

REGULATION **MONTGOMERY COUNTY PUBLIC SCHOOLS**

Related Entries: COG-RA, IGT-RA, IJA, IJA-RB

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

Non-MCPS Providers of Supporting Services to Students

I. PURPOSE

- A. To set forth implementing procedures to promote student access to supporting services in alignment with Montgomery County Board of Education Policy IJA, *Social-emotional and Mental Health Programming and Services for Students*, and Board Policy COA, *Student Well-being and School Safety*
- B. To establish procedures for establishing partnerships with external health care and social-emotional/mental health providers with specified partnership roles and responsibilities, referral processes, safety planning, decision-making rules, and confidentiality and data-sharing protocols
- C. To establish procedures for limited circumstances under which parents/guardians may request that a private practitioner practice in Montgomery County Public Schools (MCPS) in person or virtually

II. DEFINITIONS

- A. A *partner provider* means a community social-emotional and 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, for the purpose of specifying partnership roles and responsibilities, referral processes, safety planning, decision-making rules, and confidentiality and data-sharing protocols.
- B. A *private (non-partner) practitioner* means an individual, not employed by MCPS, nor a partner provider, who is seeking approval from MCPS to provide services to a student at the request of a parent/guardian/eligible student, and who is duly licensed or certified to provide the services for which approval is sought. MCPS has no responsibility or liability regarding the provision of these services.
- C. A *telehealth appointment* is defined by the Maryland State Department of Education (MSDE) as delivering health care services through the use of

telecommunications technologies by a health care practitioner to a patient at a different physical location than that of the patient (who, for the purposes of this regulation, is a student on MCPS property).

III. ROLES AND RESPONSIBILITIES

A. Partner Providers

1. As required by Board of Education Policy IJA, *Social-emotional and Mental Health Programming and Services for Students*, MCPS promotes student access to health services provided either directly by MCPS staff or through Non-MCPS partner practitioners.
 - a) MCPS may establish partnerships to supplement services provided directly by MCPS staff.
 - b) Families may access agencies independently of MCPS for services beyond the school day and off MCPS property. However, except for limited circumstances in section III.B, only partner providers will provide services to students during the school day and on MCPS property.
 - 1) The partnership agreement, developed by the Division of Specialized Student Services (DSSS) and the Division of Legal Services, must clearly establish partnership roles and responsibilities, as appropriate, for referral processes, safety planning, decision-making rules, background checks, licensing requirements, 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 provider.
 - 2) It is expected that most such services shall be provided in person to students during the student day on MCPS property. Options for telehealth delivery of services may be considered and must be set forth in the partnership agreement.
 - c) As set forth in MCPS Regulation IJA-RB, *Referrals for Academic and Behavioral Supports*, MCPS will refer students to only those providers with whom they have a partnership agreement.

B. Private Practitioners

1. Private Practitioners Invited to Meetings at a Parent's/Guardian's Request

- a) A parent/guardian may invite a private practitioner to participate in an MCPS meeting about a student the practitioner is supporting.
- b) If the parent/guardian/eligible student requests that the school continue to communicate with the private practitioner, then Form 336-32, *Authorization for Release/Exchange of Confidential Information*, must be signed by the parent/guardian/eligible student and provided to the school and private practitioner(s).

2. Private Providers Practicing on MCPS Property at the Request of a Parent, Guardian, or Eligible Student (in person or virtually)

MCPS reserves the authority to limit the approvals for private practitioners on MCPS property. The following principles apply to all requests for private practitioners providing services to students who are on MCPS property:

- a) MCPS expects that practitioner services for students, including telehealth appointments, will be scheduled outside of school hours and off MCPS property. Student access to private providers shall not redirect limited facility and staff resources away from the core MCPS mission or impede MCPS staff from their duties.
- b) Schools are not equipped to support care for acute medical care or behavioral/mental health crises. A student who requests crisis care shall be assessed as a serious issue. A member of the on-site emergency team (OSET) shall be assigned responsibility for responding to students requesting telehealth or in-person access to their private practitioner in the event of an emergency. School staff will follow MCPS crisis response protocols for requesting emergency assistance and suicide-risk reporting, as appropriate.
- c) The appointment must not interfere with the student's IEP services. Sessions shall not interfere with the classroom activities of any other student in the student's class.
- d) Parents/guardians/students must be aware of the limitations of privacy. As an educational institution, MCPS is not required, nor is it equipped, to comply with HIPAA.
- e) Principal approval:
 - 1) Time-limited – Principals/designees shall limit their approval to a short time period (e.g., a few sessions) connected with a student or family crisis, such as a loss of a parent/guardian. Principals shall not approve requests for

regularly recurring sessions (e.g., on a weekly or daily basis for an entire marking period, semester, or school year).

- 2) Student-limited – The principal’s approval applies only to the student identified in the approval request and only for the limited time specified.
 - 3) Licensing and background checks – The parent/guardian is responsible for providing documentation stating that the private provider is duly licensed to provide the services that are requested to be implemented, and that the private provider has completed a criminal background check, including fingerprinting.
 - 4) Completion of the MCPS online volunteer training module for Recognizing and Reporting Child Abuse and Neglect – The parent/guardian is responsible for providing documentation that the provider has successfully completed this online course for the current school year.
- f) Private providers are allowed to work with students only when supervised by the parent/guardian, or within the view of others (e.g., either through a window in a door or through a door left open).

C. Private Providers – Telehealth

1. In addition to the requirements in III.B.2 above, the following apply to virtual appointments (telehealth) with private providers:
 - a) Telehealth may be approved only for middle and high school students.
 - b) To ensure equity and prioritization of access for all students, principals may not approve frequent and regular telehealth appointments. Students are limited to no more than four (4) telehealth appointments per school year. Telehealth appointments are to be kept as short as possible and as infrequently as possible.
 - 1) A student may not simultaneously hold more than two reservations for a designated telehealth space.
 - 2) All appointments will have a duration of 30 minutes or less so that there is adequate time to assess the student’s ability to return to class.

- 3) Appointments will not be extended or rescheduled for late arrivals or missed appointments. MCPS is not responsible for fees associated with missed appointments or interruptions to wifi service during an appointment.
- 4) Teachers shall not be responsible for reminding a student of their appointment.
- c) Schools are not obligated to construct or arrange appointment space when none is otherwise available. Maryland law requires that schools consider the feasibility of, but does not require them to provide, space if it cannot meet the following criteria set forth in MSDE guidelines: the space is confidential, has Internet access, provides a seating option with a flat surface and nearby electrical outlet to accommodate placement of a laptop device, and is not a bathroom or closet.
- d) Students with disabilities must have the same access to telehealth appointments.
- e) Not every student is a good candidate for telehealth services.

2. Supervision

- a) Students who require telehealth during the student day must be supervised in person before and after the appointment.
 - 1) A parent/guardian must be present to supervise their student before and after the appointment. If the parent/guardian is unable to attend the scheduled session as required, the telehealth appointment may not proceed.
 - 2) The parent/guardian is responsible for cancelling the appointment with the health care provider.
 - 3) School staff are not expected to supervise or support the student before or after any appointment initiated by the parent/guardian/eligible student.
- b) Students are expected to return to class immediately following the telehealth appointment, unless a situation arises that requires crisis intervention.

- 1) Parents/guardians must alert staff if a student is in crisis following a scheduled telehealth session, and staff will provide assistance or seek emergency services as appropriate.
- 2) The classroom teacher or designee will communicate to the student's counselor or Student Well-being Team (SWBT) if a student demonstrates difficulty transitioning to/from a telehealth appointment.
- 3) A student in crisis following an appointment may be indicative of a concern not appropriate for telehealth services. The SWBT may assess and advise the principal/designee whether future telehealth appointments for the student should be limited, postponed, or discontinued. The principal/designee will communicate their determination to the parent/guardian/eligible student.

3. Technology and Data Privacy

- a) The student's care provider assumes all responsibility for providing the student with a HIPAA-compliant appointment platform and maintaining records in a HIPAA-compliant manner.
- b) The parent/guardian or eligible student must provide a personal mobile device for the student to access the telehealth appointment.
- c) Parents/guardians/eligible students may request an MCPS-provided device; however, MCPS does not guarantee that the telehealth meeting platform being used by the health care provider is supported by the MCPS device or network. Parents/guardians/eligible students should communicate with the telehealth scheduler about the health care provider's platform requirements in advance of the telehealth appointment in order to confirm the MCPS device/network's ability to access the appointment.

4. Scheduling

- a) Each middle and high school principal shall designate a telehealth scheduler at their school, who shall be responsible for maintaining and securing a confidential log of available appointment times,

parent/guardian informed consent documentation, and student appointments in a manner compliant with FERPA requirements.

- 1) The telehealth scheduler must have access to telehealth appointments scheduled with partner providers to avoid schedule conflicts.
 - 2) The telehealth scheduler shall not be responsible for maintaining a schedule of any IEP services received by students.
- b) The scheduler may refuse to schedule an appointment if the student has exceeded the number of permissible appointments, the required parent/guardian/eligible student consent form is not completed, prior appointments have not been cancelled in a timely manner, or as otherwise directed by the principal/designee in consultation with the SWBT.
- c) All absences due to telehealth appointments shall follow MCPS Regulation JEA-RA, *Student Attendance*, but may not conflict with a student's IEP services.
- d) Parents/guardians must make telehealth appointments on behalf of their student. An eligible student may schedule their own appointments.
- 1) The parent/guardian/eligible student must provide the telehealth scheduler with a signed MCPS agreement stating that they accept the parent/guardian/eligible student responsibilities stated in this regulation.
 - 2) The telehealth scheduler will provide a confirmation email that will serve as the only appointment reminder and shall serve as documentation for excusing the student's absence from class. The confirmation email shall include the Guest Wi-Fi password for the purpose of the telehealth appointment, and also provide a statement of the limits to privacy and confidentiality when accessing the MCPS network.
- e) The parent/guardian/eligible student must notify the telehealth scheduler if the appointment is cancelled.

- f) The telehealth scheduler is not responsible for remedying any difficulties the student may have accessing the Wi-Fi or the healthcare provider's appointment platform, but the student may request the assistance of any staff available to provide assistance, as a courtesy.

5. Principal Assessment of Available Space

- a) The Division of School Leadership and Improvement (DSLII) shall provide guidance to middle and high school principals/designees for assessing spaces at their schools available for telehealth appointments that are compliant with MSDE requirements, and also for maintaining appointment records in a secure manner, compliant with FERPA. Beginning in the 2026-2027 school year, the Division of Facilities Management shall include an assessment of available telehealth space in the annual *Principals' Room Use Survey*.
- b) At a minimum, principals/designees shall make available the main office conference room or equivalent for a limited portion of time when it is not otherwise reserved for school operations.

IV. IDEA REQUIREMENTS

MCPS has an ongoing responsibility to identify students suspected of having a disability and determine their eligibility to receive special education and related services. To the extent that there is a pattern of private providers providing services on MCPS property to a student on an ongoing basis, the knowledge that the student is receiving these services could effectively place MCPS on notice that a referral under *Section 504 of the Rehabilitation Act of 1973* (Section 504) or the *Individuals with Disabilities Education Act* (IDEA) should be made.

- A. In addition, when evaluating any new requests to approve a private provider to work with a student with an existing IEP or Section 504 Plan, the appropriate school-based team should convene within 10 school days of the request to determine whether modifications to the student's plan are appropriate in light of the request.
- B. If a student with an IEP or Section 504 plan has previously been permitted to work with a private provider at school on an ongoing basis, the school should consider convening a meeting with the appropriate school-based team to evaluate whether such services are necessary to afford the student a Free Appropriate Public Education and, if so, whether MCPS can provide such services.

- C. If a student who has not previously been identified under Section 504 or under IDEA is receiving external services at school on an ongoing basis, the principal shall consider a referral to the appropriate school-based team as soon as possible, but no later than 30 days after their determination that the student may need to receive special education and related services.

Related Sources: Annotated Code of Maryland, Education Article, § 4-143. Telehealth policies; Maryland State Department of Education, *Guidelines for the Availability of Student Participation in Telehealth Appointments in Secondary Schools*

Regulation History: New regulation, October 6, 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.

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, Student Compliance 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) mcpainterpretingservices@mcpsmd.org, or MCPSInterpretingServices@mcpsmd.org.