

# REGULATION MONTGOMERY COUNTY PUBLIC SCHOOLS

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<b>Related Entries:</b>	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
<b>Responsible Office:</b>	Deputy Superintendent; Chief Operating Officer; Chief of School Support and Well-being; Chief of District Operations; Chief of Human Resources and Development; Chief of Strategic Initiatives

## Incident Reporting

### I. PURPOSE

To provide guidance for reporting health, safety, and security incidents to the Montgomery County Public Schools (MCPS) Office of School Support and Well-being (OSSWB), Office of Human Resources and Development (OHRD), Systemwide Safety and Emergency Management (DSSEM), other MCPS offices, law enforcement, and other external agencies

To coordinate and manage system responses through the Synergy 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 or their designee, as appropriate.

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, or 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 crisis plans, and notify their principal/director immediately.

1. Employees determine the appropriate next contact as follows:
  - a) Following any call for 911 emergency response, the principal/director or designee contacts the Department of Systemwide Safety and Security (DSSEM), who will coordinate communication through a central office distribution list.
  - b) Incidents not requiring 911 emergency response should be reported to the OSSWB immediately, or within one hour as emergent circumstances require, who will assess the need to activate a Districtwide Incident Command Team and coordinate communication through a central office distribution list.
  - c) The School Emergency Plan must designate a staff member responsible for calling the DSSEM or the OSSWB on Form 236-2, *School Emergency Plan*.
2. 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 DSSEM and/or principal, both DSSEM staff and the principal must contact the OSSWB promptly.
3. 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),<sup>1</sup> the following incidents must be reported immediately to the appropriate law enforcement agency as well as the DSSEM.
- 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 nonconsensual sexual act or contact (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 (committing any crime, including harassing a person or damaging property of a person, motivated by the victim's race, color, national origin, religious beliefs, sexual orientation, gender, gender identity, homelessness, or disability).
    - e) Possession of a firearm, knowingly brought onto or brandished upon school property, or knowingly brandishing or using any other dangerous or deadly weapon, including any device designed or manipulated to shoot any projectile to cause harm (see also MCPS Regulation COE-RA, *Weapons*).
    - f) Gang-related incident/crime (see also MCPS Regulation JHG-RA,

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<sup>1</sup> 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*, April 4, 2022. (*Memorandum of Understanding*)

*Gangs, Gang Activity, or Other Similar Destructive or Illegal Group Behavior Prevention*).

2. After consultation with the principal/director/designee, the DSSEM, the 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 \$1500 or more).
  - g) Possession of a potentially dangerous or deadly weapon on school property that is not knowingly brandished or used to cause harm.<sup>2</sup>
  - 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

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

law enforcement agency any substance that comes into their possession that they suspect to be a controlled substance.

- (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 enforcement 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 calls for emergency assistance or incidents involving law enforcement should be reported to DSSEM 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. Safety/Security Incidents
    - a) Any request for fire and rescue assistance (see also MCPS Regulation EBA-RA, *Fire Safety*).
    - b) Lockdown, evacuation, or shelter (see also MCPS Regulation EKA-RA, *Emergency and Disaster Preparedness*).
    - c) Hazardous materials incidents (see also MCPS Regulation EKA-RA, *Emergency and Disaster Preparedness*).
    - d) Any physical or paper arrest on MCPS property.
  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 serious bodily injury, defined as any injury involving substantial risk of death, extreme physical pain,

protracted or obvious disfigurement; or any protracted loss or impairment of a bodily member, organ, or mental faculty.

- 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*).

E. The following incidents should be reported to the OSSWB within one hour, even if all facts about the incident have not yet been assembled. These incidents may necessitate reporting directly to the DSSEM if emergency services have been called.

- 1. Any search and seizure of a student and/or student possessions (see also MCPS Regulation JGB-RA, *Search and Seizure*).
- 2. A reportable use of force between a school security employee (SSE) and a student while an SSE is carrying out their duties, as set forth in section IV.B.7.
- 3. The following health incidents:
  - a) Confirmed contagious illnesses (e.g., pertussis or tuberculosis)
  - b) 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 and any ingestion of a controlled substance.
    - (5) Any animal bite (see also MCPS Regulation EBK-RA,

*Reporting and Caring for an Animal Bite).*

4. Property damage/malfunction:
  - a) Substantial or critical malfunction of essential equipment, facilities, and/or services, or
  - 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*).
5. Behavior Intervention:
 

Misconduct that results in potential or actual serious disruption of the planned school day.

**IV. SYNERGY AND OTHER REPORTING PROTOCOLS**

- A. With limited exceptions, incidents that arise during the school day or at school-sponsored activities are reported to the OSSWB and documented and distributed, as appropriate, through Synergy to promote a streamlined “one-stop” approach to incident management.
  1. Upon receipt of a call from a principal/director/designee or the DSSEM, the OSSWB will initiate a report in Synergy and use Synergy to contact other offices to communicate, manage, and coordinate system responses among appropriate offices, to include but not be limited to Risk Management; Office of Communications; the DSSEM (if the contact did not originate from the DSSEM); the Office of Well-being, Learning and Achievement; Student Welfare and Compliance; the Office of the General Counsel (OGC), and the Department of Compliance and Investigations (DCI).
  2. The principal/director/designee will update (within 48 hours) the Synergy record 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, the OSSWB:
  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 OSSWB 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 Synergy.
    - (2) It is not necessary to call the OSSWB or document the incident in Synergy, unless the incident also meets requirements set forth in sections III.B and/or III.C. Schools are advised to consult with the OSSWB for guidance as needed and appropriate.
  - b) Sexual misconduct and sexual harassment of a student are defined in Board Policy ACF, *Sexual Misconduct and Sexual Harassment of Students*, and are subject to reporting and investigation procedures set forth in MCPS Regulation JHF-RA, *Student Bullying, Harassment, and Intimidation*, and MCPS Regulation ACF-RA, *Investigation of Title IX Sexual Harassment of MCPS Students*. 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 the OSSWB, and the call is documented and distributed, as appropriate, through Synergy to the Student Welfare and Compliance Unit. In collaboration with the OSSWB, the Student Welfare and 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 the DSSEM to ensure appropriate coordination with law enforcement.
  - (3) The incident is documented by the principal/designee as set forth in Board Policy ACF, *Sexual Misconduct and Sexual Harassment of Students*; MCPS Regulation JHF-RA, *Student Bullying, Harassment, or Intimidation*; or MCPS Regulation ACF-RA, *Investigation of Title IX Sexual Harassment of MCPS Students*, and recorded in Synergy.
4. Any incidents of restraint (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.
  - a) Additionally, there should be a serious effort to contact the parent/guardian by the end of the school day.
  - b) Seclusion is not permitted under any circumstances in any public school setting.
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 allegations, complaints, or grievances are reported according to procedures set forth in MCPS Regulation ACA-RA, *Nondiscrimination, Equity, and Cultural Proficiency*; MCPS Regulation ACH-RA, *Workplace Bullying*; MCPS Regulation GKA-RA, *Administrative Complaint*, or negotiated agreements.
7. MCPS is required to collect data on and report to the Maryland Center for

School Safety (MCSS), incidents of reportable force between an SSE and a student while an SSE is carrying out their duties.

- a) Schools must report any incident in which an SSE uses the following types of force with a student. The school should make an immediate verbal report to both the OSSWB and the DCI, from which the OSSWB will create an incident report in Synergy. The OSSWB will notify the DSSEM of the report.
  - (1) Using an open hand to shove a student.
  - (2) Intentionally and forcefully taking a student to the ground.
  - (3) Using a chokehold or other strong-arm position.
  - (4) Maintaining a student in a prone or any other position that restricts their ability to breathe or communicate or otherwise applies pressure to their head, neck, or torso.
  - (5) Striking a student with hands, knee, or foot, or any other object.
- b) The DCI will conduct a formal investigation to assess the actions taken and the facts of the case, in consultation with the OSSWB and the DSSEM.
- c) Evidence to determine the facts of the case may include, but is not limited to, reviewing available video, conducting interviews, and reviewing appropriate records.
- d) The facts of the case include the purpose for which force was used.
  - (1) Under Maryland law, a principal, teacher, SSE, or other school system personnel may take reasonable and necessary action to deescalate and or/prevent violence on school premises or on a school-sponsored trip, including intervening in a fight or physical struggle that takes place in their presence, whether the fight is among students or other individuals.
  - (2) The degree and force of the intervention may be as reasonably necessary to prevent violence, restore order, and protect the safety of the combatants and surrounding

individuals.

- (3) Maryland law sets forth the following purposes for which force may lawfully be used:
  - (i) Appropriately implemented restraints, only as set forth in MCPS Regulation JGA-RA, *Classroom Management and Student Behavior Interventions*.
  - (ii) Briefly holding a student in order to calm or comfort the student.
  - (iii) A physical escort, which is the temporary touching or holding of the hand, wrist, arm, or holding of the hand, wrist, arm, shoulder, or back for the purpose of inducing a student to walk to a safe location (i.e., physical escort is not a prolonged action and does not restrict the student's ability to move freely).
  - (iv) Moving a disruptive student who is unwilling to leave the area if other methods such as counseling have been unsuccessful.
  - (v) Intervening in a fight to separate students.
- e) If the DCI investigation finds that the actions were not reasonable or if there were more appropriate, reasonable alternatives, DCI will report the actions to the MCSS, according to reporting procedures by the MCSS.

C. A call to the OSSWB 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 Synergy by the school within five days. Vandalism must be reported to the DSSEM and the OSSWB within an hour of discovery and recorded in Synergy.

D. Periodically throughout the school year, the OSSWB, in collaboration with other offices, will confirm that all incident reports have been completed to ensure accurate reporting.

**V. COMMUNICATION**

The OSSWB will notify and collaborate with the school and all appropriate offices,

including the Department of Communications, the DSSEM, the DCI, and the OGC, as appropriate, to assign responsibilities for communicating with the school and community regarding the incident.

- A. As soon as possible, the principal/director, the OSSWB, 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, and 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 be released only upon approval from the OSSWB, in collaboration with the DCI and the OGC, as appropriate.
- C. 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.
- D. 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.
- E. 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)
- F. A copy of any communication to the public will be retained on file with the OSSWB and noted in Synergy.

**Related Sources:** Annotated Code of Maryland, Education Article, §7-307(a) and §7 1508; Code of Maryland Regulations §13a.08.01.12 and §13A.08.04.02.B(11)(b); and Maryland State Department of Education, *Maryland Guidelines for a State Code of Discipline* (2014).

**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; revised February 1, 2023.

# 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.\*\*

<b>For inquiries or complaints about discrimination against MCPS students*</b>	<b>For inquiries or complaints about discrimination against MCPS staff*</b>
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	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
<b>For student requests for accommodations under Section 504 of the Rehabilitation Act of 1973</b>	<b>For staff requests for accommodations under the Americans with Disabilities Act</b>
Section 504 Coordinator Office of Academic Officer Resolution and Compliance Unit 850 Hungerford Drive, Room 208, Rockville, MD 20850 240-740-3230 RACU@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
<b>For inquiries or complaints about sex discrimination under Title IX, including sexual harassment, against students or staff*</b>	
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	

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

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.