

REGULATION MONTGOMERY COUNTY PUBLIC SCHOOLS

Related Entries: ACF, ACF-RA, COA, COA-RA, DJA-RA, IOE-RB
Responsible Offices: Chief of Security and Compliance; Chief of School Support and Improvement

Registered Sexual Offenders on MCPS Property

I. PURPOSE

To provide guidelines for the limited circumstances in which an adult or juvenile registered sexual offender may enter onto the property of Montgomery County Public Schools (MCPS)

II. DEFINITIONS

- A. The *Maryland Sex Offender Registry* is maintained by the Maryland State Department of Public Safety and Correctional Services (Department) and lists information about individuals found guilty of certain crimes of sexual offenses, specified in law. The registry is available and searchable by the public. The Department also maintains a registry of juvenile sex offenders that is separate from the adult sex offender registry and is accessible only by law enforcement personnel for law enforcement purposes. It is not searchable by the public or MCPS.
- B. *MCPS property* means any MCPS school or other facility, including grounds owned or operated by MCPS, MCPS buses, and other MCPS vehicles and locations of MCPS activity while such activity is in process.
- C. *Responsible administrator (administrator)* means the principal of an MCPS school or the owner/operator of a child-care facility on MCPS property.
- D. *School year* for purposes of this regulation is the period of time from July 1 to June 30th of the following calendar year.
- E. *Sexual offender (registrant)* is a person required to register with the Department and local law enforcement and be placed on the Maryland Sex Offender Registry because that person is a child sexual offender, a sexually violent offender, a sexually violent predator, or an offender convicted of other crimes involving persons under the age of 18 years or child kidnapping.

- a. A *juvenile registrant* means a person at least 14 years old who is required by a Maryland states attorney to be included in the Maryland registry of juvenile sex offenders because they have been adjudicated delinquent for an act that, if committed by an adult, would constitute a violation of certain crimes of sexual offenses, specified in law. *Adjudicated delinquent* is the term used in the juvenile justice system for a youth being found by a judge in juvenile court to have violated a criminal law.
- b. When the juvenile court's jurisdiction over a juvenile registrant terminates, the juvenile shall be removed from the juvenile registry.

III. ISSUE

A registrant or juvenile registrant may not enter an MCPS school or child-care facility on MCPS property, except as set forth in A and B below.

A. Parent/Guardian of a Student

1. Under Maryland law, a registrant or juvenile registrant who is a parent/guardian of a student at an MCPS school or child-care facility on MCPS property may enter that school or child-care facility only if both of the following conditions are met:
 - a. The registrant/juvenile registrant promptly notifies the administrator of their presence and the purpose of the visit, and
 - b. The administrator, superintendent of schools/designee, or the school board have given specific written permission within the past school year.
2. If the administrator chooses to grant such permission, it must be in writing and must include the following:
 - a. The date and purpose for which permission is granted.
 - b. The location within the school, or on school grounds, where the visit is to take place.
 - c. The name and contact information of the school staff member who the registrant or juvenile registrant must notify upon entering school property.

- d. The name of a person, acceptable to the administrator, who will accompany the registrant/juvenile registrant if they are entering the school property for the purpose of attending a performance, athletic event, or other such gathering that may include multiple students.
 3. An administrator of the school or child-care facility may deny the registrant's or juvenile registrant's request for permission to enter if they determine that the circumstances of the registration warrant denial.
- B. Registered Voter
1. MCPS schools and offices are closed to staff and students on the days of Maryland primary and general elections, so that they may be used by the public as polling places.
 2. State law allows a registrant/juvenile registrant to enter MCPS property for the purpose of voting on election day if they are properly registered to vote, and the registrant's/ juvenile registrant's polling place is at that MCPS property.
 3. An administrator may not impede a registrant/juvenile registrant's right to vote, if the registrant is properly registered to vote and the registrant's polling place is at that MCPS property.
- C. Contractors doing business with MCPS may not knowingly employ a registrant or juvenile registrant to work in a school. Contractor obligations are set forth in MCPS Regulation DJA-RA, *Procurement of Equipment, Supplies, and Services*, and additional guidance published by the Division of Procurement.
- D. Notification by Law Enforcement
1. MCPS shall establish Memoranda of Understanding with law enforcement that set forth the responsibilities of local law enforcement to notify MCPS, as set forth in Maryland law, that individuals have been placed on the adult sex offender registry or juvenile registry. Such law requires that law enforcement send written notice to the superintendent of schools/designee as soon as possible, but not later than three working days after law enforcement receives a registration statement from a sex offender.
 2. Not later than 10 working days after receiving notice from the local law enforcement unit, the superintendent of schools/designee shall send written notice of the registration statement to principals of schools or under the

superintendent's supervision or administrators of child-care facilities on MCPS property that the superintendent considers necessary to protect the students and staff from a sex offender.¹

IV. PROCEDURES

Education of Registrants, Juvenile Registrants, and Former Juvenile Registrants

- A. If a juvenile registrant is adjudicated delinquent and placed by court order in a Department of Juvenile Services (DJS) facility, their education will be provided by the Juvenile Services Education Program (JSEP) and they are no longer enrolled as MCPS students.
- B. If a juvenile registrant is adjudicated delinquent and released back into the community, they remain enrolled as an MCPS student.
- C. Under Maryland law, MCPS may not provide an education to a registrant or juvenile registrant in an MCPS elementary or secondary school or a facility used for child care. The law only permits the education of a registrant/juvenile registrant at one of the following locations:
 - 1. Non-MCPS program options off MCPS property:
 - a. the Regional Institute for Children and Adolescents (RICA)
 - b. certain nonpublic education programs as determined by law
 - 2. MCPS program options:
 - a. Home and hospital teaching (HHT) program (off MCPS property)
 - b. a program approved by the Montgomery County Board of Education (at a location other than an elementary or secondary school or a facility where child care is located)
- D. Until such time as the juvenile court's jurisdiction terminates, the MCPS Office of School Support and Improvement (OSSI) shall be responsible for coordinating the educational program for the student, in collaboration with appropriate MCPS offices.

¹ Annotated Code of Maryland, Criminal Procedure, section 11-709(b)(1-2)

1. MCPS shall exhaust all comprehensive education program options before utilizing HHT for students, because HHT is not an alternative educational program, nor is it intended or designed to replace a student's comprehensive educational program. HHT is designed as a short-term service that provides instruction in core subjects to students who are experiencing physical or emotional health circumstances that prevent them from attending school, as set forth in MCPS Regulation IOE-RB, *Home and Hospital Teaching*.
 2. The MCPS Office of Special Education shall coordinate with RICA or nonpublic education programs to identify available educational options for juvenile registrants with qualifying disabilities.
- E. When a juvenile registrant is no longer under the juvenile court's jurisdiction, the juvenile shall be removed from the juvenile registry.
1. A student removed from the registry may re-enroll at their home school or program the student attended prior to adjudication, provided they meet enrollment criteria for a bona fide Montgomery County resident.
 2. OSSI shall assess, on a case-by-case basis, the placement of such students, subject to disciplinary action for an offense set forth in the *MCPS Student Code of Conduct*.

Related Sources: Annotated Code of Maryland, Criminal Procedure Article, §§11-704, 11-704.1, 11-713, 11-721, 11-722; Education Article §6-113.2

Regulation History: New Regulation June 12, 2007; revised August 27, 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.*

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 Welfare and Compliance Office of District Operations Student Welfare and Compliance 15 West Gude Drive, Suite 200, Rockville, MD 20850 240-740-3215 SWC@mcpsmd.org	Human Resource Compliance Officer Office of Human Resources and Development Department of Compliance and Investigations 45 West Gude Drive, Suite 2500, 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 Office of School Support and Improvement Well-Being and Student Services 850 Hungerford Drive, Room 257, Rockville, MD 20850 240-740-3109 504@mcpsmd.org	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 15 West Gude 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), 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) mcpsinterpretingservices@mcpsmd.org, or MCPSInterpretingServices@mcpsmd.org.