

POLICY BOARD OF EDUCATION OF MONTGOMERY COUNTY

Related Entries: ACA, COA-RC, GCA-RA, GCC-RA, IRB-RA, JHC, JHC-RA

Responsible Divisions: Division of Human Resources and Talent Management; Division of School Leadership and Improvement

Background Screening of MCPS Employees, Candidates for MCPS Employment, Contractors, and Volunteers

I. PURPOSE

To establish requirements for fingerprint-based checks of national and state crime information databases by Montgomery County Public Schools (MCPS) that are fully compliant with federal and state law

To set forth guiding principles for requiring additional measures beyond fingerprint-based background checks to support the safety of all individuals on MCPS property

II. POSITION

A. MCPS shall establish prudent measures to ascertain that individuals assigned responsibilities with or around children are appropriately vetted, in full compliance with federal and state laws and related Board policies. Those individuals include the following:

1. Certificated and noncertificated MCPS employees, including substitute teachers and temporary employees.
2. MCPS employment candidates who have completed the interview process and received a contingent offer of employment, pending background screening and a review of the individual's employment history.
3. Contractors and their subcontractors or independent contractors who provide services to MCPS.
4. Volunteers for certain tasks that involve direct, unsupervised contact with students.

- B. The respective safety measures required of the above categories of individuals may include the following, commensurate with their responsibilities for and levels of access to students:
1. Fingerprint-based checks of U.S. and Maryland crime information databases, in full compliance with the terms defined in Maryland law.
 2. Ongoing monitoring by the United States Federal Bureau of Investigations (FBI) Record of Arrest and Prosecutions Back Program (RapBack).
 3. Review of employment candidates' prior employment history.
 4. Training on the responsibilities and requirements of mandated reporters for recognizing and reporting child abuse and neglect.
 5. Cooperative verification procedures conducted by the Montgomery County Department of Health and Human Services Child Welfare Services (commonly known as Child Protective Services, or CPS) to determine if an individual is the subject of a CPS investigation or has been found indicated, substantiated, or unsubstantiated in a child abuse or neglect case reported to CPS.
- C. These measures shall be applied in a manner consistent with principles stated in the Board's policies and goals.
1. *Family engagement* – The Board requires prudent vetting of volunteers that shall be commensurate with types of responsibilities associated with the volunteer's assigned tasks. As set forth in Board Policy ABC, *Family-School Partnerships*, the Board promotes the engagement of all parents/guardians in their children's education and seeks to remove barriers that may impede their active participation, including a reduction in, or elimination of, fingerprinting fees for volunteers requiring background screening who demonstrate a financial hardship. Not all school-based volunteer opportunities require background screening.
 2. *Confidentiality of protected information* – Individuals having information derived as a result of a fingerprint-based check of the national crime information databases may release that information only to those individuals authorized by federal law.
 3. *Nondiscrimination* – The Board prohibits the use of information derived as a result of a fingerprint-based background check to discriminate against any individual based on personal characteristics set forth in Board Policy ACA,

Nondiscrimination, Equity and Cultural Proficiency, or for background check procedures to be applied in a discriminatory manner.

4. *Ethical conduct* – An individual who provides false information or willfully fails to disclose material information required for a background check may be subject to professional discipline, including termination or denial of employment.

III. IMPLEMENTATION STRATEGIES

The superintendent of schools will develop and implement administrative procedures necessary for carrying out this policy and requirements set forth in both federal and state laws, as follows:

- A. Establish procedures for background screening and ongoing monitoring of criminal history.
- B. Design and implement professional learning to recognize and report child abuse and neglect in compliance with Maryland mandated reporter law.
- C. Identify and monitor completion of training by employees, contractors, and volunteers who are required to complete the mandated reporter training, as set forth in Board Policy JHC, *Child Abuse and Neglect*.
- D. Establish the conditions, commensurate with their responsibilities for and levels of access to students, under which contractors and volunteers are subject to some or all of the requirements of MCPS employees, which may include mandated reporter training, fingerprint-based background checks, and ongoing monitoring of arrests and prosecutions by the FBI RapBack program.
- E. Identify volunteer opportunities that do not require fingerprint-based background checks.
- F. Develop and clearly communicate the process families can use to request a fee-reduction when financial hardship may impact the opportunity for an individual to volunteer within a school.
- G. Require MCPS contractors to provide proof of screening and documentation of completion of required training of compliance with Board policies, MCPS regulations, and Maryland law. Specifically, Maryland law prohibits MCPS contractors from assigning registered sex offenders and individuals convicted of

sexual offenses, child sexual abuse, and other crimes of violence to MCPS contracts.

Related Sources: 34 U.S. Code §20962 - Schools Safety Acquiring Faculty Excellence Act of 2006 (“Schools SAFE Act”); Annotated Code of Maryland (MD Code), Criminal Law Article, §3-307, §3-308, §3-602, §14-101; MD Code, Education Article, §6-113.2; MD Code Family Services Article, §5-701, §5-704, and §5-704.1; Code of Maryland Regulations §07.02.07.04 and §13A.15.02.07B(1)-(11)

Policy History: New policy, resolution no. 181-26.

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) mcpsinterpretingservices@mcpsmd.org, or MCPSInterpretingServices@mcpsmd.org.