

Addressing Supervision Structures for Athletics and Extracurricular Activities, Including Reporting Protocols for Bullying and Hazing

Recommendations for Montgomery County Public Schools

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In May 2019, Montgomery County Public Schools (“MCPS” or the “District”) retained Wilmer Cutler Pickering Hale and Dorr LLP (“WilmerHale”) to conduct a review of supervision policies and reporting protocols associated with athletics and other extracurricular activities at Damascus High School (“DHS”) and more broadly across the District. Dr. Jack R. Smith, MCPS Superintendent of Schools, initiated the review in response to an incident on October 31, 2018, in which members of the DHS junior varsity football team allegedly assaulted several of their teammates in the DHS locker room prior to practice. The Montgomery County State’s Attorney’s Office brought criminal charges against several members of the team.

The goals of our review included identifying measures that MCPS can take to improve school culture as well as existing policies, procedures, and practices related to supervision and reporting, in order to help prevent future incidents like that at DHS and ensure that high schools across the District provide a safe, supportive, and welcoming environment for students engaged in athletics and other extracurricular activities.

Our review was separate from two parallel investigations conducted by the Montgomery County State’s Attorney’s Office and MCPS, respectively. In addition to bringing criminal charges related to the October 31, 2018 incident, the State’s Attorney’s Office launched an investigation into allegations of a historical culture of assaultive behavior, bullying, and hazing at DHS, which remains pending. The State’s Attorney’s Office also approved MCPS’s request to conduct its own personnel investigation of the supervision of the boys’ locker room on the afternoon of October 31. As a result of that investigation, MCPS took disciplinary action against several employees in accordance with the Employee Code of Conduct. MCPS also appointed new leaders to serve as principal, assistant principal, athletic director, and junior varsity football coaches at DHS. In addition, all levels of the DHS football program are under probationary oversight for the 2019-2020 school year, meaning that the MCPS Systemwide Athletics Unit, in collaboration with DHS leadership, will closely monitor the program to ensure compliance with MCPS and State of Maryland rules, regulations, and protocols.

I. PROCESS OF REVIEW

We conducted interviews and focus groups at DHS and at a sampling of other MCPS high schools. At DHS, we interviewed 29 individuals, including administrators, staff members, coaches, parents, and after-school activity sponsors. In addition, we conducted a student focus group. Beyond DHS, we conducted focus-group discussions at four other high schools in different areas of Montgomery County: Seneca Valley High School, Montgomery Blair High School, Walt Whitman High School, and Walter Johnson High School. Those discussions included principals, assistant principals, business administrators, athletic directors, coaches, and extracurricular sponsors. We also conducted four focus groups with staff from across the district: two with MCPS athletic directors (eleven athletic directors in total), one with seven MCPS principals, and one with nine MCPS high school students. Additionally, we spoke with key administrators from the MCPS central office, including Superintendent Smith, members of the District’s senior leadership team, the Chief Safety Officer, the Director of Systemwide Athletics, and representatives from the Office of School Support and Improvement. We also met on two occasions with the Montgomery County State’s Attorney and members of his Office to inform them of the scope of our review and our preliminary findings. We did not interview any victims from the DHS incident, any of the alleged perpetrators, or any of their families (though

we did review documents related to the criminal prosecutions), and we otherwise strove to keep our review separate from the investigation by the State's Attorney's Office.

In addition to the interviews and focus groups, we reviewed relevant documents and background materials. Those materials included documents related to the October 2018 DHS incident (including documents related to the MCPS internal personnel investigation); relevant MCPS policies, regulations, forms, and job descriptions; relevant state and federal laws, including the Maryland Safe to Learn Act of 2018; materials provided by MCPS to the Montgomery County State's Attorney's Office in response to its subpoena requesting information about bullying, hazing, and assaultive behavior at DHS; supervision plans submitted during the 2018-2019 school year; and serious incident, bullying, and disciplinary reports submitted during the last four school years for DHS and each of the other high schools we visited. We also reviewed the findings and recommendations contained in MCPS's Interim Report on School Safety and Security published in 2017.

Finally, we benchmarked MCPS's existing policies and our recommendations against nationwide best practices. Our benchmarking review encompassed academic literature; resource guides concerning school safety and bullying prevention published by the U.S. Departments of Education, Health and Human Services, and Justice; and best practice guides published by nationally prominent organizations.¹ We also convened a panel on hazing, bullying, and sexual assault prevention in athletics, which included both national experts and athletic coordinators from other large school districts in the region.

Our findings and recommendations, which are summarized below, address three areas that are key to preventing bullying, hazing, and sexual assault in athletics and other extracurricular activities at MCPS high schools: (1) fostering a positive culture; (2) implementing robust supervision practices; and (3) ensuring that when incidents occur, they are timely reported, allowing for an effective response.

These findings and recommendations are necessarily limited. Our interviews, focus groups, and case studies did not comprehensively address every school in the district. And, while we believe that the individuals with whom we spoke were candid and forthcoming, we cannot know what, if anything, they chose not to share. It is entirely possible, for example, that previously unreported incidents involving bullying, hazing, and sexual assault were not disclosed to us.

¹ See, e.g., U.S. Office of Special Education Programs, Positive Behavioral Interventions and Supports, *High School PBIS Implementation: Staff Buy-In* (2019); U.S. Department of Education, *Effective Evidence-based Practices for Preventing and Addressing Bullying* (2013); U.S. Department of Education, et al., *Guide for Developing High-Quality School Emergency Operations Plans* (2013); U.S. Department of Justice, *Guide for Preventing and Responding to School Violence* (2012); U.S. Department of Health and Human Services Health Resources and Services Administration, *Documenting Bullying at Your School: Tips for School Administrators* (2011).

The process of developing our recommendations was collaborative. We consulted with MCPS senior leadership and members of the Board of Education about our preliminary recommendations to ensure that they were realistic and could feasibly be implemented.

II. FOSTERING A POSITIVE CULTURE

A. Findings

Overall, we found that MCPS has fostered a generally positive culture around athletics and other extracurriculars. These after-school activities are an important part of the high school experience for many students, and the students with whom we spoke value their opportunity to participate and their relationships with teammates, co-participants, coaches, and sponsors.

We did not find evidence that bullying, hazing, or sexual assault is currently widespread in athletics or other extracurricular activities at DHS or the other schools we visited, but we did not perform a comprehensive, historical review of unreported incidents. The few extracurricular-associated hazing and bullying incidents of which we became aware appeared to be isolated events, rather than part of a larger, continuing pattern. In addition to the October 31, 2018 incident that prompted this review, we looked at materials related to another incident that occurred in September 2018 at Seneca Valley High School, which also involved alleged misconduct among football players and was reported to and investigated by local law enforcement at the time.² And, as noted, we conducted two student focus groups and reviewed serious incident, bullying, and disciplinary reports submitted during the last four school years for DHS and each of the other high schools we visited. The other incidents that we identified through that process were not limited to athletics; we learned of incidents in other after-school activities as well. Generally, those other incidents were relatively minor and were quickly and appropriately addressed.

However, because of its targeted scope and purposes, our review likely did not capture the entirety of bullying, hazing, and sexual assault that may occur (or may have occurred) in the District. Although we believe we obtained candid anecdotal evidence about bullying, hazing, and sexual assault in our interviews and focus groups, we did not conduct a District-wide survey of the prevalence of hazing, bullying, or sexual assault connected to after-school activities. And, our review of historical incidents was limited to those that had been reported through formal MCPS channels. That historical review was not designed to identify every incident of bullying, hazing, and sexual assault, but rather to understand the District's approach to these issues and its response to prior incidents; we recognize that bullying, hazing, and sexual assault are often underreported.³

² See Donna St. George and Dan Morse, *Hazing Incident Reported at Another Maryland High School*, Washington Post (Nov. 11, 2018), https://www.washingtonpost.com/local/education/hazing-incident-reported-at-another-maryland-high-school-officials-say/2018/11/11/c2a0daf6-e15e-11e8-8f5f-a55347f48762_story.html?utm_term=.c37a7e7bd0a9.

³ See, e.g. U.S. Department of Education, *Effective Evidence-based Practices for Preventing and Addressing Bullying*, <https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/bullyingdcl->

Although familiar with bullying, students have less awareness of hazing. Students reported having received consistent anti-bullying training in health class and through other channels for years. They generally know how to identify bullying and how to respond to it. They are less familiar with hazing—i.e., any humiliating or dangerous activity expected of a student to belong to a group, regardless of their willingness to participate.⁴ This is partly due to the fact that a fine line separates innocuous bonding rituals and hazing; benign traditions can escalate quickly. Because students did not have a clear definition of hazing, we also found that they were not sure how they would respond to it or if they should report such incidents.

The tone set by administrators, athletic directors, coaches, and extracurricular sponsors critically impacts student behavior. We found that MCPS principals successfully encourage positive community behavior by making themselves visible and accessible—e.g., by walking the halls, attending school events, and engaging with students electronically or in person. Based on many of our interviews with students and administrators, we found that, when the principal was less engaged and visible, student misbehavior tended to increase. Similarly, coaches and sponsors were able to eliminate hazing and bullying on their teams and organizations by setting clear expectations and leading by example. Several coaches described changing the culture of a team by treating athletics as an extension of the classroom and holding student-athletes accountable for troubling behavior. Extracurricular sponsors said they had success with similar approaches.

Administrators' consistent enforcement of rules across the board also matters. Many of the students and staff with whom we spoke noted that when certain teams or student groups were perceived as “untouchable”, they were more likely to bend or break the rules. Moreover, the perception that certain teams or groups are treated differently has impacted morale and collaboration among staff members at some schools.

B. Recommendations

Our recommendations for enhancing the culture of MCPS high schools to help foster a safe and healthy environment for students participating in athletics and extracurricular activities are as follows:

(1) Create in-person interactive hazing training and programming for student athletes and extracurricular participants. To combat the limited bullying and hazing that does occur, we recommend that the District develop comprehensive training about what constitutes hazing and how to respond to it. This training should not be part of the general curriculum, but it should

enclosure-8-20-13.pdf; Brian Crow, Robin Ammon, & Dennis R. Phillips, *Anti-Hazing Strategies for Coaches and Administrators*, Strategies (2004).

⁴ This is the definition used by the National Federation of State High School Associations. It is broader than Maryland's statutory prohibition on hazing, which encompasses only those actions that “subject[] a student to the risk of serious bodily injury for the purpose of initiation into a student organization of a school, college, or university.” Md. Code, Crim. Law § 3-607.

be a requirement for participation in sports and other extracurricular activities, and it should be held at a convenient time for students.

According to the students we spoke with, training was most successful if it involved student participation or student speakers, as opposed to PowerPoints presented by administrators. One way to achieve higher student engagement would be to start with a group presentation to all teams and student groups, followed by breakout team- and activity-specific sessions where coaches or teachers lead discussions about hazing. In addition to training, MCPS should focus on providing ongoing, interactive programming throughout the school year to reiterate the anti-hazing message. MCPS could also consider partnering with third-party organizations that specialize in teaching high school students about effective leadership. Some MCPS schools and neighboring districts have already had success implementing these ongoing programming models—such as Lead ‘Em Up, Athletes As Leaders, and the Baltimore Ravens’s Leading and Inspiring Females to Thrive program.

(2) Create in-person interactive trainings and programming for athletic directors and administrators to train coaches and sponsors on preventing and responding to hazing, bullying, and sexual assault. Trainings for coaches and sponsors should also be interactive and incorporate concrete examples of how to set a tone that encourages students to act as responsible community members. For example, all coaches and sponsors should be encouraged to set clear behavioral requirements at the beginning of a season or semester that expressly address bullying, hazing, and sexual assault. MCPS should build upon its required trainings, which already include the online anti-hazing training from the National Federation of State High School Associations (“NFHS”) and the all-staff compliance module on student bullying and harassment. For example, it should consider partnering with other nationally-recognized organizations for “train the trainer” anti-bullying and anti-hazing programming. Organizations like HazingPrevention.Org provide resources to teach coaches how to train their student athletes on identifying and reporting hazing. Similarly, Coaching Boys Into Men, which is already in use at some MCPS schools, emphasizes the important role coaches play in the lives of young men and provides tools to help coaches begin important discussions about respect.

Some programs, including the InSideOut Initiative and Athletes as Leaders, provide complementary trainings for athletic staff and student-athletes. MCPS could consider partnering with an organization that offers resources for athletic directors, coaches, and athletes, which may allow the District to implement this recommendation and the prior recommendation more efficiently. MCPS may also consider making any training materials it develops available to parents and other community organizations for use in non-school-sponsored activities or inviting community members to participate in scheduled training sessions.

(3) Emphasize “tone at the top,” as well as the importance of engaging students on bullying, hazing, and sexual assault, in trainings for administrators, athletic directors, coaches, and sponsors. MCPS should clearly message that “tone at the top” matters, and that it expects administrators, athletic directors, coaches, and sponsors to engage students and hold them accountable for unacceptable behavior. MCPS took a step in the right direction last school year when Superintendent Smith made a public statement to all MCPS students emphasizing the importance of reporting incidents of bullying, harassment, and hazing. And, the MCPS R.A.I.S.E. core values (Respect and sportsmanship, Academic excellence, Integrity and

character, Spirited and safe competition, and Equity and access) provide athletic directors and coaches with a framework they can use to make clear the kind of behavior they expect their athletes to model.

MCPS could take additional action to create the appropriate tone at the top by, for example, having District leadership make presentations at upcoming administrator or athletic director meetings to emphasize the District's focus on preventing hazing, bullying, and sexual assault and to roll out the training resources suggested below. MCPS leadership could also play an active role in championing anti-hazing efforts, including by recognizing student organizations and staff members that are taking concrete steps to prevent hazing and other problematic behavior. MCPS should also consider whether there are ways to assess and provide feedback to administrators, athletic directors, coaches, and sponsors on student engagement (perhaps through the annual student climate surveys recommended below), and to include parents and other community stakeholders in such efforts.

III. IMPLEMENTING ROBUST SUPERVISION PRACTICES

A. February 2019 Supervision-Plan Requirement

In February 2019, MCPS issued memoranda to athletic directors and secondary school principals, accompanied by templates for a supervision plan to be completed by coaches and sponsors of all after-school activities. Those memoranda and templates were the product of a collaboration between the MCPS Office for School Support and Improvement ("OSSI"), the Office of Systemwide Athletics, the Department of Systemwide Safety and Emergency Management, and select principals and athletic directors from across the District. The templates require coaches and extracurricular sponsors to identify their plan for supervising student participants before, during, and after practices and meetings, as well as before and after games and performances. Each high school's principal and athletic director are required to sign off on the athletic supervision plans; extracurricular supervision plans are reviewed by each high school's principal and then submitted to OSSI.

Prior to the February 2019 memoranda, it was MCPS's expectation that students participating in athletics would be appropriately supervised during practice. The MCPS High School Athletics handbook makes explicit that coaches are required to "[p]rovide for effective locker room supervision prior to and after practices and contests." That said, we learned that, prior to the DHS incident, some coaches were either not consistently present when their athletes were using locker rooms or team rooms or were not consistently locking those facilities when they were not in use. The supervision plans were intended to operationalize and emphasize the existing requirement that coaches and sponsors are responsible for supervising students who participate in athletics and other extracurricular activities.

1. Findings

The supervision-plan requirement received mixed reviews. Overall, we found that development of the supervision plans was a useful exercise because it forced coaches and sponsors to write down plans that had previously been implied or assumed. For example, some coaches told us that they found it helpful to set a clear expectation, in writing, that locker rooms

and team rooms would be locked when a coach or other responsible adult was not present, even though this had previously been their standard practice. We also learned that at least one other neighboring district is following MCPS's lead in this area, and is now asking its own coaches and extracurricular sponsors to develop written supervision plans.

We also heard concerns, however, that the supervision plans forced coaches, sponsors, athletic directors, and administrators to formulate supervision plans that they knew were not realistic because of resource constraints, staffing limitations, or the physical layout of their schools. That created anxiety among the administrators and staff with whom we spoke; many worried that, if something went wrong, they would be blamed for not following the plan.

Supervision plans vary in quality. We reviewed the supervision plans from DHS and several other MCPS schools. We found that the plans varied greatly in their specificity and comprehensiveness, even within a single school. For example, some coaches left the “contingency plan” section of the form entirely blank. Others outlined a more specific plan, e.g., noting that parent volunteers would be asked to assist with supervision if no coach was available.

The most thorough and workable supervision plans were created through collaboration by all relevant stakeholders. The schools that reported the most success in developing their supervision plans engaged in a collaborative and iterative process that included administrators, the athletic director, coaches, sponsors, the Montgomery County Police Department School Resource Officer (“SRO”), and security personnel to ensure that the elements of the plan were appropriate for the needs of their campus and student body. In particular, SROs and security personnel have a unique perspective on areas of campus where supervision is more difficult; supervision plans were more comprehensive when they took into account the SROs’ knowledge and insights.

Athletic directors and coaches requested feedback from administrators and MCPS’s central office on their supervision plans. Many of the athletic directors and coaches with whom we spoke indicated that no one gave them guidance on what a supervision plan should include and what the standards were for supervision in the context of their sports and activities. We found that athletic directors, coaches, and sponsors need common-sense solutions to common supervision issues (e.g., what to do when a single player has to use the restroom and there is only one coach at practice). They worry that MCPS expects them to have their eyes on all students at all times—and that, if they cannot achieve this level of surveillance and there is an incident, they will be held responsible.

2. *Recommendations*

(1) Clearly communicate that continuous, uninterrupted supervision of high school students is neither possible nor desirable. It is not feasible or legally required for coaches and sponsors to have eyes on every student at all times, particularly in the high school context.

The applicable legal standard asks whether a school exercised “reasonable care” in supervising students. That standard takes into account the totality of the circumstances—including, for example, the age of the students, the nature of the activity in which they are engaged, and prior misconduct or injury by the students involved. It does not require constant

direct supervision. In fact, courts have not imposed liability for injuries sustained during a teacher's absence from the classroom, particularly when the teacher's presence would not have prevented the injury, or the injury was not foreseeable. *See Madden v. Clouser*, 277 A.2d 60, 61 (Md. 1971); *Segerman v. Jones*, 259 A.2d 794, 800-801 (Md. 1969).

Furthermore, constant surveillance would be antithetical to MCPS's mission and core values, which recognize the importance of mutual trust and respect and encourage social and emotional learning experiences. Those expectations should be communicated more clearly to coaches and sponsors, some of whom believe a higher level of supervision is required and who are, as a result, increasingly unwilling to take on responsibility for coaching sports or sponsoring extracurricular organizations.

In connection with the next round of supervision plans, the District should make clear that it expects coaches and sponsors to develop common-sense and reasonable solutions, not to keep students under surveillance at all times. Coaches and sponsors should not feel obligated, for example, to pause practice to escort 17-year-olds who need to use the bathroom back to the locker room. They likewise should not adopt a practice of visually surveilling students in locker rooms or dressing rooms, but should consider alternate approaches, including remaining within earshot in case roughhousing or other misconduct occurs.

(2) *Supply practical guidance on best practices for supervision plans.* MCPS should provide sample supervision plans and/or best practices that coaches, extracurricular sponsors, athletic directors, and administrators can rely on in developing supervision plans. This guidance should acknowledge the need for reasonable workarounds for recurrent issues—e.g., how coaches can provide adequate supervision to student-athletes of a different gender.

(3) *Encourage collaboration among administrators, building services, security staff, and others in creating supervision plans.* MCPS should remind administrators and staff tasked with developing supervision plans that they have several expert resources available to them both within their school and within MCPS. A school's cluster security coordinator can advise on best practices from a security perspective. Athletic directors at other schools, or more seasoned coaches within the school, may have a good sense of what works as a practical matter. School-specific security staff and building services will have insight into potential "hot spots" where additional supervision may be necessary. Incorporating these additional perspectives will help ensure that supervision plans are workable and effective.

(4) *Provide schools the repairs and resources they need to ensure their supervision plans can work as designed.* This means fixing locks and doors where they are broken and performing other maintenance work to ensure that school buildings operate as designed. It may also mean developing or funding creative solutions to accommodate the structure of older buildings—e.g., providing temporary restroom facilities near practice fields so that students can use the restroom without having to return to the school building, or installing additional mirrors to allow staff to see around blind corners.

(5) *Review existing centralized administrative support for athletics and extracurriculars.* MCPS should review its district-wide staffing for athletic and extracurricular oversight. Many of the athletic directors we spoke with believe that the Office of Systemwide

Athletics is understaffed and that the two professional staff in that office are overworked. Relatedly, MCPS might consider, as other districts have done, designating a single administrator, or group of administrators, in the central office with district-wide oversight of extracurricular activities. Having designated central-office administrators to assist with critical tasks such as reviewing supervision plans and setting expectations for those plans would help to reduce the frustration and confusion associated with the plans' rollout last year.

B. Additional Supervision Challenges

In addition to the implementation of the supervision-plan requirement, we identified other challenges MCPS schools face in providing effective after-school supervision.

1. Findings

Varied practice schedules leave a “supervision gap” between the end of the school day and beginning of practice. Personnel at every school we visited, as well as personnel from neighboring school districts, reported that limited practice space means that not every sports team can begin practice immediately after the school day ends. For example, a school may have only one basketball court, meaning that the junior-varsity and freshman teams cannot practice at the same time as the varsity teams. Although schools generally try to arrange practices so that they begin as close to the end of school as possible, some “supervision gap” between the end of the school day and the beginning of practice is inevitable. Some students are able to go home during this time, but many are not, and therefore find themselves on campus without any structured activities until practice begins.

We found that schools have taken varied approaches to eliminating this gap in supervision, including instituting sport-specific study halls, extending the hours of their media centers, or directing students off-campus. Schools also often conduct “sweeps” and require students who are not with a coach or sponsor to leave the building. However, these sweeps are not an ideal solution. Many students do not have cars, are too young to drive, or live in an area without convenient public transportation, making it impossible for them to get home and back between the end of school and start of practice. And while the sweeps may reduce the likelihood of an incident within the school building, they may lead to unintended consequences by forcing students out into an unsafe or unsupervised external environment. Students may well be safer inside the school building than outside. Personnel at every school we visited reported a desire for additional resources to enhance supervision during this period.

Increased use of in-school coaches could help mitigate supervision issues. In many MCPS schools, as well as schools in neighboring school districts, coaches are increasingly drawn from neighboring schools or from the broader community (Md. Code Regs. § 13A.06.03.04(B) requires that Maryland public schools prioritize hiring coaches who are also teachers within the District). This trend was often attributed to the fact that teachers are not sufficiently incentivized to take on coaching responsibilities, forcing principals and athletic directors to seek coaches from outside the school, both for MCPS-funded stipend positions and to volunteer to assist the paid coaching staff.

The involvement of non-school staff in paid and volunteer coaching roles is vital, but there are benefits to having coaches who also teach or work in the building that cannot be replicated by outside coaches. Hiring coaches from within the school building helps to foster a sense that athletics is an extension of the classroom. In-school coaches are also able to interact with students during the school day and confer with other teachers or administrators about a student's performance. On a practical note, having in-school coaches may reduce the supervision gap; because they do not have to commute from elsewhere, they can often be present to monitor their players before practice starts.

Schools across the District reported similar needs for additional security personnel. Professional staff at the five schools we visited and who participated in the broader focus groups we conducted consistently described a need for additional security personnel, especially after the school day ends. We found that as student bodies and school campuses have expanded, the number of security personnel has not kept pace. (We note, however, that MCPS generally has more in-school security staff assigned to its high schools than other neighboring districts do.)

Some schools have attempted to address this issue by using “flex time” to shift the hours of one of their existing security assistants. Rather than having four assistants who work from 7:00 a.m. to 3:00 p.m., they might shift one of those assistants' hours to 9:00 a.m. to 5:00 p.m. This is an imperfect solution because it leaves security short-staffed during morning arrival—one of the busiest times of the day. It also places disproportionate responsibility on the single security assistant who works from 3:00 to 5:00 p.m.

Supervisory responsibilities often inadvertently fall on building services staff. Because building services staff are present when other adult staff members are not, they sometimes shoulder the burden of monitoring students after school. Although building services staff complete the mandatory district-wide child-abuse training, they are not specifically trained for supervision-related tasks (nor are supervision responsibilities contemplated in their job descriptions).

Many students have difficulty leaving school immediately after practice and other after-school activities end. Many parents work multiple jobs and are not always available to pick up their children when after-school activities end. And many students do not have cars, are too young to drive, or live in an area without convenient public transportation. In the past, this issue was partially mitigated by “activity buses,” which left campus about an hour and a half after last bell on Tuesdays and Thursdays. However, when MCPS pushed back the end of the school day by 20 minutes several years ago, the activity bus schedules were not changed. That means the activity bus is no longer a viable option for students on many sports teams and in certain other extracurricular activities.

Supervision is further complicated by the use of campus facilities for Interagency Coordinating Board (“ICB”) events. The ICB is the public body responsible for encouraging community use of public facilities, including MCPS campuses. ICB allocates the after-hours use of MCPS facilities among community groups (e.g., adult education classes and drivers ed). Once community members start accessing school facilities in the evening, it becomes much harder for the skeleton staff to adequately supervise students.

Coaches and activity sponsors are not always made aware of players or participants who may need extra support or monitoring. Several coaches and sponsors with whom we spoke indicated that there is no established protocol for coaches or sponsors to learn if a new member of their program has received prior discipline for misconduct or has other behavioral issues. While they recognized that any information-sharing mechanism must account for students' privacy needs, coaches and sponsors nonetheless believed the additional information was critical to their ability to adequately supervise students for whom they are responsible.⁵

2. *Recommendations*

Many of our recommendations addressing the supervision gap may require additional resources or a reallocation of current resources, but it is not our expectation that MCPS would implement every one of the following recommendations (or that all of them will be appropriate for every school). These recommendations are intended to give MCPS a set of tools it can mix and match to find the most workable solutions.

(1) Consider increasing security staffing after school. Administrators at every school we visited estimated that they need at least one additional security assistant to effectively monitor campus as students are coming and going from after-school activities. (Concerns about the adequacy of security staffing are not unique to MCPS; we also heard similar concerns from neighboring school districts during our expert panel discussion.)

(2) Consider providing supervised spaces where students can spend the time between last bell and beginning of practice. Some schools have had success with study halls for participants in certain activities; others have expanded the hours of their media centers. Schools reported, however, that they do not have enough discretionary funding to run a study hall for every sport or activity that needs one, or to expand media center hours as late as they would like. With additional or reallocated funding, schools could more consistently support these study halls, or further expand the hours of their media centers, with the added benefit of ensuring that student participants continue to meet the academic eligibility requirements for such activities.

(3) Evaluate additional incentives for teachers to take on extracurricular sponsorship and coaching responsibilities. MCPS should consider whether additional incentives may make extracurricular sponsorship and coaching more desirable to in-house teachers. MCPS might

⁵ We understand that schools generally only share information contained in a student's Individualized Education Plan or Section 504 plan on a need-to-know basis, and we recognize that limitations on sharing this information are important to protect student privacy. However, we also heard that limitations on information-sharing prevented staff responsible for after-school supervision (i.e., coaches and extracurricular sponsors) from obtaining the information they needed to properly supervise and support their students. It is also worth noting that federal law does not restrict sharing this information. Neither the Individuals with Disabilities Education Act ("IDEA") nor Section 504 of the Rehabilitation Act prohibit information-sharing between administrators, teachers, athletic directors, and coaches for the purposes of assisting the student in their educational environment, and the Family Educational Rights and Privacy Act ("FERPA") permits "school officials with legitimate educational interests" to access personally identifiable information about students.

undertake—as some other districts have recently done—a study or survey to identify attractive options. These may include, for example, increasing the stipend based on years spent coaching (to reward longevity), or providing additional retirement benefits to coaches.

(4) Consider expanding or shifting the activity bus schedules. To help ensure that students can promptly leave campus after practices, consider shifting the activity bus schedule back by 20 minutes (which would allow more students to take the bus home after sports practice), and expanding service to every weekday.

(5) Consider whether changes to existing positions and job descriptions can help mitigate the after-school supervision gap. MCPS should consider whether there are new positions, or revisions to existing job descriptions and responsibilities, that could help enhance after-school supervision. For example, at least one neighboring school district informed us that in addition to a full-time athletic director, each school has a half-time assistant athletic director. MCPS might consider whether an assistant athletic director could be assigned to generally monitor athletic facilities (locker rooms, gyms, etc.) while students are getting ready for practice in the afternoons. Other districts are considering a full-time locker-room attendant position. Changing the athletic directors' formal responsibilities (e.g., eliminating instructional responsibilities for those who currently teach or adjusting duty hours) so that they better align with the requirements of the job may also free up resources.

MCPS should also explore whether creating an after-school activities coordinator position at each high school, designed to handle all of the logistics associated with after-school activities at that school, would be feasible.

(6) Ensure that building services staff receive training reflective of their role as an integral part of after-hours supervision. To the extent that MCPS relies on building services staff for after-school supervision, they need more targeted training recognizing that reality. Training should be offered in multiple languages, and should include information about security and supervision protocols, so that building services staff do not inadvertently undermine those protocols (e.g., by unlocking locked doors for students).

(7) Encourage schools to integrate athletic directors into administrative conversations around supervision and security. Because athletic directors are uniquely positioned to understand the challenges of after-school supervision, MCPS should encourage all principals to include athletic directors in administrative team meetings and other communications about day-to-day safety and security issues at the school.

(8) Work with ICB to ensure that existing policies for community use of MCPS facilities take into account student safety and supervision needs. Although recommending specific changes to the ICB process is beyond the scope of this report, MCPS should confer with ICB about changes to that process that will improve MCPS's ability to adequately supervise students after school. For example, MCPS could advocate for changes to existing ICB rules concerning the number of security assistants required for ICB events.

(9) Help schools develop methods to communicate ongoing issues about students to coaches and sponsors. Coaches and sponsors cannot closely monitor students with additional

needs if they are not aware of those needs. MCPS should provide clear guidance to administrators regarding sharing with coaches and sponsors information about individual students who need additional emotional support or monitoring during the school day, including what information should be shared and how to share such information consistent with District rules and guidance around issues of student privacy.

(10) When incidents occur, encourage prompt debriefings to reflect on lessons learned.

Even with the best supervision policies and practices, some incidents are bound to happen. When they do happen, and once they have been addressed, administrators and relevant staff should promptly review their response to the incident to confirm that existing policies and practices are working, or whether they should be revised to prevent future, similar incidents. All relevant administrators and staff members should be included in this process.

(11) Consider annual Board of Education briefings by select representatives from MCPS athletic and extracurricular programs. Each year, supervision of after-school activities presents new challenges. In order to adequately respond to these challenges, it is important for the Board to understand the range of athletic and extracurricular programming that schools are undertaking, as well as the evolving responsibilities of the staff members that supervise them. These briefings, which other school districts have implemented, would give the Board and the Superintendent the information they need to allocate resources strategically.

IV. ENSURING TIMELY REPORTING OF INCIDENTS AND APPROPRIATE RESPONSES

A. Findings

Our findings on reporting first address existing written protocols, and then assess how those protocols are working in practice.

1. Existing Reporting Protocols

MCPS has a robust set of district-wide regulations with respect to mandatory reporting requirements and procedures. Regulation JHF-RA, Student Bullying, Harassment, or Intimidation, “provides procedures that address the prohibition of bullying in schools,” including by setting out reporting protocols. The regulation provides that, following a bullying incident, a student; a student’s parent, guardian, or close relative; or a school staff member may fill out the state-mandated reporting form (Form 230-35). It also requires prompt action to investigate (using Form 230-36) and respond to the incident. These reporting protocols are part of the annual compliance training, overseen by the Office of Student Welfare and Compliance, which all teachers and staff must complete at the beginning of each school year.

Regulation COB-RA, *Incident Reporting*, provides guidance on further reporting known incidents, i.e., reporting to OSSI, other MCPS offices, law enforcement, or other external agencies. Consistent with MCPS’s Memorandum of Understanding with the Montgomery County Police Department (“MCPD”), Regulation COB-RA also identifies a sub-group of serious incidents that must be reported to law enforcement as well as OSSI.

2. *Reporting Protocols in Practice*

Administrators and athletic directors understand their reporting obligations. Nearly all of the administrators we spoke to at DHS and elsewhere demonstrated a firm grasp of the MCPS reporting policies and their specific obligations under the regulations. Each school we visited had a procedure for handling incidents once they arose, conducting internal investigations, and conferring with the SRO.

Coaches and sponsors have a basic, functional understanding of reporting. While coaches and sponsors understood they were obligated to report certain incidents, they were often unfamiliar with the specifics. Some coaches and sponsors were unaware that MCPS had an agreement to report particular incidents to MCPD but still said they would report very serious incidents (e.g. child sexual abuse) to the police immediately. For incidents that were perceived as less serious, coaches and sponsors said they would report to the athletic director, an assistant principal, or the principal. They expected that, once an incident was reported internally, the athletic director or administrator would know what to do. Some interviewees also noted that non-teacher coaches or volunteer coaches may feel less equipped to report an incident, despite their mandatory training, because they are less familiar with the school's administrative hierarchy.

Most coaches and sponsors assume that administrators bear the responsibility for completing Form 230-35. Sponsors and coaches are aware of the importance of Form 230-35 in theory. However, when asked whether they had filled it out, most noted that they had not, or that they believed it was the responsibility of administrators to complete the form once an issue had been escalated. Others noted that even when they did refer issues to administrators, they later learned that the forms were not filled out. A few attributed this to the notion that reporting incidents may reflect poorly on a school's reputation (i.e., a school with many reported incidents may be perceived as less safe for students).

Students prefer less formal reporting mechanisms. The students with whom we spoke were either unaware of Form 230-25 or found it too formal and intimidating. For example, because the form covers both bullying and serious forms of sexual harassment, students who wanted to report bullying were sometimes afraid of "blowing out of proportion" what they considered a relatively minor incident. The students with whom we spoke indicated that they would prefer to report incidents by speaking with a trusted adult, by sending an email, or by submitting an online form.

Regulation JHF-RA does not discuss how a staff member or teacher should respond when a student does not want to make a formal report. Staff members receive annual training on their obligation to intervene and report incidents of bullying, harassment, or intimidation. However, some staff expressed confusion as to how to respond if a student does not want to escalate an incident, and Regulation JHF-RA does not directly speak to this concern.

Reporting and response protocols are less well-developed for incidents that occur after hours and require an immediate response. All schools have an "OSET" (on-site emergency team) plan, which sets out clear lines of responsibility for responding to and reporting incidents that occur during the school day. After the school day ends, however, schools generally do not

have a formal reporting plan in place. We found that staff faced with after-school incidents improvise to make sure that the right people learn about and appropriately respond to such incidents.

B. Recommendations

Based on our findings, we recommend that MCPS take the following steps to improve the likelihood that incidents of bullying, hazing, or sexual assault are reported timely, and to assist schools in appropriately responding to such reports.

(1) Encourage schools to develop a reporting protocol tailored for responding to incidents that arise after the school day ends. Each high school should develop a reporting protocol for after-school incidents to help ensure that issues discovered in the evening are acted upon promptly and effectively. Such a protocol should identify on-call administrators as the first point of contact when an issue arises. In addition, MCPS should consider establishing a centralized crisis-management hotline as a resource for staff and administrators dealing with difficult issues outside ordinary business hours.

(2) Ensure that all administrators and staff understand the obligation to report, including when a student expresses reluctance. As noted above, administrators and staff are not always sure how to proceed when a student does not want to make a formal report after an incident. MCPS should develop and distribute clear guidance (potentially through revisions to Regulation JHF-RA) about how it expects staff to respond to a reluctant reporter. That guidance should make explicit whether Form 230-35 should be completed when a student asks a teacher or sponsor not to escalate an incident, and the revised guidance should be incorporated into the mandatory compliance modules that address incident reporting going forward.

(3) Clarify the role of Form 230-35. MCPS compliance trainings currently address Form 230-25. MCPS can improve these trainings to clarify the purpose of Form 230-35, including by describing MCPS's state-law obligation to collect data on bullying, harassment, and intimidation; the role the form plays in MCPS's mandatory record-keeping; and explaining who has primary/ultimate responsibility for completing the form. Training should make clear that individuals should not refrain from filling out Form 230-35 based on a misguided desire to protect the reputation of particular schools or the District.

The District should also encourage schools to direct students toward less formal reporting mechanisms than Form 230-35 to avoid inadvertently discouraging students from reporting. (We recognize that under mandatory state-law reporting requirements, even informal student reports must be logged, tracked, and investigated.) The District should also consider whether there are revisions to Form 230-35 that could make the form itself less intimidating, such as creating an online version of the form.⁶

⁶ Both Baltimore County and Frederick County have developed online versions of the Bullying, Harassment or Intimidation form. See <http://www.bcps.org/apps/bhi/> (Baltimore County); <https://education.fcps.org/publicforms/Bullyingform> (Frederick County).

(4) Proactively gather information from students. Research shows that adults tend to underestimate the rates of hazing because students rarely report it, and hazing often happens when adults are not present. Coaches and sponsors should interview current and former players and extracurricular participants about hazing, bullying, and sexual assault, particularly students who leave a team or activity mid-season. MCPS could assist with this process by developing an exit interview template and encouraging its use. MCPS should also review data collected by the Maryland State Department of Education through its annual Maryland School Survey from MCPS schools. And, in keeping with the recommendations from MCPS's Interim Report on School Safety and Security, MCPS should implement annual student-focused climate surveys (in addition to the annual staff climate surveys it already conducts).

(5) Regularly review incident data to identify areas for improvement. MCPS should, as also recommended by MCPS's Interim Report on School Safety and Security, regularly review incident data gathered through Form 230-35, climate surveys, and other methods to identify trends, patterns, and potential problem areas that may need to be addressed. The results of this review should be communicated to senior MCPS leadership on a regular basis (i.e., monthly, quarterly, or annually).