

REGULATION MONTGOMERY COUNTY PUBLIC SCHOOLS

Related Entries:	ABA, ACA, ACA-RA, ACF, ACG-RA, ACG-RB, BLB, COB-RA, GCA-RA, GKA-RA, JEE-RA, JGA-RA, JHF, JHF-RA, JOA-RA, KBA, KBA-RC, KLA
Responsible Offices:	Superintendent of Schools, Office of the Chief of Staff, Office of the Chief Operating Officer, Office of the Deputy Superintendent of Schools

Concerns, Complaints, and Appeals to the Superintendent of Schools

I. PURPOSE

To encourage the collaborative resolution of concerns expressed by members of the public whenever possible

To set forth procedures to process and obtain prompt and responsive solutions to public complaints concerning the application of laws, Montgomery County Board of Education (Board) policies, or Montgomery County Public Schools (MCPS) regulations or rules, unless the subject matter is otherwise specified by another process

II. BACKGROUND

The provision of high-quality educational programs, activities, and services for the students of Montgomery County is best achieved by all parties working together. The Board, as a matter of policy, encourages members of the public to direct their questions and concerns to the local school or administrative level most immediately in a position to assist, and seek resolution through a process of dialogue and cooperative problem-solving among affected parties.

The formal step of filing a complaint should be used only after problem-solving approaches among the parties most immediately involved have been unsuccessful in resolving the concern and a complainant seeks a review of the application of a law, Board policy, or MCPS regulation or procedure (hereafter referred to as “rules”) by an MCPS administrator, or to seek the application of a rule when no action has been taken.

Personnel actions are the exclusive responsibility of the MCPS superintendent of schools and are not subject to public complaint procedures.

III. DEFINITIONS

In this regulation, unless the context clearly requires otherwise, the following words have the meanings indicated.

- A. *Appropriate administrator* at any level of concern or complaint means the superintendent of schools' designee responsible for specific administrative or operational functions of MCPS, as follows:
1. *Local school principals* are the appropriate administrators for decisions at the local school level.

Principals' decisions are reviewed by their area director in the Office of School Support and Well-being (OSSWB), the *chief officer* of OSSWB, or their *designee*.
 2. For concerns that are not the responsibility of a local school principal, the appropriate administrators of operations and other central offices (e.g., directors of finance, transportation, facilities, food and nutrition, curriculum) are the decision makers.

Their decisions are reviewed by the chief officer/designee overseeing that office.
 3. *The superintendent/designee* is the Division of Appeals for reviewing chief officer/designee's decisions that are appealed to the superintendent of schools.
- B. The *Board ombudsperson* means a designated impartial individual who is employed by the Board to facilitate the resolution of concerns experienced by members of the Montgomery County community in interactions with MCPS.
1. The ombudsperson operates in a manner to preserve the confidentiality of those seeking a response to a concern, maintains an impartial position with respect to the concerns raised, and is independent of MCPS.
 2. The Board ombudsperson and the AskMCPS call center are available to direct members of the public to the appropriate administrator and bring parties together for a discussion of the inquiry or concern.
- C. The *Office of the Chief of Staff (OCOS)* is responsible for assisting members of the public to locate appropriate resources. The OCOS does not decide the outcome of

complaints, but assists the public to identify resources or request a review of the application of a rule by an appropriate administrator.

- D. **Day**
1. *Calendar day* means each day on the calendar, including Saturdays, Sundays, and Maryland legal holidays.
 2. *Work day* means a day, other than a Saturday, Sunday, and Maryland legal holiday, on which MCPS central offices are open for the transaction of business.
- E. A *complaint* is a claim that an administrator's application of a rule is contrary to applicable rules or no action has been taken. It may be submitted using Form 270-8, *Complaint from the Public*, or a written statement that includes the complainant's name, e/mail address, phone number, the concern, the steps they have taken to resolve the concern, and the remedy they seek.
- F. *Complainant* means an individual who submits a complaint after trying to resolve a concern with the appropriate administrator.
1. Only a student's parent/guardian or eligible student has the authority to make a complaint about educational decisions affecting their student.
 2. Otherwise, a member of the public means a current MCPS student, parent/guardian of a current MCPS student, or Montgomery County resident with a question or concern regarding MCPS administration or operations.
 3. MCPS employees should use processes for addressing concerns set forth in MCPS Regulation GKA-RA, *Administrative Complaint*, or the resources listed in the *Employee Code of Conduct*.
- G. *Contact* means communication to the addressee at the e/ mailing address and/or telephone number provided in the complaint.
- H. *Meeting* means a conference with a complainant and the appropriate administrator. A meeting may take place in person, virtually, or via telephone, at the agreement of the parties.
- I. *Rule* means a law, Board policy or MCPS regulation or established procedure.

IV. PROCEDURES

A. Requests for Information

1. The Office of the Chief of Staff (OCOS) shall use a variety of communication tools such as AskMCPS call center, the MCPS Public Information Office, and MCPS web pages to direct members of the public to information and resources and assist the public to obtain answers to frequently asked questions about the complaint from the public process. The chief of staff may be reached at 240-740-3015.
2. OCOS Complaint from the Public web page will include, and update periodically, a list of topics with designated review and appeal processes for which a responsible office and chief officer/designee has been established. These include the following:
 - a) Student enrollment, residency, tuition, and entrance to kindergarten.
 - b) Student school of assignment, including Change of School Assignment (COSA) and administrative placement.
 - c) Student suspension and expulsion.
 - d) Student athletic waivers.
 - e) Individualized Education Programs (IEPs) and 504 plans.
 - f) ADA accommodations (other than student 504 plans).
 - g) Complaint of Title IX sexual harassment.
 - h) Federally funded Free and Reduced-price Meals (FARMs) and the National School Meals Program.
3. Schools are encouraged to include a link to the OCOS Complaint from the Public website on their school websites and encourage parents/guardians to use the OCOS site. MCPS Form 270-8, *Complaint from the Public* and/or its electronic equivalent, and this regulation will be announced periodically by each local school in a newsletter to parents/guardians as well as published in appropriate student handbooks.
4. Other resources to assist the public include the following:

- a) The Board ombudsperson may be reached at 202-740-3030.
 - b) Parent community coordinators (PCCs) support and build families' abilities to advocate for their student's academic success. They also help parents to locate needed services and decision makers in MCPS. Students or their parents/guardians may request PCC support through their principal or the ombudsperson.
 - c) Language assistance and interpreter support services are available to members of the public through the MCPS Office of Interpreting Services at InterpretingServices@MCPSmd.org or 240-740-1800.
5. The OCOS may establish an electronic format for recordkeeping and communicating with complainants and appropriate administrators. However, the OCOS must maintain a paper version of the reporting form for use as requested.

B. Seek Resolution of a Concern

A member of the public with a request for information or a concern should address the request or concern to the parties most directly involved as amicably and expeditiously as possible. Toward this end, the following steps will be followed:

1. Local school concerns

Classroom concerns or other issues specific to operation of a local school should first be addressed to the teacher or other school staff member most directly involved to seek information or resolution to the concern.

- a) If the issue is not resolved with the teacher or other school staff member, the individual is encouraged to discuss the matter with the principal/designee, who should attempt to resolve the matter at this early stage through collaborative dialogue and reasonable problem-solving methods.
 - b) No forms or formal documentation of this informal process are required under this regulation. However, the principal/designee should make and retain a record of communication and efforts made to resolve the issue or concern, and specifically make a record of any referral to another office for assistance.
- 2. Concerns about Other MCPS Operations or Administration**

- a) For concerns related to MCPS issues other than the local school, members of the public may ask for support from the ombudsperson, the AskMCPS call center, and the OCOS/designee to bring parties together for a discussion of the inquiry or concern.
- b) No forms or formal documentation of this stage of the process are required. However, the appropriate administrator should make and retain a record of correspondence with the individual and efforts made to informally resolve the issue or concern, and specifically make a record of any referral to another office for assistance.

C. Complaint from the Public Process

If a member of the public claims that a principal/director's application of a rule is contrary to applicable rules or no action has been taken, they may contact the OCOS to request a review.

1. The OCOS/designee will complete the following:
 - a) If a complaint has at least one concern related to section IV.A.2 (e.g., student residency, a COSA, suspension, IEPs, 504s, ADA accommodations, or harassment), the OCOS/designee will assist the member of the public to reach the designated office responsible for that concern. If the member of the public has multiple concerns, resolving issues listed in section IV.A.2 may be necessary before other concerns are addressed.
 - b) If the member of the public has not sought resolution from the principal or director most directly involved, the OCOS/designee will direct them there and inform the member of the public of supporting resources such as the ombudsperson, PCCs, and interpretation services.
2. If the member of the public is unsatisfied after seeking resolution from the principal or director most directly involved, and has sought the assistance of the ombudsperson, the OCOS/designee will log in the complaint and direct it to the next appropriate administrator, who will complete the following:
 - a) Confirm receipt of the complaint and notify the appellant and the OCOS by means specified by the OCOS.
 - b) Open a case file and review correspondence and notes from the

principal/director of their efforts to resolve the concern.

- c) Schedule a meeting with the complainant within 10 work days of receipt of the complaint.
- d) Within 10 work days¹ of the meeting with the complainant –
 - (1) investigate the complaint;
 - (2) determine whether there is a mutually agreeable solution;
 - (3) send a letter to the complainant with a rationale for the determination that directly and clearly addresses the concerns raised in the complaint, summarizes the key information upon which the determination was made, and notifies the complainant of their right to appeal to the superintendent of schools/designee; and
 - (4) notify the OCOS/designee that the review is complete and include the letter to the complainant as an attachment.

- 3. MCPS Regulation GCA-RA, *Conflict of Interest*, sets forth the expectation that employees are expected to interact with all students, parents/guardians, colleagues, and the community with the utmost integrity and professionalism and to promote the highest public confidence in the impartiality and independent judgment of MCPS employees in the discharge of their duties.

D. Appeals to the superintendent of schools

- 1. The application of a rule by a chief officer/designee may be appealed to the superintendent of schools/designee within 15 calendar days by contacting the Office of District Operations/Division of Appeals.
- 2. A complainant may also appeal to the superintendent of schools/designee if no action has been taken by the chief officer/designee within required timelines, and the complainant has not received notice of an extended deadline.

¹ If the complaint is complicated or a resolution otherwise cannot reasonably be determined within 10 work days, the appropriate administrator may extend the time limits stated for a determination by not more than 10 additional work days, provided that the complainant is given prompt notice of the extended timeline and rationale.

3. The Division of Appeals shall make a determination on the appeal and notify the complainant within 45 work days, unless additional time is needed for further investigation because the complaint is particularly complex or there are other extenuating circumstances.
 - a) The Division of Appeals will notify the complainant within 30 work days of their receipt of the complaint if an extension beyond 45 days is required.
 - b) The extension typically will be for an additional 10 work days.
4. Failure of the Division of Appeals to make a determination within the timelines above may, at the option of the complainant, be deemed a denial by the superintendent of schools for purposes of appeal to the Board.

E. Review and Reporting

The chief of staff will report annually to the superintendent of schools on the complaint from the public process, including a summary of topics of complaints, offices from which complaints originated, and the dispositions of complaints.

F. Records and Files

1. At each level of review, the appropriate administrator making the determination will –
 - a) send a letter to the appellant with a rationale for the determination that directly and clearly addresses the concerns raised, summarizes the key information on which the determination was made, and notifies the appellant of their right to request further review or appeal, if applicable; and
 - b) provide a copy of the letter to any administrator(s), including the principal/director, who handled the case at lower levels.
2. The appropriate administrator at each level of review will retain for the case file correspondence with the complainant/appellant, referrals to other offices, any letter(s) of determination, and key information upon which the determination was made.
 - a) When a review is requested, a copy of the case file will be furnished to the administrator conducting a next level of review.

- b) At each level, the case file records are to be retained for 36 months following the resolution or other conclusion of the case, after which the records may be destroyed at the option of the administrator at each level. However, if the complaint involves a matter or subject for which a longer retention period is provided specifically for all records, that longer retention period will prevail for the complaint records as well.
 - c) As set forth in MCPS Regulation JOA-RA, *Student Records*, administrators may maintain personal files for the purpose of recalling information, and such files are not part of a student record or case file.
3. The provisions for retention of records specified in this regulation will not apply if an agreement to destroy or retain the records is included in the formal decision process.

Related Sources: *Code of Maryland Regulations*, §13A.08.02.16

Regulation History: Formerly Regulation No. 270-9, November 3, 1972; directory information updated January 1983; revised August 26, 1987; revised May 4, 1994; revised November 4, 1997; revised July 1, 2008; revised October 7, 2013; revised July 25, 2017; revised July 5, 2018; revised October 18, 2023; non-substantive revisions March 26, 2024.

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.*

- A. It is the policy of the state of Maryland that all public and publicly funded schools and school programs operate in compliance with:
- (1) Title VI of the federal Civil Rights Act of 1964; and
 - (2) Title 26, Subtitle 7 of the Education Article of the Maryland Code, which states that public and publicly funded schools and programs may not
 - (a) discriminate against a current student, a prospective student, or the parent or guardian of a current or prospective student on the basis of race, ethnicity, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability;
 - (b) refuse enrollment of a prospective student, expel a current student, or withhold privileges from a current student, a prospective student, or the parent or guardian of a current or prospective student because of an individual's race, ethnicity, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability; or
 - (c) discipline, invoke a penalty against, or take any other retaliatory action against a student or parent or guardian of a student who files a complaint alleging that the program or school discriminated against the student, regardless of the outcome of the complaint.**

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

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

**This notification complies with the Code of Maryland Regulations Section 13A.01.07.

***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; Agency Equity Officer, Office of Equity Assurance and Compliance, Office of the Deputy State Superintendent of Operations, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, MD 21201-2595, oeac.msde@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 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) mcpainterpretingservices@mcpsmd.org, or MCPSInterpretingServices@mcpsmd.org.