

POLICY

BOARD OF EDUCATION OF MONTGOMERY COUNTY

Related Entries: ABA, ACA, BFA-RA, CHA-RA
Responsible Divisions: Board of Education, Division of Legal Services

Policy-setting

I. PURPOSE

To define what is meant by policy in the context of principles adopted by the Montgomery County Board of Education to set forth the vision and goals of Montgomery County Public Schools (MCPS)

To establish consistent processes for developing and implementing policies adopted by the Board

To specify the rights and responsibilities of the school community in the policy development process

II. ISSUE

State law provides that the Board, with the advice of the superintendent of schools, determines the educational policies of the school system. In fulfilling this role, the Board, among other actions, establishes formal policies to establish governing principles for MCPS. Therefore, there should be comprehensive and consistent processes for the analysis, development, implementation, monitoring, and evaluation of policies as well as community consultation processes that allow for participation in policy development by key stakeholders, to include staff, students, parents/guardians, and other community members, who represent the diverse community of Montgomery County, in alignment with Board Policy ACA, *Nondiscrimination, Equity, and Cultural Proficiency*.

III. POSITION

A. *MCPS Policies and Regulations Handbook*

The *MCPS Policies and Regulations Handbook* is the public register of all Board policies and MCPS regulations in effect. This register shall be promoted in MCPS communications to notify students, staff, and parents/guardians of MCPS students

about policies and regulations under development or recently revised. The *Policies and Regulations Handbook* shall contain the following key components:

- a) *Policies* are defined as the guiding principles adopted and amended by resolution of the Board to set forth the vision and goals of MCPS, specify the rights and responsibilities of the school community, and guide the development and implementation of educational programs and/or for management of the school system, as appropriate. All policies have a three-letter identifier (e.g., “Policy AAA”) and are indexed in topical lettered sections of the *Policies and Regulations Handbook*,
- b) *Rules and regulations* have a five-letter identifier (e.g., “Regulation AAA-RA”) and are indexed in topical lettered sections of the *Policies and Regulations Handbook*. Regulations are developed and approved by the superintendent of schools to properly administer the school system. Maryland law assigns responsibility to the superintendent of schools to implement the following:
 - 1) Laws relating to the schools.
 - 2) Applicable enacted guidance of federal and state agencies, including the Maryland State Board of Education.
 - 3) Policies of the Montgomery County Board of Education.
- c) The *Public Comment* – The superintendent of schools shall notify MCPS students, staff, and parents/guardians of MCPS students when draft policies under development are posted to the *Public Comment* page and are ready for stakeholder review and feedback.
- d) The *Summary of Changes* is a chronological record of all policies and regulations adopted, amended, or rescinded since the 2006-2007 school year.

B. Policy development

- 1. There shall be a Policy Management Committee of the Board, hereafter referred to in this policy as the “Committee,” consisting of not fewer than three members with staggered three-year terms, with one member and the chair chosen annually at the Board’s December meeting. The Board also may appoint the student member of the Board to serve as a fourth full member of the Committee. The Committee reviews, recommends, and presents draft policies to the full Board for adoption.

2. The Committee shall adopt an annual work plan to guide the Committee's work.
 - a) The Committee shall develop its annual work plan with advice from the superintendent of schools and Board staff, and input from other Board members and other stakeholders, as appropriate.
 - b) When advising the Committee about policies for inclusion in the work plan, the superintendent of schools and Board staff shall highlight policies that require development or revision to comply with federal, state, or local law and the operational or instructional needs of MCPS.
 - c) The work plan may include the review of policy implementation reports or other work products, such as those required for the annual school calendar, or additional reports as may be identified in Board policies.
3. The process of developing draft policies may include, where deemed appropriate, a work group of relevant stakeholders who shall take into account, as appropriate –
 - a) related Board governance, including its mission, goals, and objectives,
 - b) other policies of the Board and of other governmental agencies,
 - c) federal, state, and local laws and regulations,
 - d) court decisions and other legal limits or conditions,
 - e) cost and budget implications,
 - f) effects on school system operation,
 - g) the impact on MCPS students, staff, and parents/guardians of students affected by the policy,
 - h) national, state, and local literature and research on best practices, and/or
 - i) exemplary policies of comparable school systems.

C. Public Comment

1. At tentative action, the policy item shall be accompanied by a resolution that –
 - a) indicates the tentatively adopted policy shall lie on the table for at least 21 calendar days before being voted on as final action;
 - b) provides an opportunity for publishing the tentatively adopted policy and a public comment feedback survey on the MCPS web and notifying students, staff, and parents/guardians of students about the opportunity to comment;
 - c) provides an opportunity for a public hearing (if the Board desires); and
 - d) provides an opportunity for the superintendent of schools/designee to analyze comments and give advice and recommendations.
2. The Board has the discretion to extend the minimum 21 calendar day period to allow sufficient time for staff to seek community engagement using time- and resource-intensive public participation techniques.
3. Board Policy ABA, *Community Engagement*, sets forth the Board's goals for engagement and a wide variety of in-depth participation techniques that may be used to involve impacted students, parents/guardians, and staff in the development of policies.
 - a) Methods may include, but are not limited to, work groups, public meetings, and other technology appropriate for soliciting and gathering public input in a manner that strives to represent the interests of the diverse community of Montgomery County, in alignment with Board Policy ACA, *Nondiscrimination, Equity, and Cultural Proficiency*.
 - b) Students and staff shall be involved in developing or revising Board policies that affect them. This involvement may include participation in meetings or soliciting input throughout the policy-making process.
4. The Committee and appropriate staff present the proposed policy item to the Board for discussion and/or amendment and for final action.

5. When taking final action, the Board shall review public comments, staff responses, and Committee recommendations and consider amendments proposed by Board members.
 - a) Persons submitting public comments are advised that public comments and the name of the individual submitting the comment become part of the public record and are publicized along with the Committee's recommendation to the Board for final action.
 - b) Public comments are not the proper channel for raising personnel concerns. Comments that identify issues specific to individual students or employees shall not be included for the Board's review.
6. The Board may, or the Committee may make a recommendation to the Board to, send the policy back out for public comment if substantial changes are made to the policy after the initial public comment period.
7. The Board shall adopt a policy with a standard format that shall include as appropriate –
 - a) a statement of the purpose of the policy;
 - b) a description of the problem or issue that the policy addresses and purports to resolve;
 - c) a statement of the policy position or positions adopted by the Board, including a brief statement of the reasons and/or justification for these positions as appropriate;
 - d) a statement of the results or outcomes desired;
 - e) implementation strategies to guide the superintendent of schools; and
 - f) as applicable, reports as may be requested by the Board and specification of when applicable reports are to be made to the Board and the public on implementation and effectiveness, results achieved, and next steps. The requirement for and frequency of reports shall be specified by the Board and may depend on such factors as high public interest, legal mandates, and the experimental/innovative nature of the activity.

D. Technical Amendments

The Committee may recommend that the Board adopt technical amendments to policies when the proposed amendments are needed to—

1. comply with federal, state, or local laws or agency regulations or guidance;
2. bring the policy into alignment with a more recently enacted Board policy; and/or
3. update directory information (i.e., the name(s) of MCPS division that performs the relevant function(s) named in the policy) or clarify or update technical information.

Such technical amendments may be adopted immediately by the Board on the recommendation of the Committee.

E. Rule of Interpretation

In the event of a conflict, federal, state, and local laws and regulations supersede Board policies. If the conflict is between Board policies, the most recently enacted supersedes older policies but generally efforts shall be taken to read so as to avoid conflicts.

F. Policy Implementation

After adoption, the superintendent of schools shall –

1. develop implementing rules or regulations, as appropriate;
2. publish all policies and regulations in the *Policies and Regulations Handbook* and notify affected parties as appropriate; and
3. continuously monitor the policy and implementation and reporting to the Board as required under Section F, Review and Reporting.

G. Policy Suspension

When a change in law or exigent circumstances with systematic implications necessitate the temporary suspension of all or part of any individual policy, the Board may –

1. take action at a full Board meeting to suspend all or part of the policy, and/or

2. direct that the policy be reviewed by the Committee at its next scheduled meeting for recommendation for further action.

IV. DESIRED OUTCOME

Policies that are well researched and analyzed prior to adoption or amendment and monitored by the superintendent of schools/designee with results reported to the Board subsequent to adoption.

V. IMPLEMENTATION STRATEGIES

- A. The Board may call for review of any policy at its discretion. The superintendent of schools also shall review policies on an ongoing basis, in accordance with established practices for prioritizing policy matters.
 1. In the event that the Board directs a new policy to be developed or an existing policy to be amended or rescinded, it may establish a timeline for the Committee to bring a draft policy to the full Board for its consideration.
 2. When the review results in recommended content changes to the policy, the process for policy formulation described above shall be followed.
 3. When review results in a recommendation for rescission, the Board shall take action on the recommendation.
 4. If the Committee reviews the policy and recommends no substantive changes, the policy shall be marked as “reviewed by Policy Management Committee,” reformatted, reprinted, and forwarded to the Board as an item of information.
 5. All policies shall be published in the MCPS *Policies and Regulation Handbook*, which shall include continuous updates to *Summary of Changes*.
- B. The superintendent of schools shall develop and maintain a process for developing draft policies for consideration for the Committee, as set forth in this policy, that shall include policy research and development, and presentations to the Board, as requested.
- C. The superintendent of schools shall develop rules or regulations to implement Board policies, federal and state laws, and monitoring reports, as applicable.
 1. The superintendent of schools shall develop and maintain a timely process for notifying the Board about regulations under development or revision.

2. When development or revision of a regulation follows the Board's action on a policy, the superintendent of schools shall take into consideration public comments collected about the policy.
3. Prior to final approval, draft regulations shall lie on the table for a minimum of 10 business days, with notification to the Board and to the public. The superintendent of schools shall review all comments, and shall have the discretion to revise and approve the draft as appropriate.
4. The superintendent of schools shall communicate the approved regulation, along with any comments received, to the Board as items of information.

VI. REVIEW AND REPORTING

- A. The Committee shall be apprised of the up-to-date status of the policy review process.
- B. The *Summary of Changes* shall make publicly available the policies and regulations that were reviewed, amended, and rescinded on an on-going basis.

Related Sources: Annotated Code of Maryland, Education Article, §4-108, Powers and duties of the board, §and 4-204, Duties of the county superintendent.

Policy History: Adopted by Resolution No. 64-92, January 27, 1992; amended by Resolution No. 115-93, February 9, 1993; amended by Resolution No. 341-94, May 16, 1994; reviewed August 27, 1996; amended by Resolution No. 615-01, November 13, 2001; amended by Resolution No. 388-05, July 27, 2005; amended by Resolution No. 250-19, April 9, 2019; amended by Resolution No. 222-26, May 21, 2026.

Note previous policy history: Adopted by Resolution No. 425-84, August 7, 1984; amended by Resolution No.430-85, September 10, 1985; amended by Resolution No. 458-86, August 12, 1986; Rescinded by Resolution No. 64-92, January 27, 1992.

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.*

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.**

Please note that contact information and federal, state, or local content requirements may change between editions of this document and shall supersede the statements and references contained in this version. Please see the online version for the most up-to-date information at www.montgomeryschoolsmd.org/info/nondiscrimination.

For inquiries or complaints about discrimination against MCPS students***	For inquiries or complaints about discrimination against MCPS staff***
Director of Student Conduct and Appeals Division of Equity and Organizational Development 850 Hungerford Drive, Suite 200, Rockville, MD 20850 240-740-3215 SWC@mcpsmd.org	Human Resource Compliance Officer Division of Human Resources and Talent Management Department of Compliance and Investigations 15 West Gude Drive, Suite B400, Rockville, MD 20850 240-740-2888 DCI@mcpsmd.org
For student requests for accommodations under Section 504 of the Rehabilitation Act of 1973	For staff requests for accommodations under the Americans with Disabilities Act
Section 504 Coordinator Division of Specialized Support Services, Department of School Counseling 850 Hungerford Drive, Room 170, Rockville, MD 20850 240-987-8031 504@mcpsmd.org	ADA Compliance Coordinator Division of Human Resources and Talent Management Department of Compliance and Investigations 15 West Gude Drive, Suite B400, 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 Division of Equity and Organizational Development, Department of Student Conduct and Appeals 850 Hungerford Drive, Suite 200, 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), 61 Forsyth St. S.W., Suite 19T10, Atlanta, GA 30303, 404-974-9406 and TDD: 800-877-8339, OCR.Atlanta@ed.gov, 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.