such gender and/or legal name have been changed. These changes are processed by Central Records.

## ■ Dress Code

- Transgender and gender nonconforming students have the right to dress in a manner consistent with their gender identity or gender expression, so long as it complies with the MCPS dress code. School staff members shall not enforce a school's dress code more strictly for transgender or gender nonconforming students than for other students.
- Schools should consider gender-neutral dress codes for class or yearbook photos, honor society ceremonies, graduation ceremonies, or dances. In addition, in circumstances where gendered clothing is worn (e.g., in shows and performances), students should be allowed to wear the garments associated with their gender identity.

## ■ Gender-based Activities

- Schools should evaluate all gender-based policies, rules, and practices, and maintain only those that have a clear and sound pedagogical purpose. For example, if music and performance groups arrange students into sections, they should seek to group them by voice type/qualities, rather than by gender.
- Whenever students are separated by gender in school activities or are subject to an otherwise lawful gender-specific rule, policy, or practice, students must be permitted to participate consistent with their gender identity.

## ■ Gender-separated Areas

- Where facilities are designated by gender, students **must** be provided access to gender-specific facilities (e.g., bathrooms, locker rooms, and changing rooms) in alignment with their consistently asserted gender identity.
- Any student who is uncomfortable using a shared facility because of safety, privacy, or any other reason, should, upon request, be provided with a safe and nonstigmatizing alternative arrangement such as a single bathroom or, with respect to locker rooms, a privacy partition or curtain in changing areas, use of a nearby private restroom or office, or a separate changing schedule. The student should be provided access in a manner that safeguards confidentiality.
- Students who are entitled to use a facility consistent with their gender identity cannot be required to use

an alternative arrangement. Alternative arrangements should be used only at the request of a student and in a manner that keeps the student's transgender status confidential.

- Some students may feel uncomfortable with a transgender student using the same sex-specific facility. This discomfort is not a reason to deny access to the transgender student. School administrators and counseling staff members should work with students to address their discomfort to foster understanding of gender identity and to create a school culture that respects and values all students.

## ■ New Construction/Renovation

- If existing facilities do not meet the requirements of school administration to provide a gender-neutral facility for students, schools should work with the Department of Facilities Management to develop facility plans that could include renovation of existing facilities.
- Bearing in mind student safety considerations, the Department of Facilities Management should work to design gender-neutral bathroom facilities that are for student/public use.
- To the extent feasible, MCPS should build at least one gender-neutral restroom on each floor and in high-traffic areas.
- To the extent feasible, MCPS should incorporate at least one gender-neutral changing facility into the design of new schools and school renovations, allowing for safety and confidentiality considerations in the design and location of the gender-neutral facility.

## ■ Physical Education Classes and Intramural Sports

- Whenever the school provides gender-segregated physical education classes and intramural sports, students must be allowed to participate in a manner consistent with their gender identity.

## ■ Interscholastic Athletics

- Transgender and gender nonconforming student participation in interscholastic athletics is determined in accordance with Maryland Public Secondary Schools Athletic Association (MPSSAA) policies and guidelines (available online at [www.mpssaa.org/assets/1/6/MPSSAA\\_Transgender\\_Guidance\\_revised\\_8.16.pdf](http://www.mpssaa.org/assets/1/6/MPSSAA_Transgender_Guidance_revised_8.16.pdf)).
- Per MPSSAA guidance and to ensure competitive fairness, the integrity of women's sports, and equal opportunities to participate without discrimination, transgender and gender nonconforming students in MCPS shall be permitted to participate on the interscholastic athletics team of—

- the student's sex assigned at birth; or
- the gender to which the student has transitioned; or
- the student's asserted gender identity.

- Schools should refer any appeals regarding eligibility to participate in interscholastic athletics to the MCPS Athletics Unit.

- Competition at other schools: Accommodations provided at the home school should be made available at other facilities with the consent of the student and as part of the student's plan. The coach or home school should notify the school to be visited about any necessary accommodations, keeping the identity of the student confidential.

## ■ Clubs

- Many MCPS middle and high schools have student-led clubs that connect and support the interests of LGBTQ and gender nonconforming students, such as Gender and Sexuality Alliance (GSA) clubs. These clubs should run like any other club with clearly defined purposes.
- Schools may not ban students from forming groups solely because they involve discussion of controversial and complex legal issues.

## ■ Outdoor Education/Overnight Field Trips

- Students must be allowed to participate consistent with their asserted gender identity.
- Sleeping arrangements should be discussed with the student and family (if the family is supportive of the student). Upon request, the student should be provided with a safe and non-stigmatizing alternative arrangement, such as a private sleeping area, if practicable.
- Schools should try to accommodate any student who may desire greater privacy, if practicable, without isolating other students.
- A student's transgender status is confidential information and school staff members may not disclose or require disclosure of a student's transgender status to other students or their parents/guardians, as it relates to a field trip, without the consent of the student and/or the student's parent/guardian.

## ■ Bullying, Harassment, or Intimidation and Threat Assessment

- LGBTQ students have a higher incidence of being bullied, harassed, or intimidated, as well as a higher rate of suicide contemplation, and are more than five times as likely as non-LGBTQ students to attempt suicide.

- Board Policy JHF, *Bullying, harassment, or Intimidation*, sets forth the Board's commitment to an environment that is free of bullying, harassment, or intimidation so that schools are a safe place in which to learn; and MCPS Regulation JHF-RA, *Student Bullying, Harassment, or Intimidation*, provides procedures that address the prohibition of bullying in schools. These are available on the MCPS website at <https://www.montgomeryschoolsmd.org/departments/policy/pdf/jhf.pdf> and <https://www.montgomeryschoolsmd.org/departments/policy/pdf/jhfra.pdf>.
- Board Policy COA, *Student Well-being and School Safety*, establishes and maintains a behavior threat assessment process, based on an appraisal of behaviors, and provides appropriate preventive or corrective measures to maintain safe and secure school environments and workplaces. All children deserve a safe and nurturing school environment that supports their physical, social, and psychological well-being. In alignment with Board Policy ACA, *Nondiscrimination, Equity, and Cultural Proficiency*, school safety measures should not reinforce biases against, or rely on the profiling of, students based on their actual or perceived personal characteristics. MCPS Regulation COA-RA, *Behavior Threat Assessment*, requires that staff responsible for implementing behavior threat assessment procedures at the school level are trained to understand implicit bias, promote diversity awareness, and consider the risk of self-harm or the presence of suicidal ideation. Board of Education Policy COA, *Student Well-being and School Safety*, and MCPS Regulation COA-RA, *Behavior Threat Assessment*, are available on the MCPS web at [www.montgomeryschoolsmd.org/departments/policy/pdf/coa.pdf](http://www.montgomeryschoolsmd.org/departments/policy/pdf/coa.pdf) and [www.montgomeryschoolsmd.org/departments/policy/pdf/coara.pdf](http://www.montgomeryschoolsmd.org/departments/policy/pdf/coara.pdf)
- Bullying, harassment, and intimidation include conduct that is directed at a student based on a student's actual or perceived gender identity or expression, and includes conduct that targets a student because of a characteristic of a friend, family member, or other person or group with whom a student associates.
- The use of language and/or the display of images and symbols that promote hate may constitute bullying, harassment, or intimidation. 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.
- Complaints alleging discrimination, harassment, or intimidation directed at a student based on a student's actual or perceived gender identity or expression should be handled in the same manner as other discrimination or harassment complaints. Schools should be vigilant about bullying, harassment, and intimidation and address it promptly.

- School staff members should take all reasonable steps to ensure safety and access for transgender and gender nonconforming students at their school and support students' rights to assert their gender identity and expression.
- Students shall not be disciplined based on their actual or perceived gender identity or expression.
- Schools are encouraged to have age-appropriate student organizations develop and lead programs to address issues of bullying prevention for all students, with emphasis on LGBTQ students.

## ■ Safe Spaces

- **Hallway or "Flash" Pass:** If needed, schools will allow a transgender or gender nonconforming student to go to a safe space (e.g., main office, counselor's office) at any time the student encounters a situation that feels unsafe or uncomfortable.
- **Safe Zones:** Schools will designate certain teachers' classrooms, specific offices, or a location in a school that is deemed a safe zone where any student, for whatever reason, may go to be free from judgment and to feel comfortable and safe. Schools also should ensure that staff members who have safe zone stickers on their doors have received appropriate training regarding providing inclusive, affirming environments.

## ■ Staff Support

- Board of Education Policy ACA, *Nondiscrimination, Equity, and Cultural Proficiency*, protects all MCPS employees from any form of discrimination, including actions that are motivated by an invidious intent to target individuals based on their actual or perceived personal characteristics as well as acts of hate, violence, insensitivity, disrespect, or retaliation—such as verbal abuse, harassment, bullying, slurs, threats, physical violence, vandalism, or destruction of property—that impede or affect the learning or work environment, and encompassing racism, sexism, issues of gender identity, and other forms of institutional prejudice in all their manifestations. Staff seeking guidance and supports involving issues of gender identity are encouraged to contact the coordinator in the Office of Human Resources and Development, Department of Compliance and Investigations at 240-740-2888.



## 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.\*\*

<b>For inquiries or complaints about discrimination against MCPS students*</b>	<b>For inquiries or complaints about discrimination against MCPS staff*</b>
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 2100, Rockville, MD 20850 240-740-2888 DCI@mcpsmd.org
<b>For student requests for accommodations under Section 504 of the Rehabilitation Act of 1973</b>	<b>For staff requests for accommodations under the Americans with Disabilities Act</b>
Section 504 Coordinator Office of Academic Officer Resolution and Compliance Unit 850 Hungerford Drive, Room 208, Rockville, MD 20850 240-740-3230 RACU@mcpsmd.org	ADA Compliance Coordinator Office of Human Resources and Development Department of Compliance and Investigations 45 West Gude Drive, Suite 2100, Rockville, MD 20850 240-740-2888 DCI@mcpsmd.org
<b>For inquiries or complaints about sex discrimination under Title IX, including sexual harassment, against students or staff*</b>	
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.

Maryland's Largest School District

## MONTGOMERY COUNTY PUBLIC SCHOOLS

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**2022–2023**

**Guidelines for Respecting**

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**RELIGIOUS DIVERSITY**

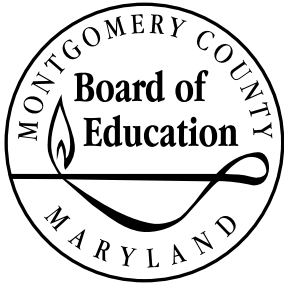
**in Montgomery County Public Schools**

[www.montgomeryschoolsmd.org](http://www.montgomeryschoolsmd.org)

.....  
Maryland's Largest School District

**MONTGOMERY COUNTY PUBLIC SCHOOLS**





## **VISION**

*We inspire learning by providing the greatest public education to each and every student.*

## **MISSION**

*Every student will have the academic, creative problem solving, and social emotional skills to be successful in college and career.*

## **CORE PURPOSE**

*Prepare all students to thrive in their future.*

## **CORE VALUES**

*Learning  
Relationships  
Respect  
Excellence  
Equity*

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850 Hungerford Drive  
Rockville, Maryland 20850  
[www.montgomeryschoolsmd.org](http://www.montgomeryschoolsmd.org)



# 2022–2023

## Guideline's for Respecting

# RELIGIOUS DIVERSITY

### in Montgomery County Public Schools

[www.montgomeryschoolsmd.org](http://www.montgomeryschoolsmd.org)

These *Guidelines for Respecting Religious Diversity in Montgomery County Public Schools* are available in English, Spanish, French, Chinese, Korean, Vietnamese, Amharic, and Portuguese on the MCPS web at [www.montgomeryschoolsmd.org/students/rights/](http://www.montgomeryschoolsmd.org/students/rights/)

Guideline's for Respecting Religious Diversity (English)

Maryland's Largest School District

**MONTGOMERY COUNTY PUBLIC SCHOOLS**

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Montgomery County Public Schools  
Rockville, Maryland



# MONTGOMERY COUNTY PUBLIC SCHOOLS

*Expanding Opportunity and Unleashing Potential*

OFFICE OF THE SUPERINTENDENT OF SCHOOLS

September 2022

Dear Students, Parents/Guardians, and Colleagues,

Returning to school five days a week and in person during the 2021–2022 school year was rewarding, but not without challenges. As a community, we have adjusted to changing guidelines for in-school and out-of-school operations, necessitated by the ongoing pandemic, to keep all of us safe. As a community, it has become more important than ever before to collaborate and partner in every aspect of the work that must be done to ensure a high-quality education for all students.

We must continue to embrace the vibrant diversity of our Montgomery County community and ensure that all individuals, no matter their race, ethnicity, or religious identification, feel welcomed and valued in our school system. This is foundational so that everyone can successfully participate, teach, and learn at high levels, in a welcoming environment.

This commitment is codified in Montgomery County Board of Education Policy ACA, *Nondiscrimination, Equity, and Cultural Proficiency*, and it is needed more than ever, given the rise in hate, bias, and racism against minoritized communities. Part of that commitment is making sure our students have the right to express their religious and nonreligious beliefs and practices, free from discrimination, bullying, and harassment. As a school district, we are committed to making feasible and reasonable accommodations for those beliefs and practices, as we strive to create safe, positive, and respectful learning environments for all of our students.

In partnership,



Monifa B. McKnight



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# QUICK REFERENCE GUIDE RESOURCES FOR STUDENTS

## MONTGOMERY COUNTY CRISIS HOTLINES

24-hour information, Referrals and Supportive Conversation

**Maryland Crisis Hotline/EveryMind/** . . . . .301-738-2255  
and <https://www.every-mind.org/>

Provides a staffed hotline as well as a 24-hour chat box on their website.

**Montgomery County Crisis Center** . . . . . 240-777-4000

The Crisis Center provides free crisis support services 24/7 for individuals who are experiencing a mental health crisis.

**Youth Crisis Hotline of**

**Montgomery County** . . . . . 301-738-9697

Provides confidential and anonymous support by trained counselors through a 24-hour telephone active listening and referral service.

## TO REPORT SAFETY AND SECURITY CONCERNS

**MCPS Department of Systemwide Emergency Management.** . . . . .240-740-3066

The MCPS office responsible for ensuring the safety of MCPS schools and offices.

**MCPS Student Welfare and Compliance: SWC@mcpsmd.org or TitleIX@mcpsmd.org.** . . . . . 240-740-3215

The MCPS districtwide Title IX coordinator and districtwide child abuse and neglect contact. The Student Welfare and Compliance web page is at <https://www.montgomeryschoolsmd.org/compliance/>. SWC works collaboratively with schools, the Office of the General Counsel and other MCPS offices, and community agencies to ensure consistency and coherence with implementation of policies, regulations, and guidelines, such as issues related to human relations; bullying, harassment (including Title IX sexual harassment), and intimidation; recognizing and reporting child abuse and neglect; incidents of hate-bias, hazing, and student gender identity.

**MCPS Cyber Safety dropbox:** . [CyberSafety@mcpsmd.org](mailto:CyberSafety@mcpsmd.org)  
Dropbox to report inappropriate online activity within MCPS.

**The Cyber Tipline** . . . . . 1-800-843-5678

24/7 hotline to report suspected online enticement of children for sexual acts, extra-familial child sexual molestation, child pornography, child sex tourism, child sex trafficking, unsolicited obscene materials sent to a child, misleading domain names, and misleading words or digital images on the Internet.

**Safe Schools Maryland Hotline** . . . . . 833-MD-B-Safe (833-632-7233)

A 24/7 anonymous and free reporting system available to students, teachers, school staff members, parents, and the general public to report any school or student safety concerns, including mental health concerns. Information about incidents is shared with the appropriate offices at Montgomery County Public Schools, respecting anonymity of caller.

**Montgomery County Child Protective Services, Department of Health and Human Services (24 hours)** . . . . .240-777-4417 or 240-777-4815 TTY

24/7 reporting hotline to report suspected child abuse or neglect to Montgomery County Child Protective Services.

**Montgomery County Adult Protective Services for Vulnerable Adults** .240-777-3000, 240-777-4815 TTY  
24/7 hotline to report suspected adult abuse and neglect

**Montgomery County Police Department, Special Victims Investigation Division (24 hours)** . . . 240-773-5400

24/7 hotline to report sex crimes against children and adults, physical child abuse, runaways, missing children, felony domestic violence, elder abuse/vulnerable adult abuse, and registration violations of sex offenders to Montgomery County Police Department.

**Montgomery County Police:**

**Drug and Gang Tip Hotline.** . . 240-773-GANG (4264) or 240-773-DRUG (3784)

24/7 hotline to leave an anonymous tip with information relating to illegal drug/gang activities in Montgomery County.

## MCPS RESOURCES

**Countywide Student Government**

[www.montgomeryschoolsmd.org/departments/student-leadership](http://www.montgomeryschoolsmd.org/departments/student-leadership)

**Director, Student Leadership and**

**Extracurricular Activities.** . . . . . 240-740-4692

**Student Member of the Board**

[www.montgomeryschoolsmd.org/boe/members/student.aspx](http://www.montgomeryschoolsmd.org/boe/members/student.aspx)

**Office of the Board of Education.** . . . . 240-740-3030

**Area Associate Superintendents,**

**School Support and Improvement** . . . 240-740-3100

**Associate Superintendent, Student and**

**Family Support and Engagement** . . . 240-740-5630

**Section 504 Resolution and Compliance** . 240-740-3230

## MONTGOMERY NONEMERGENCY RESOURCES

**Montgomery County Police**

**Nonemergency Line.** . . . . . 301-279-8000

**Montgomery County Health and Human Services Information Line**

Contact the Department of Health and Human Services  
General Information . . . . . 311, 301-251-4850 TTY  
Outside Montgomery County Residents . .240-777-0311

## MCPS INFORMATION AND EMERGENCY ANNOUNCEMENTS

**Stay Connected to MCPS** [www.montgomeryschoolsmd.org](http://www.montgomeryschoolsmd.org)  
For systemwide information and emergency announcements:

MCPS on Twitter . . . . . [www.twitter.com/mcps](http://www.twitter.com/mcps)

MCPS en Español . . . . . [www.twitter.com/mcpsespanol](http://www.twitter.com/mcpsespanol)

MCPS on Facebook . . . . . [www.facebook.com/mcpsmd](http://www.facebook.com/mcpsmd)

MCPS en Español . . . . . [www.facebook.com/mcpsespanol](http://www.facebook.com/mcpsespanol)

Alert MCPS . [www.montgomeryschoolsmd.org/alertMCPS](http://www.montgomeryschoolsmd.org/alertMCPS)

## MCPS INFORMATION AND EMERGENCY ANNOUNCEMENTS (CONTINUED)

*MCPS QuickNotes Email Messages  
and Newsletter. . . . .* [www.mcpsQuickNotes.org](http://www.mcpsQuickNotes.org)

### Ask MCPS Information Service

Telephone. . . . . 240-740-3000  
Spanish Hotline . . . . . 240-740-2845  
Email. . . . . [AskMCPS@mcpsmd.org](mailto:AskMCPS@mcpsmd.org)

### MCPS Public Information Office . . . . . 240-740-2837

MCPS Television . . . . . [www.mcpsTV.org](http://www.mcpsTV.org);  
Comcast 34, 998; RCN 89, 1058; Verizon 36

*Recorded Emergency and  
Weather Information . . . . .* 301-279-3673

## MCPS RESOURCES ON THE WEB [www.montgomeryschoolsmd.org](http://www.montgomeryschoolsmd.org)

### Search:

MCPS School Directory  
MCPS Staff Directory  
MCPS Strategic Plan  
Athletics  
Be Well 365  
Board of Education  
B The One  
Bullying, Harassment, and Intimidation  
Bus Routes  
Child Abuse and Neglect  
College and Career Center  
Common Sense Education  
Course Bulletin  
Cybercivility and CyberSafety  
Diploma Requirements  
Gangs and Gang Activity

## MCPS RESOURCES ON THE WEB (CONTINUED) [www.montgomeryschoolsmd.org](http://www.montgomeryschoolsmd.org)

Grading and Reporting  
Guidelines for Respecting Religious Diversity  
Guidelines for Student Gender Identity  
Lunch Menus  
Maryland High School Assessments  
myMCPS Classroom  
Nondiscrimination  
Online Pathway to Graduation  
Physical Education  
Policies and Regulations  
Psychological Services  
Pupil Personnel Services  
Reporting Allegations of Child Abuse and Neglect  
Restorative Justice  
School Counseling Services  
School Health Services  
School Safety  
Sexual Harassment  
Social Media Digital Citizenship  
Special Education  
Special Programs  
Strategic Planning  
Student Code of Conduct  
Student eLearning  
Student Privacy  
Student Service Learning  
Suicide Prevention  
Summer School



# INTRODUCTION

## Respecting Religious Diversity in Montgomery County Public Schools

Montgomery County Public Schools (MCPS) is committed to providing all students with opportunities to succeed and thrive. Part of that commitment is making sure our students have the right to express their religious or nonreligious beliefs and practices, free from discrimination, bullying, or harassment.

Our nation and the state of Maryland have a deep and long-standing commitment both to the protection of religious liberty and to the separation of church and state. The First Amendment to the U.S. Constitution states: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof...” This means that the government may not promote one religion over another, prefer religion over nonreligion, or express hostility or opposition to religion.

The U.S. Supreme Court has emphasized the importance of neutrality toward religion by public schools. Schools must protect the religious liberty rights of all students, while rejecting public endorsement of religion. Schools may neither inculcate nor inhibit religion, and students have a right to an academic environment where religious beliefs are not advocated in courses or in school-sponsored activities, such as commencements or assemblies. Equally important, students have the right to their religious or nonreligious beliefs and practices, free from discrimination, bullying, or harassment, and MCPS is committed to making feasible and reasonable accommodations for those beliefs and practices.

These guidelines are intended to provide a quick reference regarding several Montgomery County Board of Education policies and MCPS regulations, as well as state and federal laws, which guide the district on these topics. These guidelines put all of this information together in one place and answer frequently asked questions about religious guidelines for students, while in school and during school-sponsored activities, so that the expectations are clear to our staff, our students, our families, and our community. Please note that these legal requirements are subject to change between editions of this publication, and any changes supersede the statements and references contained in this publication.

MCPS created these guidelines in collaboration with the Montgomery County Executive’s Faith Community Working Group and other stakeholders. This partnership and collaboration seek to promote respect and appreciation for the religions, beliefs, and customs of our diverse student population. They foster a culture where all families feel respected and deepen our commitment to our core values of Learning, Relationships, Respect, Excellence, and Equity. MCPS believes that diversity is one of our greatest strengths and should enrich our community as we learn together in our schools.

We hope you find these guidelines helpful. If you have questions about anything in this handbook, please first talk with your school administrators. If you have further questions, contact the MCPS Office of the Chief of Districtwide Services and Supports, Student Welfare and Compliance, at 240-740-3215, or SWC@mcpsmd.org. If your questions cannot be answered by MCPS staff, you also may contact the Board of Education chief of staff or the Board ombudsman at 240-740-3030, or boe@mcpsmd.org.

## ■ Frequently Asked Questions

### **Are students’ absences excused for observances of religious holidays?**

YES. Families must follow all of the regular procedures to report and document absences. Please see the *Absences for Religious Holidays* section of these guidelines for further information (page 2).

### **Can students make up work due to absences for religious holidays?**

YES. Families should work with their child’s school to arrange for making up work. Please see the *Absences for Religious Holidays* section of these guidelines for more detailed information (page 2).

### **Can students pray during the school day?**

YES, under certain circumstances. Please see the *Prayer and Religious Dress* section of these guidelines for more specific information (page 3).

### **Can students wear clothing associated with their religion?**

YES. Students may wear scarves, hijabs, yarmulkes, patkas, kufis, or other clothing associated with their religion in accordance with Board policies and MCPS regulations. Please see the *Prayer and Religious Dress* section of these guidelines for more specific information (page 3).

### **Can religious topics be discussed in school assignments?**

YES. Students may express their religious beliefs or nonbelief in school assignments as long as their expressions meet the assignment's requirements, are relevant to the topic, and follow the other guidelines discussed in this *handbook*. In addition, objective and factual lessons about religion in literature, history, and the arts may be part of the MCPS curriculum. Please see the *Religion in the Instructional Program* section of these guidelines for further information (page 3).

### **Do schools accommodate students' religion-related dietary restrictions?**

YES. Schools regularly work with students who may have religion-related dietary restrictions. Please see the *Food and Religious Observance* section of these guidelines for more information (page 5).

### **Can students distribute religious informational materials?**

YES. Students may distribute religious materials on the same terms as they are permitted to distribute other informational material unrelated to school activities. Students must follow school rules about where, when, and how materials are distributed. Please see the *Distributing Religious Informational Materials* section of these guidelines for more information (page 5).

### **Are religious extracurricular clubs allowed in schools?**

YES. Students have a right to organize religion-related extracurricular clubs or assemble and conduct religious meetings, prayer groups, or other observances of religious practices during noninstructional time, on the same basis as other extracurricular student groups that are not related directly to a subject taught in school. These religion-related extracurricular meetings or clubs must be student led. For more information and specific guidance, please see the *Extracurricular Student Religious Activities* section of these guidelines (page 6).

## **■ Absences for Religious Holidays**

### **Attendance and Absences for Observance of Religious Holidays**

Daily attendance at school is crucial to student achievement. Nevertheless, MCPS understands that students may occasionally miss school for a variety of reasons, including the observance of religious holidays. These are excused absences, and students will be allowed to make up missed assignments. If students miss school, they should bring a note from a parent/guardian providing a written explanation within three school days of returning to school.

MCPS will accommodate reasonable requests for late arrivals or early dismissals related to the observance of

a religious holiday, but they must be authorized by a parent/guardian.

Although participation in any athletic event or practice generally requires athletes to attend all of their scheduled classes on the day of the event or practice, students who have prescheduled activities, such as the observance of a religious holiday, will be permitted to participate in athletic events or practices on the day of the absence, provided they receive advance approval from their school.

Because free exercise of religion is a constitutional right, MCPS schools that have perfect attendance awards may not withhold these awards from students whose only absences have been excused for the observance of religious holidays.

#### **References:**

MCPS Regulation JEA-RA, *Student Attendance*.

### **Making Up Work After an Absence for Observing Religious Holidays**

Students have a responsibility and generally are expected to make up work they miss while absent from school. It is best for students and their parents/guardians to plan ahead to arrange extensions or other accommodations for work that students will miss when they are absent to observe a religious holiday. However, MCPS realizes that it is not always realistic or possible to do so. If the absence is excused, the student's teacher will help the student make up work, offer a retest, or grant an extension on classwork or homework that was due during the student's observance of a religious holiday. While each situation must be addressed on a case-by-case basis, students typically will be eligible for an extension of up to three school days to make up work after an excused absence for observance of a religious holiday.

In addition, when assigning homework, schools should be mindful of cultural, ethnic, religious, and other celebrations or events that are important to members of our community. Montgomery County has developed a listing of Days of Commemoration, including certain holidays relating to the religious, ethnic, and cultural heritage of county residents, available at [www.montgomerycountymd.gov/mcg/commemorations.html](http://www.montgomerycountymd.gov/mcg/commemorations.html).

The Equity Initiatives Unit has a document that provides staff with background information about the many commemorations/holidays, which staff and other members of the MCPS community may find helpful as well. The calendar on the MCPS website will display the Days of Commemoration as a reference for staff, students, parents/guardians, and community members, in addition to MCPS school closure information. The calendar is available at [www.montgomeryschoolsmd.org/info/calendars/](http://www.montgomeryschoolsmd.org/info/calendars/).

## ■ Prayer and Religious Dress

### Prayer at School

Students are free to pray and discuss their religious views with other students, as long as these activities are voluntary, student initiated, and do not materially disrupt or infringe on classroom instruction, other school activities, or the rights of others. For example, a student may say a prayer or read religious texts before a meal or before a test in informal settings, such as cafeterias or hallways, to the same extent that students are permitted to engage in nonreligious activities; or a student athlete may pray before a competition or after scoring a touchdown or a goal as long as it does not unreasonably delay or disrupt the competition or interfere with the rights of other athletes or spectators. While students may exercise their right to pray during the school day or at school-related activities, they may not compel, harass, or pressure others at school to participate in or listen to a prayer, sermon, or other religious activity. For instance, student-led prayers broadcast to all classes over the school's public announcement system would not be permissible.

If a student requests a quiet place to pray, schools will make a reasonable effort to accommodate the request, provided that space is available, there is appropriate staff monitoring to ensure student safety, and the educational process is not disrupted. This could mean a quiet space in the media center, an empty classroom, or other room.

Students and their parents/guardians should expect that MCPS teachers, administrators, and other staff will not organize, lead, initiate, endorse, or actively participate in student prayers or other student religious activities during school hours or at school-sponsored events. MCPS staff may be present during student prayers or other student-led religious activities only for purposes of monitoring and providing oversight to ensure student and school safety.

### Religious Dress

Students may not be disciplined for their style of dress unless it—

- causes a disruption to the educational environment;
- endangers or potentially threatens the health and/or safety of self or others;
- fails to meet a reasonable requirement of a course or activity;
- is associated with gangs;
- is lewd, vulgar, obscene, or revealing or of a sexual nature; or
- promotes tobacco, alcohol, drugs, or sexual activity.

As long as their style of dress is consistent with these guidelines, students should be permitted to wear scarves, hijabs, yarmulkes, patkas, or other clothing or jewelry associated with their religion or containing a religious message.

When possible, schools should provide reasonable accommodations to students if they (or their parents/guardians on their behalf) request permission to wear or not wear certain clothing during physical education class or school-sponsored activities that they perceive as immodest, based on religious beliefs. Such accommodations do not preclude a student's participation in an activity. For example, the Maryland Public Secondary Schools Athletics Association allows athletes participating in interscholastic competitions to "wear a head covering, wrap, or other required religious garment which is not abrasive, hard, or dangerous to any player/others, and is attached in such a way that it is unlikely to come off during play." For other questions regarding athletic accommodations, please consult your school athletic director or the MCPS Athletics Unit.

## ■ Religion in the Instructional Program

### Religion in School Assignments

Students are free to express religious beliefs or nonbelief in school assignments as long as their expressions are relevant to the topic and meet the requirements of the assignment. In the evaluation of school assignments, teachers will not discriminate based on the religious content of students' submissions. Schoolwork will be judged by ordinary academic standards and other legitimate educational interests. For example, if an assignment involves writing a poem, the work of a student who submits a poem in the form of a prayer (such as a psalm or a piyyut) will be evaluated based on academic standards (such as literary quality) and neither penalized nor rewarded based on the poem's religious content.

### Requests to be Excused from Instructional Programs for Religious Reasons

When possible, schools should try to make reasonable and feasible adjustments to the instructional program to accommodate requests from students, or requests from parents/guardians on behalf of their students, to be excused from specific classroom discussions or activities that they believe would impose a substantial burden on their religious beliefs. Students, or their parents/guardians on behalf of their students, also have the right to ask to be excused from the classroom activity if the students, or their parents/guardians, believe the activity would invade student privacy by

calling attention to the student's religion. When a student is excused from the classroom activity, the student will be provided with an alternative to the school activity or assignment.

Applying these principles, it may be feasible to accommodate objections from students or their parents/guardians to a particular reading assignment on religious grounds by providing an alternative selection that meets the same lesson objectives. However, if such requests become too frequent or too burdensome, the school may refuse to accommodate the requests. Schools are not required to alter fundamentally the educational program or create a separate educational program or a separate course to accommodate a student's religious practice or belief. For example, schools are not required to excuse students from all music instruction based on a religious concern, because music is an integral part of Maryland's arts curriculum; however, schools may seek to avoid, if possible, requiring a student with a religious objection to play an instrument or sing.

## **Teaching About Religion or Religious Holidays in Schools**

MCPS believes that schools should develop a climate in which children can learn and appreciate cultures and heritages different from their own. To this end, the MCPS curriculum recognizes the role of religions in literature, history, the humanities, and the arts. Indeed, it would be difficult to teach about these subjects without considering religious influences. The MCPS curriculum also builds students' understanding of the relationship between government and religious freedom as a preparation for full citizenship in a multicultural society. Students may attend elective classes, when available, on the history or comparative study of religions in which aspects of religion are discussed.

When students are taught about religion, they should expect instructional activities to be fair, objective, and not demean any religious or nonreligious beliefs. Respecting students' differing beliefs is an essential element of a pluralistic society. Classroom presentations by teachers, students, and guest speakers should not proselytize or advocate particular religious viewpoints as superior to other religious or nonreligious viewpoints. Students may or may not choose to share their ideas about religious traditions. Students should expect that they will not be asked to be spokespersons or representatives for their religious traditions. Singling out students in this way may make them feel uncomfortable, and one student's religious experience should never be generalized to an entire group.

As a teaching aid or resource, schools may use religious symbols in the classroom as examples of religious or

cultural heritage. But these teaching aids or resources may be displayed only on a short-term basis to accompany appropriate classroom instruction.

As part of the educational program, schools may teach about religious holidays in a factual manner. School activities may feature the secular aspects of a holiday, but holiday activities may not involve participation in a religious practice or event. Students of various faiths, or their parents/guardians, may ask for students to be excused from certain holiday activities. Teachers should work to honor these requests by planning an alternate activity for students who request one. Even birthdays or other occasions that many may consider to be secular, such as Halloween and Valentine's Day, may be viewed by others as having religious overtones. Schools are permitted to have activities around these events—as long as they are secular in nature—and may excuse students who do not want to participate.

## **Religion in School Assemblies and Concerts**

Special school events, assemblies, concerts, and programs must be designed to further a secular and objective program of education and must not focus on any one religion or religious observance. For instance, religious music may be performed at a winter concert as long as the total effect of the program is nonreligious, and secular music is also included as part of a balanced and inclusive approach.

When assemblies or programs include student bands or other musical groups, participating students may request reasonable and feasible accommodations if they feel that performing religious music is inappropriate to their beliefs. In handling requests for accommodations, school staff should consult with the students and their parents/guardians and take care to avoid embarrassment to, or coercion of, students.

Student or guest speakers at assemblies should be selected based on neutral and even-handed criteria that neither favor nor disfavor religion. Schools should make appropriate, neutral disclaimers to avoid conveying the perception to other students, their parents/guardians, or guests that the school endorses the student's or guest speaker's viewpoints (whether religious or not). In addition, parents/guardians should expect that age will be a factor in schools' programming for assemblies and other school events involving religion-related topics or holidays. While high school students may understand that a school does not endorse the viewpoints of students or guests who are selected on an even-handed basis to speak, middle and elementary students are less likely to make this distinction, even if school staff provide appropriate disclaimers.

## ■ Food and Religious Observance

### Religion-related Dietary Restrictions and Fasting

Students, or their parents/guardians, may request schools to make reasonable and feasible accommodations for a student's dietary needs, including religion-related dietary restrictions and fasting. The MCPS Division of Food and Nutrition Services helps students who have certain dietary restrictions by labeling foods and/or offering a variety of choices for breakfast, lunch, and snacks, such as pork-free options; but schools are not required to prepare special foods solely to fulfill a student's particular religious requirements. For more information, visit [www.montgomeryschoolsmd.org/departments/food-and-nutrition/](http://www.montgomeryschoolsmd.org/departments/food-and-nutrition/).

Similarly, students who are fasting for religious reasons may be permitted to go to the media center or another separate area, rather than the cafeteria, during lunchtime, provided there is appropriate staff supervision. In addition, students who are fasting for religious reasons and ask to be excused from strenuous activities during physical education class should be provided reasonable accommodations. Students should bring to school a note from a parent/guardian providing a written explanation identifying the requested fasting-related accommodation.

## ■ Distributing Religious Informational Materials

### Student Requests to Distribute Religion-related Informational Materials

Students may distribute religion-related informational materials to their schoolmates on the same terms as they are permitted to distribute other informational material that is unrelated to school curriculum or activities. This means that schools can specify at what time the distribution may occur, where it may occur, and how it may occur, as long as these time, place, and manner restrictions are applied consistently to all non-school-related informational materials.

These time, place, and manner-of-distribution requirements are reflected in MCPS regulations and rules that students' distribution of religious informational materials, like political materials or any other non-school-related informational material, should occur only outside of class time and in a nondisruptive manner. For example, schools may permit students to distribute informational materials on sidewalks and in the cafeteria, designated hallways, or student government rooms or areas. However, students may not distribute non-school-related informational materials

in classrooms, the media center, or other school rooms during the school day, except (a) when the room is being used as a voluntary meeting place or (b) when the informational material is being used in a class as part of the regular teaching program or a voluntary forum or seminar held by students. In addition, students may not distribute informational materials, whether religious or otherwise, that are obscene, defamatory, disruptive of the educational environment, or invade the rights of others in the school setting.

#### References:

MCPS Regulation JFA-RA, *Student Rights and Responsibilities*  
MCPS Regulation CNA-RA, *Display and Distribution of Informational Materials and Announcements*.  
MCPS Regulation KEA-RA, *Participation in Political Campaigns and Distribution of Campaign Materials*

## ■ Extracurricular Student Religious Activities

### Religion-related Extracurricular Activities and Clubs

Students have a right to organize religion-related extracurricular clubs or assemble and conduct religious meetings, prayer groups, or other observances of religious practices during noninstructional time. These religion-related extracurricular meetings or clubs must be student led. MCPS staff provide appropriate monitoring and oversight to ensure student and school safety, but they must not organize, lead, initiate, endorse, or actively participate in prayers or any other religious activities undertaken in these extracurricular meetings or clubs.

Students should inform the MCPS administration about any student-led, religious extracurricular club or activity, and they should talk with school administrators in advance to find an adequate space within the school for these activities. Student religious groups may have access to school facilities, equipment, and services on the same basis as other extracurricular student groups that are not related directly to a subject that is taught in school. This could include access to bulletin boards, computers, and notices in the school newspaper, if such access is made available to other extracurricular student groups that are not related directly to a subject that is taught in school. These religion-related extracurricular groups also may be listed in the section of the school yearbook designated for extracurricular student groups that are not related directly to a subject that is taught in school.

Religion-related extracurricular student groups may invite outside adults or religious leaders to attend their meetings on an occasional basis. However, individuals who are not students at the school may not regularly attend or direct, conduct, control, or lead prayers or other religious activities in student-led extracurricular groups.

Student-led groups, whether religious or nonreligious, will not be permitted to meet in MCPS schools if they advocate violence or hate, engage in illegal activity, cause substantial disruption of the school, violate MCPS nondiscrimination policies, or invade the rights of others in the school setting. However, schools may not ban students from forming groups solely because they involve discussion of controversial and complex social and legal issues.

Students may participate in before- or after-school events with religious content on the same terms as they may participate in other non-curriculum-related activities on school premises.

## **MCPS Use of Facilities Owned by Religious Organizations**

Students and their parents/guardians should expect that schools will not use space in facilities owned or operated by religious organizations for school-related activities or functions when a nonreligious alternative venue is viable and reasonably suitable for the activity or function. Schools will not select or reject the use of any private religious facility based on any facet of religious teachings with which any such facility is associated; instead, religion-neutral criteria will be employed to select these facilities, such as proximity to MCPS, suitability of the facility for the intended use, health and safety, comparative expense, and accessibility.

If a school-related activity or function is held in a facility owned or operated by a religious organization, students and their parents/guardians should expect that the school will clearly identify a secular purpose for using the facility and ensure, to the greatest extent possible, that religious symbols, messages, or artifacts are not displayed in the specific rooms utilized for the school-related activities during their use. Additionally, all reasonable steps will be taken to avoid or minimize exposure to conspicuous religious symbols, messages, or artifacts in areas where participants in the school-related activity or function pass through.

## **Partnerships Between Schools and Faith Communities**

MCPS works to maintain and develop partnerships with the faith community, just as it does with businesses and other community and civic groups. Students and schools gain a great deal when every part of a community comes together to support education.

Any faith community partnership program must have a purely secular purpose and neither promote religion nor preclude it. Students will not be selected to participate based on membership in any religious group, or on acceptance or rejection of any religious

belief, or on participation in, or refusal to participate in, any religious activity.

Volunteers from faith communities must recognize that the purpose of any partnership is educational and secular in nature, not religious, and that volunteers must respect the First Amendment rights of students. No volunteers or other participants in any faith community partnership program may proselytize about their faith to students or engage in any religious worship activity while conducting or participating in a school-sponsored activity. Volunteers and other participants in faith community partnership programs must follow the same MCPS rules for distribution of informational materials as apply to other community organizations.

## **■ Fostering a Culture of Respect for All**

These guidelines have been developed to assist in fostering a culture of respect among everyone in the MCPS community. With great diversity in our community, there is much that we can learn from each other when there is a culture of respect, openness, and tolerance. Our schools work to create supportive and accepting learning environments, and parents/guardians are encouraged to work closely with teachers and administrators to understand their families' needs as they pertain to their religious beliefs and practices.

As part of our efforts to create positive and respectful schools, students have a right to a safe learning environment, free from bullying, harassment, and intimidation of any sort, including intimidation based on the student's actual or perceived personal characteristics, including religion. Further, 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. Students who are bullied, students who bully, and students who are bystanders to bullying are at risk of a range of negative health, safety, and educational outcomes. MCPS has implemented a systemwide approach designed to prevent bullying, harassment, or intimidation and effectively intervene when it occurs, as well as to deter reprisal and retaliation against individuals who report acts of bullying, harassment, or intimidation. To report any such actions, students or their parents/guardians should work with school administrators to resolve any issues and complete MCPS Form 230-35, *Bullying, Harassment, or Intimidation Reporting Form*, available via an online reporting form (preferred) and a paper reporting form. [www.montgomeryschoolsmd.org/departments/forms/detail.aspx?formNumber=230-35&catID=1&subCatID=44](http://www.montgomeryschoolsmd.org/departments/forms/detail.aspx?formNumber=230-35&catID=1&subCatID=44)

In alignment with Board Policy COA, *Student Well-being and School Safety*, MCPS has established and maintains a behavior threat assessment process, based on an appraisal of behaviors that provides appropriate preventive or corrective measures to maintain safe and secure school environments and workplaces. All children deserve a safe and nurturing school environment that supports their physical, social, and psychological well-being. Such safe and nurturing environments are essential prerequisites for promoting all students' opportunity to learn. In alignment with Board Policy ACA, *Nondiscrimination, Equity, and Cultural Proficiency*, school safety measures should not reinforce biases against, or rely on the profiling of, students based on their actual or perceived personal characteristics. Staff responsible for implementing behavior threat assessment procedures at the school level are trained to understand implicit bias and promote diversity awareness.

**References:**

Board Policy ACA, *Nondiscrimination, Equity, and Cultural Proficiency*  
Board Policy COA, *Student Well-being and School Safety*  
Board Policy JHF, *Bullying, Harassment, or Intimidation*  
MCPS Regulation COA-RA, *Behavior Threat Assessment*.  
MCPS Regulation JHF-RA, *Student Bullying, Harassment, or Intimidation*.

# 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.\*\*

<b>For inquiries or complaints about discrimination against MCPS students*</b>	<b>For inquiries or complaints about discrimination against MCPS staff*</b>
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 2100, Rockville, MD 20850 240-740-2888 DCI@mcpsmd.org
<b>For student requests for accommodations under Section 504 of the Rehabilitation Act of 1973</b>	<b>For staff requests for accommodations under the Americans with Disabilities Act</b>
Section 504 Coordinator Office of Academic Officer Resolution and Compliance Unit 850 Hungerford Drive, Room 208, Rockville, MD 20850 240-740-3230 RACU@mcpsmd.org	ADA Compliance Coordinator Office of Human Resources and Development Department of Compliance and Investigations 45 West Gude Drive, Suite 2100, Rockville, MD 20850 240-740-2888 DCI@mcpsmd.org
<b>For inquiries or complaints about sex discrimination under Title IX, including sexual harassment, against students or staff*</b>	
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.

Maryland's Largest School District

## MONTGOMERY COUNTY PUBLIC SCHOOLS

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# Gang-Related Incident Reporting Form

Office of Student and Family Support and Engagement  
MONTGOMERY COUNTY PUBLIC SCHOOLS • Rockville, Maryland 20850

MCPS Form 230-37  
August 2016  
Page 1 of 2

*This form is to be confidentially maintained in accordance with the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g.*

**Directions:** This is a form to report alleged gang activity and similar destructive or illegal group behavior or to report reprisal or retaliation against individuals who report gang activity and similar destructive or illegal group behavior or who are victims, witnesses, bystanders, or others with reliable information about an act of gang activity and similar destructive or illegal group behavior which occurred on school property, on school buses, at school-sponsored events, or on the way to/from school.

**Gang: "Criminal Gang" means a group or association of three or more persons whose members:**

- (1) Individually or collectively engage in a pattern of criminal gang activity;
- (2) have as one of their primary objectives or activities the commission of one or more underlying crimes, including acts by juveniles that would be underlying crimes if committed by adults; and
- (3) have in common an overt or covert organizational or command structure.

**Gang Activity: "Pattern of criminal gang activity" means the commission of, attempted commission of, conspiracy to commit, or solicitation of two or more underlying crimes or acts by a juvenile that would be an underlying crime if committed by an adult.**

- (a) Activities on or near school vehicles or property—A person may not threaten an individual, or a friend or family member of an individual with use of physical force or violence to coerce, induce, or solicit the individual to participate in or prevent the individual from leaving a criminal gang: (1) in a school vehicle, as defined under Annotated Code of Maryland §11-154 of the Transportation Article; or (2) in, or within 1,000 feet of real property owned or leased to an elementary school, secondary school, or Montgomery County Board of Education and used for elementary or secondary education.
- (b) Applicability—Subsection (a) of this section applies whether or not: (1) school was in session at the time of the crime; or (2) the real property was being used for purposes other than school purposes at the time of the crime.

Today's date \_\_\_\_/\_\_\_\_/\_\_\_\_ School \_\_\_\_\_

**Person Reporting Incident:** Name \_\_\_\_\_

Telephone \_\_\_\_\_-\_\_\_\_\_-\_\_\_\_\_ E-mail \_\_\_\_\_

Place a ✓ in the appropriate box:

- ☐ Student Victim   ☐ Student (witness/bystander)   ☐ Parent/guardian   ☐ School staff member   ☐ Bystander  
☐ Other \_\_\_\_\_

Name(s) of student victim(s) (Please print)	Age	Grade	School (if known)

Name(s) of alleged offender(s) (If known) (Please print)	Age	School (if known)	Is alleged offender a student?
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No

Name(s) of alleged witness(es) (If known) (Please print)	Age	School (if known)	Is alleged witness a student?
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No

On what date(s) did the incident happen? \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Mo./Day/Year Mo./Day/Year Mo./Day/Year

Please describe what occurred?

Where did the incident occur (choose all that apply)?

- ☐ On school property      ☐ At a school-sponsored activity or event off school property  
☐ On a school bus      ☐ On the way to/from school

What did the alleged offender(s) say or do? *(Attach a separate sheet if necessary)*

Do you know why the activity occurred? *(Attach a separate sheet if necessary)*

Did a physical injury result from this incident? Place a ✓ next to one of the following:

- ☐ No    ☐ Yes, but it did not require medical attention    ☐ Yes, and it required medical attention

Please describe \_\_\_\_\_

If there was a physical injury, do you think there will be permanent effects? ☐ Yes ☐ No

Was the student victim absent from school as a result of the incident? ☐ Yes ☐ No

If yes, how many days was the student victim absent from school as a result of the incident? \_\_\_\_\_

Is there any additional information you would like to provide (e.g. name of gang, clique, crew, or group, if known)?  
*(Attach a separate sheet if necessary)*

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Signature Date

## MONTGOMERY COUNTY PUBLIC SCHOOLS

### BEST PRACTICES FOR Employee Email and Other Digital Communications

Digital communication such as email and text messages are convenient and effective ways of sharing information with colleagues. However, it is important to remember that digital communication—including email and text messages—may be public records and subject to disclosure under state and federal laws. For instance, the *Maryland Public Information Act* (MPIA), which is similar to the federal *Freedom of Information Act*, grants a broad right of access to public records, while protecting legitimate governmental interests and the privacy rights of individual citizens. Therefore, it is particularly important that our digital communications reflect the same high standards of professionalism that we expect in our in-person communication.

These best practices have been developed to help you engage effectively and responsibly when using email, text messages, and other digital communication tools. They build on the foundation set in the MCPS *Employee Code of Conduct*; MCPS Regulation IGT-RA, *User Responsibility for Computer Systems, Electronic Information, and Network Security*; as well as other Board of Education policies, MCPS regulations, and all applicable federal and state laws. These requirements are referenced collectively as MCPS rules. Please see the Social Media Best Practices for Employees for other digital communication strategies. For guidance regarding general written correspondence, please see the MCPS Correspondence Manual.

**CHOOSE THE MOST APPROPRIATE COMMUNICATION METHOD.** For instance, confidential or sensitive information warrants a phone call or in-person discussion. Email is for memorializing information, defining action steps, providing confirmation, summarizing meeting outcomes, or making an inquiry, among other things. Text messaging is for quick, more immediate communication.

**USE YOUR MCPS EMAIL ADDRESS FOR OFFICIAL MCPS EDUCATIONAL PURPOSES.** MCPS provides all employees with two dedicated email addresses (ending in mcpsmd.org and mcpsmd.net) to conduct business on behalf of the district. Employees should use only these addresses for educational purposes. These include actions directly promoting the educational, instructional, administrative, business, and support services missions of MCPS, and they are related to any instruction, project, job, work assignment, task, or function for which the user is responsible. Do not use a personal email address when communicating on behalf of MCPS. If employees receive a message in their personal email account that is related to MCPS business, that email should be forwarded to their MCPS email address and deleted from their personal email. Remember that email exchanges with parents/guardians should be copied into the contact log.

**PLEASE BE AWARE** that if an email, text message, or other communication is made or received in connection with the transaction of business involving MCPS, it may be considered a public record, regardless of whether it was sent from a personal or MCPS account. Additionally, there are federal and state laws that may require MCPS to review and disclose digital communications or other data from phones or other mobile devices used to conduct business on behalf of the district.

Examples of appropriate use of MCPS email:

- Responding to a parent about their child's grade
- Sending an email to a colleague about a project
- Summarizing action items after a meeting

**TAKE CARE** to keep your MCPS network password confidential. Do not let someone else use your MCPS email address, account, or password. Be sure to change your password as required. You may be held accountable for any action taken by or with your account.

**REMEMBER** that email, text messages, and other communications sent from MCPS accounts are not private. These communications are considered property of the district and, therefore, may be subject to public disclosure. All actions are subject to review and may be logged and archived and monitored to ensure they are used solely for educational purposes. MCPS employees are prohibited from using MCPS accounts for personal gain or any illegal activities. Keep in mind that messages also can be forwarded or distributed to other individuals in whole or in part.

**REMEMBER** MCPS staff email is retained for 365 days. This applies to MCPS-provisioned email accounts in both Microsoft Office 365 (.org) and Google Suite (.net).

Be aware that, in some instances, the MCPS Office of the General Counsel may instruct employees not to delete electronically stored information or discard paper documents that must be preserved because they are relevant to a new or imminent legal case. In some cases, the MCPS Office of the General Counsel may ask you to provide records of communications that are related to a legal case, or a court may issue a subpoena for records of communications related to a case.

**LIMIT EMAIL, TEXT MESSAGES, AND OTHER DIGITAL COMMUNICATION** with students to appropriate educational issues directly related to instruction or your MCPS work responsibilities. Adhere to the requirements in the MCPS *Employee Code of Conduct*. For example, do not have one-on-one interactions with MCPS students through social media, email, text messages, messaging apps, or other electronic communication methods about subjects not directly related to instruction or your MCPS work responsibilities. Communication with students via temporary or anonymous messaging apps is prohibited. Do not use personal email accounts, social media networking sites, text messages, messaging apps, or other electronic communications to socialize or to “friend” students.

**BE MINDFUL OF CONFIDENTIALITY.** Think about the content that you are sharing, and with whom you are sharing it. Remember that some matters are complex and sensitive and may warrant a phone call or in-person discussion instead. MCPS employees are prohibited from knowingly participating in the unauthorized disclosure, use, or dissemination of any confidential information obtained in their work duties, including any personally identifiable information about students or their families as well as personnel records.

**BE PROFESSIONAL.** Avoid mixing personal and professional topics. Additionally, do not gossip or engage in conduct that is rude or disrespectful; uses vulgar language or racial slurs; or includes materials that are inflammatory, libelous, slanderous, or constitute cyberbullying, harassment, or intimidation of others. MCPS is committed to fostering a culture of respect throughout the district. Think about how you would feel, and how others might feel, if something you wrote in an email became public.

**BE AWARE OF YOUR TONE.** Remember that your recipient cannot hear or see you. Think about how your words may be perceived. Avoid using all capital letters, as this can be perceived as shouting. Avoid responding to an email immediately if you’re angry or frustrated; take the time to reflect. Remember, a benefit of in-person communication is the ability to see and respond to people’s reactions as well as the ability to build better relationships.

**RESPOND TO MESSAGES IN A TIMELY FASHION.** However, remember that email is not an urgent means of communication. If you need to speak with someone immediately due to an emergency or other time-sensitive situation, consider making a phone call.

**SAVE IMPORTANT EMAILS** in an MCPS electronic or paper file. Do not use your inbox to archive messages.

**MAKE YOUR MESSAGE EASY TO READ.** Be mindful of font sizes, types, and colors. Emphasize parts of your content with different fonts or colors when necessary, but it is important to keep it simple.

**USE THE SUBJECT FIELD.** Make your subject line clear and specific. This helps your recipient know quickly what your email is about. Extend the same courtesy when issuing calendar invitations.

**KEEP YOUR EMAIL SIGNATURE PROFESSIONAL.** MCPS prohibits special stationery, quotations or sayings as part of or following an employee’s signature block. Only the motto or vision statement of an employee’s specific school or of MCPS is acceptable.

**MCPS EMAIL SIGNATURE BLOCKS SHOULD INCLUDE**, at a minimum, the name of the sender and their position. For school-based personnel, the name of the school should be included. It is recommended that employees also add their work phone number.

**PROOFREAD YOUR MESSAGE BEFORE SENDING.** Messages should have proper capitalization, punctuation, and grammar. Ensure that links work and that you have included any relevant attachments. If possible, after writing your message, save it and revisit it after a period of time. You may find it best to make some well-needed revisions before pressing send.

**KNOW THE RECIPIENTS WITH WHOM YOU ARE COMMUNICATING.** MCPS has many people with similar and even identical names. Confirm you have listed the appropriate recipients, as it is possible to unintentionally send your message to the wrong recipient.

**USE CARE REGARDING AUTO-FILL AND REPLY ALL.** Only the most relevant work-related messages should be sent to all recipients. Private messages, or responses that apply to only a few people, should not be sent this way. Additionally, avoid cc-ing more recipients than necessary.

**LIMIT LONG EMAIL THREADS.** Email conversations should be short and remain on topic. Avoid using an old thread to start a new conversation. When someone makes an MPPIA request, MCPS must conduct a reasonably calculated search to uncover all relevant documents. If multiple topics are discussed in an email thread, those emails can be pulled as part of an MPPIA request, even if the request is regarding only one of the topics.

**BE AWARE OF “PHISHING” EMAILS.** Phishing, the process of requesting confidential information over the Internet under false pretenses, is very common. These email messages may look legitimate and ask you to click a link or send a reply with the requested information, which often includes credit card information, login IDs, passwords, or other personal data. MCPS has multiple tools, including a robust spam filter, that block many potentially harmful emails. MCPS also labels emails from outside sources with a yellow banner that reads “*CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.*” However, you should always be mindful of sharing confidential information.

**REPORT SUSPICIOUS OR INAPPROPRIATE DIGITAL COMMUNICATION ACTIVITY.** MCPS employees should report suspected phishing, as well as other suspicious or inappropriate use of data, computer-system abuse, or possible breaches of security. School-based employees should alert the principal or the principal’s designee responsible for information technology. Non-school-based employees should alert their immediate supervisors. Serious infractions should be reported to the Office of Strategic Initiatives. If you receive a suspicious or inappropriate email, simply forward the message to [abuse@mcpsmd.org](mailto:abuse@mcpsmd.org). Remember, digital communication is one of the ways in which we can make a positive impression on our colleagues and the greater MCPS community every day.

### MCPS FY23 Districtwide Compliance Training Modules Exit Card

Module Name	Handouts	I have reviewed all training handouts (Please initial)	I have reviewed the content and understand my obligation to comply. (Please initial)
Module 1: Recognizing and Reporting Child Abuse and Neglect	-MCPS Form 335-44, <i>Report of Suspected Abuse and Neglect</i>		
Module 2: Employee Code of Conduct	-Employee Code of Conduct -Board Policy BBB, <i>Ethics</i> -Board Policy GCA-RA, <i>Employee Conflict of Interest</i>		
Module 3: Workplace Bullying	-Board Policy ACA, <i>Nondiscrimination, Equity and Cultural Proficiency</i> - Board Policy ACI, <i>Sexual Harassment of MCPS Employees</i> -MCPS Form 430-42, <i>Administrative Complaint</i>		
Module 4: Student Bullying, Harassment (including Sexual Harassment), and Intimidation	-Board Policy ACF, <i>Sexual Misconduct and Sexual Harassment of Students</i> -Board Policy JHF, <i>Bullying, Harassment, and Intimidation</i> -MCPS Form 230-35, <i>Bullying, Harassment, or Intimidation Reporting Form</i>		
Module 5: Suicide Prevention	-MCPS Form 335-54, <i>Suicide Risk Reporting Form</i>		
Module 6: Guidelines for Student Gender Identity	-Guidelines for Student Gender Identity		
Module 7: Religious Diversity	-Guidelines for Respecting Religious Diversity		
Module 8: Gangs and Gang Behavior	-MCPS Form 230-37, <i>Gang-Related Incident Reporting Form</i>		
Module 9: Safety in a Digital Age	-Best Practices for Employee Email and Other Digital Communications		
Module 10: Restorative Justice	<a href="#">-MCPS Restorative Justice Website</a>		

Printed Name: \_\_\_\_\_ Signature: \_\_\_\_\_

Employee ID#: \_\_\_\_\_ Date: \_\_\_\_\_

# 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.\*\*

<b>For inquiries or complaints about discrimination against MCPS students*</b>	<b>For inquiries or complaints about discrimination against MCPS staff*</b>
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 2100, Rockville, MD 20850 240-740-2888 DCI@mcpsmd.org
<b>For student requests for accommodations under Section 504 of the Rehabilitation Act of 1973</b>	<b>For staff requests for accommodations under the Americans with Disabilities Act</b>
Section 504 Coordinator Office of Academic Officer Resolution and Compliance Unit 850 Hungerford Drive, Room 208, Rockville, MD 20850 240-740-3230 RACU@mcpsmd.org	ADA Compliance Coordinator Office of Human Resources and Development Department of Compliance and Investigations 45 West Gude Drive, Suite 2100, Rockville, MD 20850 240-740-2888 DCI@mcpsmd.org
<b>For inquiries or complaints about sex discrimination under Title IX, including sexual harassment, against students or staff*</b>	
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](http://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](mailto: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](mailto:mcpsinterpretingservices@mcpsmd.org), or [MCPSInterpretingServices@mcpsmd.org](mailto:MCPSInterpretingServices@mcpsmd.org).