

# REGULATION

## MONTGOMERY COUNTY PUBLIC SCHOOLS

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**Related Entries:** COA, COA-RA, COB-RA, IJA, JHE-RA

**Responsible Division:** Division of School Leadership and Improvement; Division of Specialized Support Services

### Referrals for Academic and Behavioral Supports

#### I. PURPOSE

To establish procedures for teachers and other school-based staff to refer students to supportive resources when students exhibit behaviors that interfere with meeting academic or behavioral expectations

#### II. DEFINITIONS

- A. For the purposes of this regulation, *MCPS well-being professionals* mean staff who are either duly licensed or certified by the Maryland State Department of Education (MSDE), or have completed educational and professional learning requirements specified by MCPS that qualify them to practice as school psychologists, school counselors, school-based Emergent Multilingual Learner counselors (SBECs), school social workers, and non-school-based Emergent Multilingual Learner therapeutic counselors (ETCs). MCPS well-being professionals are knowledgeable about student behavior/adjustment issues and are trained to determine when student behavior may need either immediate attention or referral to supporting resources.
- B. A *partner provider* means a community social-emotional or mental health provider with whom MCPS has a written contract or Memorandum of Understanding (MOU), developed by the Division of Legal Services at the request of the Division of Specialized Support Services (DSSS), for the purpose of specifying partnership roles and responsibilities, referral processes, safety planning, decision-making rules, and confidentiality and data-sharing protocols in alignment with the Family Educational Rights and Privacy Act (FERPA), as appropriate to MCPS, and the Health Insurance Portability and Accountability Act (HIPAA), as appropriate to the health-care practitioner.
- C. *Teams* referenced in this regulation refer to the following:

1. *An Educational Management Team (EMT)* is made up of a student's parents/guardians and MCPS educators to see solutions to concerns regarding a student who is not meeting academic or behavioral expectations.
2. *Student Well-being Teams (SWBTs)* are located at every school to discuss school concerns that may involve several students or the school community and seek solutions to presenting problems.
3. *Behavior Threat Assessment Teams (BTATs)* are established at the district- and school-levels to assess threats made by students to themselves or others. Membership and specific responsibilities are established in MCPS Regulation COA-RA, *Behavior Threat Assessment*.
4. *Individualized Education Program (IEP) Teams* and *Section 504 Teams* follow procedures established in federal Individuals with Disabilities in Education Act (IDEA), Child Find, and *Section 504 of the Rehabilitation Act of 1973* (Section 504) and the *Americans with Disabilities Act Amendments Act of 2008* (ADAAA) law for students from birth to 21 years old who are suspected of having a disability and/or who may be eligible for special education and related services or accommodations under Section 504. IEP teams and Section 504 teams are made up of parents/guardians and other individuals responsible for developing, reviewing, or revising an IEP or Section 504 Plan for a child with a disability.

### III. ROLES AND RESPONSIBILITIES

#### A. Roles and Responsibilities of Teachers and Other School Staff

1. Teachers may discuss school experiences and describe student behavior to parents/guardians, but they may not recommend professional intervention. If a teacher believes a situation warrants a mental or social-emotional health referral, the teacher is to refer the student to their administrator or the appropriate team and an MCPS well-being professional will discuss any resulting referral with the parents/guardians.
2. When a student exhibits behavior that interferes with meeting academic or behavioral expectations, teachers and other school staff shall refer the student to the appropriate team that is qualified and trained to assess the presenting concerns and potential supports that the student may need.

3. Except for emergency situations, such as suicidal gestures or threats to self or others, teachers and other school staff should consult first with EMTs or SWBTs about concerning student behavior(s).
4. When the intensity and/or frequency of a behavior requires immediate action, teachers and other staff should not delay seeking the support of the administrator or emergency services, as appropriate.
  - a) In the event that a student demonstrates suicidal gestures or ideation, or threatens the safety of self or others, the teacher or other school staff shall report the events immediately to the school administrator and an MCPS well-being professional, who will follow the procedures set forth in Regulation COA-RA, *Behavior Threat Assessment Teams*.
  - a) In October 1991, The Maryland Court of Appeals ruled that all school staff members have a “duty to use reasonable means to attempt to prevent a suicide when they are on notice of a child or adolescent student’s suicidal intent.” Staff members are required to notify a student’s parent/guardian of any suicide threat, including secondhand information, even when the student denies the threat. In these instances, school staff shall immediately confer with a school administrator, school counselor, or school psychologist and complete MCPS Form 335-54, *Suicide Risk Reporting Form*.

#### B. Administrators’ Roles and Responsibilities

The school administrator is responsible for –

1. determining if immediate action is needed when a student exhibits suicidal gestures or ideation or makes a threat to the safety of self or others;
2. reporting incidents as set forth in suicide risk reporting procedures, Regulation COB-RA, *Incident Reporting*; Regulation COA-RA *Behavior Threat Assessment*; and memoranda of understanding with law enforcement;
3. consulting with parents/guardians, MCPS well-being providers, and appropriate teams;
4. complying with federal law to address the needs of students with disabilities as set forth in IDEA and ADAAA; and

5. providing oversight of the IEP and Section 504 processes so that meetings are scheduled as appropriate and updates are made as necessary.

C. EMT/SWBT/504/IEP Team Roles and Responsibilities

1. If, prior to a referral to the EMT/SWBT, a student's behavior is suspected to be the result of a disabling condition, an IEP/Child Find referral shall be made by an administrator or teacher to either the Section 504 Team or the IEP Team, who shall follow procedures established in federal law and MCPS Regulation ACG-RB, *Reasonable Accommodations and Modifications for Individuals with Disabilities with Regard to Employment, Services, Programs, and Activities*, as appropriate.
  - a) A Section 504 Team referral shall be made if a student's behavior(s) is suspected to be the result of a disabling condition that substantially limits one or more major life activities. Examples of major life activities include, but are not limited to, seeing, hearing, eating, sleeping, standing, lifting, speaking, breathing, learning, reading, thinking, communicating, and concentrating.
  - b) An IEP Team referral shall be made if a student's behavior(s) is suspected to be the result of a disability and adversely affects the student's educational performance.
2. In the absence of a suspected disability, the EMT/SWBT shall consider referrals from teachers, parents/guardians, and other school staff and investigate whether problem-solving and intervention plans are appropriate. This process includes –
  - a) defining the behavior in observable and measurable terms;
  - b) developing and implementing an evidence-based intervention plan that is directly linked to the reason for the behavior;
  - c) monitoring the consistent implementation of the plan and evaluating the effectiveness of the intervention(s); and
  - d) ensuring that procedures for documenting parent/guardian contacts and record keeping are followed.
3. If, after implementing the plan, the student's behavior(s) continue to impact their performance, school teams may then suspect that the student has a disability and implement Section 504 or IDEA/Child Find procedures.

- a) If the student is determined ineligible for an IEP, the IEP team will refer the student to the school's EMT/SWBT to implement and monitor individualized interventions. The IEP Team shall refer the student to the Section 504 Team if they suspect that the student has a disabling condition that substantially limits one or more major life activities.
    - b) If the student is determined ineligible for a 504 Plan, the Section 504 Team shall refer the student to the school's EMT/SWBT to implement and monitor individualized interventions.
  4. Under direction from an EMT or SWBT, MCPS well-being professionals will seek more information about student behavior with appropriate techniques, which may include behavioral observations, student interviews, or direct counseling.
  5. MCPS well-being professionals and school administrators may inform the family of community-based services available to them through the Montgomery County Crisis Center and/or other Montgomery County Department of Health and Human Services programs, provide parents with a listing of community mental health referral sources without recommending specific providers, and inquire if the family has a trusted medical professional and, if so, recommend that they consult with that professional.
- D. Private Providers Invited to Meetings at the Parent's/Guardian's Request
1. A parent/guardian/caregiver may invite a non-MCPS practitioner to participate in a meeting about a student they are supporting.
  2. If the parent/guardian requests that the school continue to communicate with the non-MCPS practitioner, then Form 336-32, *Authorization for Release/Exchange of Confidential Information*, must be signed by the parent/guardian and provided to the school and the non-MCPS practitioner(s).
- E. Consent for Counseling by MCPS Well-being Professionals
1. Consent for MCPS well-being professionals to provide counseling will be obtained from the parent/guardian using MCPS Form 339-1, *Consent for Individual Counseling*, and/or MCPS Form 339-2, *Consent for Group Counseling*.

2. A student may give consent for counseling as described below:
  - a) Under Maryland law, a minor who is 12 years old or older, who is determined by a health-care provider to be mature and capable of giving informed consent, has the same capacity as an adult to consent to consultation, diagnosis, and treatment of a mental or emotional disorder by a health-care provider or clinic.
  - b) An MCPS well-being practitioner acting within the scope of their license to diagnose and treat mental and emotional disorders under Maryland law may determine a student's authority to sign a consent for counseling.
3. Note that, under Maryland law, a student receiving counseling as a related service on an IEP does not have the authority to sign consent. The parent/guardian of the student maintains parental rights until such time as the student graduates, exits special education services on reaching age 21, is emancipated, or the parents/guardians cannot be located and the surrogate parent process is implemented.
4. If communication with partner providers is needed, then MCPS's well-being professionals will obtain consent as appropriate.

**Related sources:** Annotated Code of Maryland, Health-General Article, §20-102 and §20-104.

**Regulation History:** New Regulation, October 1982, revised July 21, 1987, revised October 25, 2007; revised August 13, 2009; revised November 24, 2025.

# 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](http://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   <a href="mailto:SWC@mcpsmd.org">SWC@mcpsmd.org</a>	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   <a href="mailto:DCI@mcpsmd.org">DCI@mcpsmd.org</a>
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   <a href="mailto:504@mcpsmd.org">504@mcpsmd.org</a>	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   <a href="mailto:DCI@mcpsmd.org">DCI@mcpsmd.org</a>
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   <a href="mailto:TitleIX@mcpsmd.org">TitleIX@mcpsmd.org</a>	

\*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](mailto: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](mailto: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](mailto:OCR.Atlanta@ed.gov), 1-800-421-3481, 1-800-877-8339 (TDD), [OCR@ed.gov](mailto:OCR@ed.gov), or [www2.ed.gov/about/offices/list/ocr/complaintintro.html](http://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](mailto: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](mailto:mcpainterpretingservices@mcpsmd.org), or [MCPSInterpretingServices@mcpsmd.org](mailto:MCPSInterpretingServices@mcpsmd.org).