

MCPS Regulation GCC-RA

Staff Self-Reporting of Arrests, Criminal Charges, and Convictions

Frequently Asked Questions

Why was this regulation enacted?

As a public school system entrusted with caring for and educating the youth of our community, it is imperative that we hire and maintain a high-quality workforce that provides a safe and secure learning environment for all students and staff. This means that staff will comply with all federal, state, and local laws. In addition, Maryland law prohibits any county board of education from knowingly hiring or retaining any individual who has been convicted of, or pled guilty or nolo contendere (no contest), to certain crimes.

All employees are required to complete a criminal history and child protective services background check during the hiring process. To further ensure that we maintain a safe and secure learning environment, Montgomery County Public Schools (MCPS) [*Regulation GCC-RA, Staff Self-Reporting of Arrests, Criminal Charges, and Convictions*](#), requires that once employees are hired, that they keep the school system informed of any arrests or convictions for certain crimes spelled out below.

More details about this regulation can be found on the [MCPS Policies and Regulations web page](#) and also in the [MCPS Employee Code of Conduct](#).

Do all employees have to report arrests, criminal charges, and convictions?

Yes. Any person employed by MCPS in any capacity (including, but not limited to, full- or part-time, probationary or nonprobationary, employed in a temporary or seasonal capacity, or substitute teachers) shall report an arrest or criminal charge for any of the offenses listed in MCPS Regulation GCC-RA (list included below). In addition, the employee must report the disposition of any ensuing criminal proceeding related to the arrest or charge to the Department of Compliance and Investigations (DCI), in the Office of Employee Engagement and Labor Relations (OEELR).

When do I have to report an arrest and how do I report it?

An employee must report an arrest or criminal charge for the required offenses within ***seven business days*** (i.e., days that MCPS offices are open) to DCI. Employees may fulfill this requirement by providing information to DCI themselves or through their legal representatives. [MCPS Form 230-41, Staff Self-Reporting of Arrests, Criminal Charges, and Convictions](#), can be used to make the reporting process easier. It can be completed and e-mailed to DCI at selfreport@mcpsmd.org, which is a secure site that can only be accessed by DCI officials. The reporting requirement also can be fulfilled by calling DCI or mailing the information to the office. Exceptions to the reporting timeline may be made if there are circumstances beyond the employee's control that prevent fulfillment of the seven-day reporting requirement.

What must be reported to DCI?

All arrests and criminal charges, as well as the disposition of any ensuing criminal proceeding, must be reported for any offenses involving the following¹:

1. A sexual offense in the third or fourth degree under § 3-307 or § 3-308 of the Criminal Law Article of the Maryland Code or an offense under the laws of another state that would constitute an offense under § 3-307 or § 3-308 of the Criminal Law Article if committed in Maryland.
2. Child sexual abuse under § 3-602 of the Criminal Law Article, or an offense under the laws of another state that would constitute child sexual abuse under § 3-602 of the Criminal Law Article if committed in Maryland.
3. A crime of violence as defined in § 14-101 of the Criminal Law Article, or an offense under the laws of another state that would be a violation of § 14-101 of the Criminal Law Article if committed in Maryland, including: (1) abduction; (2) arson in the first degree; (3) kidnapping; (4) manslaughter, except involuntary manslaughter; (5) mayhem; (6) maiming; (7) murder; (8) rape; (9) robbery; (10) carjacking; (11) armed carjacking; (12) sexual offense in the first degree; (13) sexual offense in the second degree; (14) use of a handgun in the commission of a felony or other crime of violence; (15) child abuse in the first degree; (16) sexual abuse of a minor; (17) an attempt to commit any of the crimes described in items (1) through (16) of this list; (18) continuing course of conduct with a child under § 3-315 of the Criminal Law Article; (19) assault in the first degree; (20) assault with intent to murder; (21) assault with intent to rape; (22) assault with intent to rob; (23) assault with intent to commit a sexual offense in the first degree; and (24) assault with intent to commit a sexual offense in the second degree.

This reporting requirement also applies to arrests and criminal charges, as well as dispositions, for the distribution of drugs or other controlled substances.

Do I have to report an arrest that occurs outside of Montgomery County?

Yes, an employee is required to report an arrest, charge, or conviction regardless of where it occurred if it meets the criteria in MCPS Regulation GCC-RA.

Does the self-reporting requirement apply to criminal charges from prior years?

This self-reporting requirement only applies prospectively to arrests and criminal charges, as well as disposition of any criminal proceedings, which occurred on or after October 1, 2016.

Do I have to self-report if the police already informed MCPS of the charges?

Yes. Employees are responsible for self-reporting directly to DCI regardless of whether MCPS may receive notice of an arrest or criminal charge from the Montgomery County Police Department or another source.

¹ Specific information about crimes can be found in Section 6-113 of the Education Article of the Annotated Code of Maryland.

What happens after I report an arrest, charge, or conviction?

Following an employee's notification to DCI via submission of the self-reporting form, telephone report, or mail notification, OEELR shall conduct a further review of this matter. The employee will be notified as promptly as possible if OEELR proceeds with an internal investigation. To assist in its review, DCI may request that the employee provide additional information, including a copy of the charging documents and disposition of any ensuing criminal proceeding.

Any internal investigation must be in accordance with all memoranda of understanding with the Montgomery County Police Department and other Montgomery County partner agencies, as well as all due process safeguards set forth in applicable laws and association agreements. If the allegations involve abuse or neglect of children or vulnerable adults, the internal investigation must be in compliance with [MCPS Regulation JHC-RA, Reporting and Investigating Child Abuse and Neglect](#).

Will an employee be placed on administrative leave while charges are pending?

Pending the outcome of the judicial process and/or the internal investigation, MCPS may place the employee on administrative leave, or it may take administrative actions if it determines that a nexus or connection exists between the criminal charge, arrest, conviction and the employee's duties and responsibilities with MCPS or if the employee's continuation in their job poses a potential threat to students or staff, to the investigation, or to the perpetuation of the allegedly inappropriate conduct. Any internal investigation or disciplinary proceeding will be conducted in accordance with federal and state law, Board policies, MCPS regulations, and the negotiated agreements between MCPS and its bargaining units.

How will I know if MCPS is conducting an internal investigation?

OEELR personnel will notify an employee in a timely manner if OEELR plans to proceed with an internal investigation following an initial review of the employee's self-report. Employees will be advised that they may have representation in this process.

Do I have to notify my supervisor of an arrest too?

No. Under this regulation, employees are responsible for self-reporting directly to DCI regardless of whether MCPS may receive notice of an arrest or criminal charge from the Montgomery County Police Department or another source. While employees are not required to notify their supervisor, an employee may choose to do so.

Will my supervisor be notified by OEELR about my actions?

All information regarding an arrest or criminal charge and disposition of that action, as specified in this regulation and self-reported by an MCPS employee, shall be maintained in a confidential manner by DCI and will be accessible exclusively for purposes of conducting any necessary follow-up internal investigation or as required by law or court order. In some circumstances, necessary follow-up may include notifying a supervisor—for instance, if an employee will be placed on administrative leave while the charges are pending.

What happens if I don't report an arrest or conviction?

Employees who fail to report an arrest, charge, or conviction in compliance with this regulation may be subject to disciplinary action, up to and including dismissal, in accordance with normal contractual and due process procedures.

Will I lose my job if I am arrested?

While Maryland law prohibits individuals who are convicted of certain criminal charges from working for schools, it is important to note that MCPS does not treat the self-reporting of a charge or an arrest as an admission of guilt. DCI will conduct appropriate follow-up. Employees should contact their union representative or a personal attorney for guidance.

Is a supervisor obligated to report an employee's arrest if the employee has not followed the proper procedures to self-report?

Under MCPS Regulation GCC-RA, it is the responsibility of the employee who is facing the charges or conviction to notify DCI. However, if a supervisor is aware of an arrest, then they should make sure the employee is aware of their obligation to report it. In addition, there may be other reporting requirements under state or federal law, Board policy, or MCPS regulation, such as child abuse or use of drugs on school grounds.

Who do I contact if I have questions about this regulation or whether I am required to report something to MCPS?

Employees may address any questions regarding obligations under this regulation to DCI. It may be advisable to also consult with your union representative and/or a personal attorney regarding any incident.

CONTACT:

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