

REGULATION MONTGOMERY COUNTY PUBLIC SCHOOLS

Related Entries: GEB-RA
Responsible Office: Chief Operating Officer

Substitute Teachers

I. PURPOSE

To designate the responsibility and establish the procedures for the employment and assignment of substitute teacher personnel, who are also subject to the currently applicable Substitute Teacher's Contract Agreement between Montgomery County Education Association (MCEA) and the Board of Education of Montgomery County (Substitute Teacher's Contract)

II. DEFINITIONS

- A. A *short-term substitute* is anyone who works fewer than eleven (11) consecutive workdays in the same assignment on a day-to-day basis.
- B. A *long-term substitute* is a substitute teacher who works a minimum of eleven (11) consecutive workdays in the same assignment for a regular classroom teacher who is on leave, or a substitute teacher who fills a vacancy for a minimum of eleven (11) consecutive workdays in the same assignment. Any break in service will end the long-term status except that a long-term substitute may be absent as specified in the Substitute Teachers' Contract.

III. PROCEDURES

- A. Eligibility and Application Process
 - 1. Interested applicants apply through the Montgomery County Public Schools (MCPS) online Applicant Tracking System and submit all documentation required under Maryland law and Board policies, including, but not limited to, resume, references, and transcript.
 - 2. To be considered for substitute teaching, each applicant must present proof of the completion of the minimum of an associate's degree or 60 college credits from an accredited institution by submitting official transcript(s). A record of relevant paid experience and satisfactory performance working

with children in the prekindergarten to high school age range may be accepted after review of the candidate's record, if a candidate has not completed all of the college credits specified above.

3. The Office of Human Resources and Development (OHRD) will schedule individuals for interviews. Applicants who successfully complete the interview process will be requested to obtain and submit a background check, including fingerprinting, and fulfill other requirements under Maryland law or Board policies, and they will be invited to participate in an orientation session.
 - a) The substitute orientation is mandatory and includes, but is not limited to, compliance training on recognizing and reporting child abuse and neglect, and completion of all required documentation.
 - b) Candidates must successfully complete the substitute orientation and all other applicable requirements before they can be added to the list of eligible substitute teachers.

B. Assignment

1. The Department of Certification and Staffing in OHRD is responsible for maintaining the list of eligible substitute teachers, and only individuals who are on this list may receive assignments to serve as substitutes in MCPS schools.
2. Short-term substitutes may be assigned by the OHRD's Substitute Employee Management System (System) or be pre-arranged through the school/teacher and recorded in the System. Teachers/schools are required to register each absence requiring a substitute on the System.
3. Substitute teachers are required to work a minimum of five days per semester in order to remain employed with MCPS.
4. Requests for the approval of a substitute teacher selected for a long-term assignment must be filed with the Department of Certification and Staffing, on MCPS Form 445-17, *Long-term Teacher Substitute Assignment*, as soon as it is determined that the assignment will be more than ten consecutive duty days. Upon the completion of the long-term assignment, the principal must send a notification of termination to the Department of Certification and Staffing, on MCPS Form 445-17.

C. Substitute Teacher²s' Contract

The current Substitute Teachers' Contract covers matters regarding substitute teachers related to the following:

1. Professional Development
2. Schedules and Workload
3. Salaries
4. Insurance
5. Authorized Absences

D. Performance and Misconduct Issues

Substitute teachers are maintained on the MCPS roster of eligible substitutes, contingent upon their ability to comply with personal and professional standards of conduct. Article 6 of the Substitute Teachers' Contract states: "No substitute teacher will be disciplined without proper cause." 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. Discipline of a substitute may include reprimands and warning notices, as well as removal from a substitute list at a school or districtwide. Discipline is subject to review and appeal through grievance and appeal processes provided by law, Board policies, MCPS regulations, and negotiated agreements. In general, if a substitute is removed from the list of those eligible to substitute at three different schools, the substitute also will be removed from the list of those eligible to substitute in any MCPS school. Nevertheless, a more serious infraction may warrant termination of a substitute teacher, even for a first-time offense such as prohibited criminal conduct.

1. Suspected Child Abuse and Other Allegations of Criminal Activity by a Substitute Teacher
 - a) Grounds for Action
 - (1) Cases involving suspected child abuse or neglect by an MCPS employee, whether or not on district property, require immediate reporting to Child Welfare Services in the Montgomery County Department of Health and Human Services, commonly known as 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, *Child Abuse and Neglect*, and MCPS Regulation JHC-RA, *Reporting and Investigating Child Abuse and Neglect*.

- (2) Other critical incidents involving suspected criminal activity, such as drug distribution or use of weapons on MCPS property, require reporting to the MCPD or another law enforcement agency, pursuant to Board policy and the Memorandum of Understanding among MCPS, MCPD, and other county agencies on the School Resource Officer Program and Other Law Enforcement Responses to School-Based Incidents, as well as all cases involving allegations of sexual misconduct or harassment and any other alleged misconduct referred to the Office of Employee Engagement and Labor Relations (OEELR) for investigation.

b) Action Steps

- (1) After ensuring the required reporting to CPS, MCPD, or other law enforcement agency, the principal or designee will notify the Office of School Support and Improvement (OSSI). OSSI, in turn, will notify OEELR.
- (2) OEELR, in consultation with the principal or designee, the MCPS Systemwide Child Abuse Contact, CPS, and law enforcement agencies, as appropriate, will determine whether the substitute teacher will be “frozen” (i.e., temporarily denied the opportunity to substitute teach either in the school in question or the district as a whole), while any external or internal MCPS investigation is pending.
 - (a) Cases are reviewed on an individual basis, and the key factor is whether the substitute teacher’s continuation in their 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. In accordance with MCPS Regulation JHC-RA, a substitute teacher who is the subject of allegations of child abuse or neglect will be restricted from substitute assignments, unless there is significant, credible information that another course of action is warranted.

- (b) OEELR will notify the supervisor of substitute teachers in OHRD, the substitute teacher, and the school as appropriate, in consultation with CPS and/or the appropriate law enforcement agencies if the substitute teacher is “frozen.”
 - c) While any external investigation is ongoing, MCPS will cooperate fully with the external investigating agencies, and MCPS employees may not interview witnesses, alleged victims, or alleged perpetrators without prior agreement from and subject to any limitations recommended by the external investigating agencies.
 - d) In all such cases, OEELR will conduct an MCPS investigation, consistent with all applicable Board policies and MCPS regulations, in a manner that does not interfere with or jeopardize the external investigation. OEELR 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.
 - e) After conducting any additional investigation that may be required and considering all available information, OEELR will determine whether or not there is proper cause for disciplinary action and inform the substitute teacher, the school, and the substitute teacher office. A nonexhaustive list of possible actions includes the following:
 - (1) Clearing the substitute teacher as eligible for substituting in schools
 - (2) Other disciplinary action up to and including termination of the substitute teacher (i.e., removal of the substitute teacher from the list of those eligible to substitute teach in any MCPS school)
- 2. Other Alleged Inappropriate Behavior or Performance Issues
 - a) Grounds for Action

This category includes performance issues, as well as allegations of conduct that violates the standards in the MCPS *Employee Code of Conduct* but does not require reporting as suspected child abuse or

other critical incidents involving suspected criminal activities. The examples below are illustrative and non-exhaustive. Conduct that is not expressly listed nonetheless may warrant disciplinary action.

- (1) Poor classroom management or poor performance of substitute duties
- (2) Arriving late, leaving early, or not reporting for the substitute job assignment
- (3) Improperly departing from (**i.e.**, not following) the MCPS curriculum
- (4) Theft or destruction of MCPS' or another's property
- (5) Inappropriate use of technology

b) Action Steps

- (1) Unless other investigation steps are identified in consultation with OEELR, the principal or designee collects documentation and interviews or obtains statements from those who were involved in or observed the reported incident. All statements must be signed and dated.
- (2) The principal or designee should contact OEELR if the administrator is considering deletion or other disciplinary action. Guidance provided by OEELR should be followed when conferring with the substitute.
- (3) The principal or designee confers with the substitute teacher to discuss the issue including obtaining the substitute teacher's side of the story. The substitute may request the involvement of an MCEA representative. If the substitute teacher is no longer on assignment in the school, the school administrator will gather all available information and promptly send it to OEELR.
- (4) The principal or designee decides if the available information warrants further action, in consultation with OEELR and OSSI, as needed.
 - (a) In some circumstances, the school administrator may determine that the substitute teacher's conduct

warrants a clarification as to expectations regarding future conduct rather than formal disciplinary action. In such cases, the school administrator may provide written guidance as to expectations regarding future conduct. This document should be sent to OEELR to be maintained as a confidential record because it may provide context for future disciplinary action if the employee's conduct does not conform to the communicated expectations.

- (b) If no written guidance or discipline is contemplated, no further action is necessary.
 - (c) If the school administrator decides to recommend deletion, the school administrator will promptly complete MCPS Form 445-18, *Substitute Teacher Removal Request*, and send it, along with any documents, statements, and a copy of or summary of any response provided by the substitute teacher, to OEELR.
3. After conducting any additional investigation that may be required consistent with all applicable Board policies and MCPS regulations and considering all available information, OEELR will determine whether or not there is proper cause for disciplinary action and inform the substitute teacher, the school, and the substitute teacher's supervisor. The same list of possible actions applies here as in the preceding section. The specific facts of the situation inform which disciplinary actions are appropriate. In general, if a substitute is removed from the list of those eligible to substitute at three different schools, he or she also will be removed from the list of those eligible to substitute in any MCPS school. Nevertheless, a more serious infraction may warrant termination, even for a first-time offense.
 4. Records of all written communication between a principal or designee and a substitute regarding the substitute's conduct, regardless of disciplinary action, shall be sent to OEELR to be maintained as a confidential record.

Related Sources: Annotated Code of Maryland, Education Article, §6-113 and §6-113.2; Negotiated Agreement between Montgomery County Education Association and Board of Education of Montgomery County; *MCPS Substitute Teacher Handbook*; *MCPS Employee Code of Conduct*

Regulation History: Formerly Regulation No. 435-1, August 29, 1980, revised February 1986, amended by the Agreement Between the Board of Education and Montgomery County Education Association (1984-87), Substitute Teachers, Article 4; amended by the Contract Agreement Between the Board of Education and Montgomery County Education Association (2002-2004); revised May 8, 2003; revised August 15, 2019.