

REGULATION MONTGOMERY COUNTY PUBLIC SCHOOLS

Related Entries:	ACA, ACF-RA, ACH, ACH-RA, COA, COA-RA, COC-RA, COE-RA, COF-RA, COG-RA, EBA-RA, EBJ-RA, EBK-RA, ECC-RA, EEA-RA, EKA-RA, GKA-RA, IGN, IGO-RA, JGA-RA, JGB-RA, JHC, JHC-RA, JHF-RA, JHG-RA, JPD, JPD-RB, Negotiated Agreements
Responsible Office:	Chief of Teaching, Learning, and Schools; Chief of Strategic Initiatives; Chief of Staff Montgomery County Public Schools

Incident Reporting

I. PURPOSE

To provide guidance for reporting health, safety, and security incidents to the Montgomery County Public Schools (MCPS) Office of the Chief of Teaching, Learning, and Schools (OTLS), Office of School Support and Improvement (OSSI), Systemwide Safety and Emergency Management (DSSEM); other MCPS offices, law enforcement, and other external agencies.

To coordinate and manage system responses through the Incident Management System (IMS) or other established reporting protocols

To provide guidance for reporting such incidents to the public as appropriate

II. DEFINITIONS

A. *MCPS property* means any school or other facility, including grounds owned or operated by MCPS, MCPS buses, and other MCPS vehicles, and the facility, and/or the grounds of any MCPS-sponsored activity involving students.

B. The *principal/director* means the administrator responsible for a school or office as appropriate, or their designee.

C. A *reportable incident* means any incident –

1. reported to MCPS employees that occurs on MCPS property or in

connection with a school-sponsored activity, and

2. includes some level of risk, harm, or threat of harm to staff or students, seriously disrupts school operations, or
3. concerns staff or students and could escalate to a community concern or elevated police or legal matter.

III. INCIDENT RESPONSE PROCEDURES

A. Immediate incident response

Upon the occurrence of a reportable incident, including those that occur before or after the school day, employees at the school/work site must address the emergent situation according to established school/site-based crisis plans, and report the incident as follows:

1. School/site-based staff notify the principal/director immediately
2. Principal/director or designee contacts law enforcement immediately (if incident is described in section III.B below)
3. Principal/director or designee contacts OSSI immediately, or within one hour as emergent circumstances require
 - a) The school/site-based crisis plan must designate a staff member responsible for calling OSSI.
 - b) OSSI will notify other MCPS offices, as appropriate (see section IV below).
4. In the event that an incident occurs before or after school hours (e.g. a school break-in or vandalism over the weekend) and is reported to the Department of Systemwide Safety and Emergency Management (DSSEM) and/or principal, both DSSEM staff and the principal must contact OSSI promptly.
5. Notify the parents/guardians of students directly involved as soon as appropriate considering the emergent circumstances –
 - a) See section V below regarding notification of the school community and the broader public.

- b) As set forth in MCPS Regulation JHC-RA, *Reporting and Investigating Child Abuse and Neglect*, incidents of suspected child abuse and/or neglect require principals/designees to collaborate with law enforcement to determine who will notify parents/guardians.
- B. In accordance with the Memorandum of Understanding regarding Community Engagement Officers (MOU-CEO),¹ the following incidents must be reported to the appropriate law enforcement agency immediately as well as OSSI.
- 1. The appropriate law enforcement agency shall take the lead in responding to and investigating the following:
 - a) Death (including suicide or attempted suicide; for suicide risk, see also MCPS Form 335-54, *Suicide Risk Reporting Form*)
 - b) Rape and/or sexual assault with another by force or threat of force (for suspected child abuse and/or neglect, see MCPS Regulation JHC-RA, *Reporting and Investigating Child Abuse and Neglect*)
 - c) Robbery/attempted robbery (taking property of another from their person or in their presence by force, reasonable fear of violence, or intimidation whether the perpetrator is armed or unarmed)
 - d) Hate crime (harassing a person or damaging property of a person because of their actual or perceived personal characteristics, as set forth in Montgomery County Board of Education Policy ACA, *Nondiscrimination, Equity, and Cultural Proficiency*)
 - e) Possession of a firearm, knowingly brought onto or knowingly brandishing or using any other dangerous or deadly weapon, including any device designed or manipulated to shoot any projectile to cause harm, on MCPS property (see also MCPS Regulation COE-RA, *Weapons*)
 - f) Gang-related incident/crime (see also MCPS Regulation JHG-RA, *Gangs, Gang Activity, or Other Similar Destructive or Illegal Group Behavior Prevention*)

¹ Full title: Reporting protocols for incidents that involve law enforcement are set forth in the *Memorandum of Understanding Between the Montgomery County Police Department and the Montgomery County Public Schools and Other Agencies Regarding the Community Engagement Officer Program and Other Law Enforcement Responses to School-based Incidents, August 30, 2021. (Memorandum of Understanding)*

2. After consultation with the principal/director/designee, CEO, or other law enforcement officers, the appropriate law enforcement agency may take the lead in responding to and investigating the following:
- a) Arson (willfully and maliciously set fire) or verbal or written threat of arson
 - b) Manufacture or possession of a destructive device (explosive, incendiary, or toxic material combined with a delivery or detonating apparatus or modified to do so) (see also MCPS Regulation EKA-RA, *Emergency and Disaster Preparedness*)
 - c) Knowingly making false reports about the location or detonation of a destructive device
 - d) Distribution or manufacture of a controlled dangerous substance
 - e) In the event of a 911 call regarding a physical attack on another that requires medical attention outside of the school health room (for suspected child abuse and/or neglect, see also MCPS Regulation JHC-RA, *Reporting and Investigating Child Abuse and Neglect*)
 - f) Theft (any single incident or series of incidents committed by the same perpetrator where the value of the stolen property is \$500 or more)
 - g) Possession of a potentially dangerous or deadly weapon on school property that is not knowingly brandished or used to cause harm²
 - h) Possession of, and/or possession with intent to distribute, a controlled dangerous substance (see also Board Policy IGN, *Preventing Alcohol, Tobacco, and Other Drug Abuse in Montgomery County Public Schools*, and MCPS Regulation IGO-RA, *Guidelines for Incidents of Alcohol, Tobacco, and Other Drug Abuse Involving Students*).
 - (1) Whether or not law enforcement takes the lead in the investigation, MCPS staff shall turn over to the appropriate law enforcement agency any substance that come into their possession that they suspect to be a controlled substance.

² A butter knife is not a dangerous or deadly weapon. See *In re Melanie H.*, 120 Md.App.158 (1999)

- (2) However, if the material was acquired from a student during a drug counseling or information-seeking conference, Maryland law requires MCPS staff to keep confidential the identity of the student (see MCPS Regulation IGO-RA, *Guidelines for Incidents of Alcohol, Tobacco, and Other Drug Abuse Involving Students*).
- C. Absent exigent circumstances, law and MCPS will collaborate to determine the best course of action when handling school-based events; the vast majority of incidents at school can be managed to utilize existing wrap-around school resources. For circumstances, not covered by the MOU-CEO, the school is expected to use applicable, existing, wrap-around school services, prior to contacting the police.
- D. The following incidents should be reported to OSSI within one hour, even if all facts about the incident have not yet been assembled. These types of incidents may necessitate additional reporting to law enforcement or other external agencies on a case-by-case basis:
 1. Other Safety/Security Incidents
 - a) Any request for fire and rescue assistance
 - b) Fire (see also MCPS Regulation EBA-RA, *Fire Safety*)
 - c) Any physical or paper arrest on MCPS property
 - d) Any search and seizure of a student and/or student possessions (see also MCPS Regulation JGB-RA, *Search and Seizure*)
 - e) Lockdown, evacuation, or shelter (see also MCPS Regulation EKA-RA, *Emergency and Disaster Preparedness*)
 - f) Hazardous materials incidents (see also MCPS Regulation EKA-RA, *Emergency and Disaster Preparedness*)
 2. Emergency Health Care
 - a) Any request for emergency medical assistance (see also MCPS Regulation EBJ-RA, *Emergency Care and First Aid in Schools*)
 - b) Any incident resulting in a critical injury, defined as any injury which may result in death, loss of limb, or a permanent impairment

- c) Any emergency health care incident with established state or federal reporting requirements (e.g., administration of epinephrine associated with anaphylaxis, administration of naloxone associated with opioid overdose, bloodborne pathogens incident, or use of an automatic external defibrillator) (see also MCPS Regulation JPD-RB, *Emergency Care for Students Experiencing Anaphylaxis*, and Board Policy IGN, *Preventing Alcohol, Tobacco, and Other Drug Abuse in Montgomery County Public Schools*)
 - d) Confirmed contagious illnesses (e.g., Pertussis or Tuberculosis)
 - e) Other accidents with reporting requirements set forth in MCPS Regulation EBH-RA, *Reporting Student Accidents*:
 - (1) any injury to the head, eye, neck, or spine,
 - (2) any bone or joint injury that results in swelling,
 - (3) any puncture wound, burn, or laceration that looks as though it may require sutures,
 - (4) any harmful or improper ingestion of a medication, chemical, or foreign material, any ingestion of a controlled substance, or
 - (5) any animal bite (see also MCPS Regulation EBK-RA, *Reporting and Caring for an Animal Bite*).
3. Property damage/malfunction
- a) Substantial or critical malfunction of essential equipment, facilities, and/or services
 - b) Serious property damage that results in disruption of the school day (see also MCPS Regulation ECC-RA, *Loss of or Damage to Montgomery County Public Schools Property*)
4. Discipline
- Misconduct that results in potential or actual serious disruption of the planned school day

IV. INCIDENT MANAGEMENT SYSTEM (IMS) AND OTHER REPORTING PROTOCOLS

- A. With limited exceptions, incidents that arise during the school day or at school-sponsored activities are reported to OSSI and documented and distributed, as appropriate, through the IMS to promote a streamlined “one-stop” approach to incident management.
1. Upon receipt of a call from a principal/director/designee, OSSI will initiate a report in the IMS and use the IMS to contact other offices to communicate, manage, and coordinate system responses among appropriate offices, to include but not limited to Risk Management, Department of Communications, DSSEM, , Student and Family Support and Engagement, Student Welfare and Compliance, Office of the General Counsel (OGC), and Employee Engagement, Compliance, and Investigations (EECI).
 2. The principal/director/designee will update the IMS record within 48 hours with additional information regarding the incident and close out the incident report when all relevant information is submitted.
- B. The following incidents are subject to reporting requirements as set forth in state or federal requirements, the MOU-CEO, and/or other MCPS regulations, some of which may require reporting to MCPS offices in addition to, or instead of, OSSI:
1. Child abuse and/or neglect are reported to Montgomery County Child Protective Services and/or Adult Protective Services (as defined and in accordance with MCPS Regulation JHC-RA, *Reporting and Investigating Child Abuse and Neglect*).
 2. Bus operators report bus accidents directly to the MCPS Department of Transportation (DOT). Accident scene responsibilities, notification, and reporting requirements are consistent with state and federal requirements and are set forth in MCPS Regulation EEA-RA, *Student Transportation*. When a bus accident or other on-board incident necessitates communication with parents/guardians, the school should call OSSI immediately after receiving notice of the incident from DOT.
 3. When a staff person receives a report of an incident of bullying/harassment/intimidation of a student, including sexual harassment of a student, the information is promptly reported to the principal/designee, documented on MCPS Form 230-35, *Bullying, Harassment, or Intimidation Reporting Form*, and investigated as follows:
 - a) Bullying/harassment/intimidation of students, other than sexual

harassment, is documented and investigated by the principal as set forth in MCPS Regulation JHF-RA, *Student Bullying, Harassment, or Intimidation*.

- (1) The incident is recorded in the Synergy.
 - (2) It is not necessary to call OSSI or document the incident in the IMS, unless the incident also meets requirements set forth in sections III.B and/or III.C. Schools are advised to consult with OSSI for guidance as needed and appropriate.
- b) Sexual harassment of a student is subject to reporting and investigation procedures set forth in MCPS Regulation ACF-RA, *Sexual Harassment*. Some forms of sexual harassment may constitute criminal conduct resulting in criminal penalties or child abuse, and therefore may require investigation by law enforcement or reporting according to MCPS Regulation JHC-RA, *Reporting and Investigating Child Abuse and Neglect*, and/or the terms of the MOU-CEO.
- (1) After completing any mandated reporting requirements, the principal/designee calls OSSI, and the call is documented and distributed, as appropriate, through the IMS to the Compliance Unit. In collaboration with OSSI, the Compliance Unit is responsible for monitoring the MCPS response to reported incidents of sexual harassment of students.
 - (2) If law enforcement is involved, Student Welfare and Compliance should be consulted to coordinate the MCPS response with law enforcement. Student Welfare and Compliance will notify DSSEM to ensure appropriate coordination with law enforcement.
 - (3) The incident is documented by the principal/designee as set forth in MCPS Regulation ACF-RA, *Sexual Harassment*, and recorded in Synergy.
4. Any incidents of restraint or seclusion (see MCPS Regulation JGA-RA, *Classroom Management and Student Behavior Interventions*) are reported to the Office of Special Education and recorded in Synergy. The parent/guardian must be notified within 24 hours. Additionally there should be a serious effort to contact the parent/guardian by the end of the school

day.

5. Reports and claims involving work-related injuries to employees or volunteers are reported directly to the CorVel Corporation, a third party who administers workers compensation claims for MCPS.
 6. Workplace bullying of employees and other employee-related grievances or complaints are reported according to procedures set forth in MCPS Regulation ACH-RA, *Workplace Bullying*, MCPS Regulation GBA-RA, *Equal Employment Opportunity*, MCPS Regulation GKA-RA, *Administrative Complaint*, or negotiated agreements.
- C. A call to OSSI is not necessary for general property damage incidents that do not result in the disruption of the school day (excluding vandalism), but must be recorded in the IMS by the school within five days. Vandalism must be reported to DSSEM and OSSI within an hour of discovery and recorded in the IMS.
- D. Periodically throughout the school year, OSSI, in collaboration with other offices, will confirm that all incident reports have been completed to ensure accurate reporting.

V. COMMUNICATION

OSSI will notify and collaborate with the school and all appropriate offices, including the Department of Communications, DSSEM, EECI, and OGC, as appropriate, to assign responsibilities for communicating with the school and community regarding the incident.

- A. As soon as possible, the principal/director, OSSI, and collaborating offices will –
1. identify the appropriate communication lead (which may be the principal/director),
 2. determine and verify key facts, and
 3. determine procedures to be followed to avoid interfering with active investigations by law enforcement or other agencies, safeguard the confidentiality, privacy, and due process rights of the person(s) involved, including adherence to negotiated agreements with employee associations and applicable Memoranda of Understanding.
- B. When law enforcement is involved in an incident, information will only be released upon approval from OSSI, in collaboration with EECI and OGC, as appropriate. Communications regarding incidents related to child abuse and/or neglect must be

in accordance with MCPS Regulation JHC-RA, *Reporting and Investigating Child Abuse and Neglect*, and the MOU-CEO.

- C. Prior consultation with the communication lead is required before releasing information about the incident to parents/guardians, employees, students, and other relevant stakeholders, as appropriate.
- D. A communications release regarding an incident may contain the following elements:
 - 1. A description of the incident and actions taken to resolve the problem
 - 2. A statement of any support activities that parents/guardians and/or immediate supervisors or others can provide (as appropriate)
- E. A copy of any communication to the public will be retained on file with OSSI and noted in the IMS.

Regulation History: Formerly Regulation No. 285-9, November 19, 1976; revised January 31, 1992; revised November 4, 1996; revised July 20, 1998; revised September 24, 1999; updated office titles June 1, 2000; revised February 28, 2006; revised October 18, 2013; revised September 5, 2014; revised September 5, 2018; revised December 17, 2018; revised August 31, 2021.