

REGULATION MONTGOMERY COUNTY PUBLIC SCHOOLS

Related Entries: ACG-RB, IGO-RA, IJA, IJA-RA, IKC-RA, IOE-RA, IOI-RA, JEA-RA, JEE-RA, JHC, JHC-RA

Responsible Office: Office of the Deputy Superintendent of Schools; Office of the Chief Academic Officer; Office of the Chief of Human Resources and Development

Interim Instructional Services

I. PURPOSE

To set forth procedures governing Interim Instructional Services (IIS) in Montgomery County Public Schools (MCPS) to meet the instructional needs of students who are unable to attend their MCPS school due to a qualified physical or emotional health condition, as set forth in Maryland law.

II. BACKGROUND

IIS is a short-term service that provides instruction in core subjects to students who are experiencing physical or emotional health circumstances that prevent them from attending school.

MCPS determines the IIS services the student will receive based on a qualifying physical or emotional health condition, and the degree to which the physical or emotional condition enables the student to participate in IIS.

The goal of IIS is to facilitate the student's return to their educational program as soon as possible. IIS is typically provided to those students for whom treatment goals for a qualifying physical or emotional health condition preclude participation in instruction for more than a few hours of instruction a week. IIS is not –

- A. an alternative educational program;
- B. intended or designed to replace a student's comprehensive educational program; and
- C. may not be used as a temporary placement for a student with a disability waiting

for placement in a nonpublic special school, or a change of placement.

IIS may be considered one component of a student's treatment plan, but the focus for the student's school should be creating a return-to-school plan that supports the student's re-entry to the student's school as soon as possible

III. DEFINITIONS

- A. *Adult* (for IIS purposes) is anyone 21 years of age or older who is able to take responsibility for the student during an instructional session.
- B. *Authorized health provider*, for the purposes of this regulation, means –
 - 1. a licensed physician or certified nurse practitioner, in the case of a student with a qualified physical health condition, or
 - 2. a licensed psychologist, licensed psychiatrist, psychiatric mental health nurse practitioner, or certified school psychologist, in the case of a student with a qualified emotional health condition.
- C. An *eligible student*, for the purposes of educational decision making, is a student who is 18 years of age or older or is emancipated.
- D. *IIS case manager* is the MCPS IIS administrator/designee who coordinates services for students receiving IIS. This person implements and monitors instructional services for each student, in coordination with the student's school counselor, and a student's Individualized Education Plan (IEP) team members, as appropriate. The IIS administrator/designee is the primary contact for students, parents/guardians, and schools, once a qualifying condition is verified.
- E. For the purposes of this regulation, a *student's school* is the student's home school or assigned school, as defined in MCPS Regulation JEE-RA, *Student Transfers and Administrative Placements*.

IV. PROCEDURES

- A. Qualifying Conditions
 - 1. IIS is available to all MCPS students who are
 - a) enrolled in Grades K through 12, or placed by MCPS in a nonpublic school, and

- b) unable to attend school because of a qualifying physical or emotional health condition of anticipated duration of at least four weeks; or a qualifying condition that requires the student to be absent from the student's school on an intermittent basis.
- 2. A completed MCPS Form 311-15B or MCPS Form 311-15C must be received and verified by the IIS administrator/designee before IIS can begin.
 - 3. Additional factors that may be considered include the following:
 - a) Following childbirth, a parenting student may qualify for at least six weeks of IIS. (See MCPS Regulation IOE-RA, *Guidelines for the Continuing Education of Pregnant and Parenting Students*, for other procedures to assist pregnant and parenting students to remain in school.) Pregnant or parenting students with qualifying physical or emotional health conditions may be provided IIS under the same terms as other MCPS students.
 - b) Students may qualify for concurrent delivery of IIS and in-school instruction on the basis of a qualifying physical or emotional condition that requires the student to be absent from the student's school on an intermittent basis.
 - 4. For students who require hospitalization, IIS may be provided if –
 - a) the student meets the criteria for IIS, and
 - b) IIS supports the student's treatment plan for the qualifying condition, and the student is available to receive instruction, as determined by their authorized health providers.
 - c) If a student requires hospitalization outside of Montgomery County, IIS may be provided if a qualified teacher is available, as determined by the MCPS IIS administrator/designee. Under certain circumstances and with approval from the MCPS IIS administrator/designee, instructional services may be provided by another local education agency.

B. Responsibilities of Parents/Guardians

- 1. Parents/guardians/eligible students should notify the student's school about anticipated lawful absences of long duration (i.e., longer than 10 school

days) as soon as possible and work with the student's school counselor to facilitate opportunities for the student to make up missing work.

2. If the student's authorized health provider determines the student's health conditions are anticipated to last longer than four weeks, it is neither necessary nor advisable to wait until the student has been absent for four weeks to apply for IIS. Parents/guardians or eligible students are encouraged to request IIS as soon as possible.
 - a) To apply for IIS, the student's parent/guardian or the eligible student and the student's authorized health provider –
 - (1) complete MCPS Form 311-15B, *Application for Interim Instructional Services, with Qualified Physical Health Condition ONLY*, or MCPS Form 311-15C, *Application for Interim Instructional Services, with Qualified Emotional Health Condition ONLY*; and
 - (2) submit the form(s) to the student's school counselor/designee as soon as possible.
 - b) The student's school counselor/designee will advance the form(s) to the IIS administrator/designee.
3. In signing MCPS Form 311-15B or MCPS Form 311-15C, the student's parent/guardian or eligible student authorizes a certified MCPS psychologist and/or IIS case manager to consult with the student's authorized health provider.
4. The student's parent/guardian should make every effort to allow for instructional services to begin as soon as the IIS teacher and the instructional schedule are in place.
 - a) A responsible adult must be present in the home during the IIS teaching sessions. At the discretion of the IIS administrator/designee, arrangements may be made for teaching in a public library or other public building where other adults are within view.
 - b) In this situation, an additional adult to supervise the teaching session may not be necessary.

C. Responsibilities of the School Counselor

1. Schools shall establish procedures to ensure that the student's school counselor/designee is informed immediately about lawful absences of long duration so that appropriate academic support can be arranged in a timely manner.
 - a) For absences of less than four weeks, the student's school counselor/designee will work with the student, the parents/guardians, and the student's teachers to provide opportunities to make up missed academic work.
 - b) For anticipated absences of four weeks or more due to a physical or emotional health condition, the school counselor/designee will inform the family about conditions that qualify for IIS and IIS application procedures.
2. The school counselor receives the application (MCPS Form 311-15B or MCPS Form 311-15C) from the parent/guardian or eligible student and is the point of contact for the IIS case manager for any school information and issues.
3. The student's school counselor and/or school team must develop a return-to-school plan in consultation with the parents/guardians or eligible student, and the authorizing health provider, as appropriate, within 30 days of the IIS administrator/designee verifying the qualifying condition.
 - a) The return-to-school plan must outline specific actions the school and the student's parent/guardian will take to support the student's return to school as rapidly as possible.
 - b) Return-to-school plans must be submitted to the IIS administrator/designee no more than 30 days after IIS's verification of the need for services.
4. For a student with an Individualized Education Program (IEP), the school counselor/designee must notify the case manager or the resource teacher for special education (RTSE) as soon as the parent/guardian provides notification of an anticipated absence longer than four weeks.
 - a) The IEP team must convene within 10 days of being informed of the expected absence to determine the process for providing the student's supports and services required in the student's IEP during the student's absence.

b) See also section IV.F below.

D. Responsibilities of the Student's School

1. Students receiving IIS services remain enrolled in their school. They are marked absent from their school with the reason of IIS, unless IIS notifies the school that the student is not meeting with the IIS teacher. The attendance designation converts to present for reporting purposes to indicate that the student is receiving educational services from MCPS, but is not present at school. For students who are concurrently enrolled, both the school and IIS maintain attendance. IIS instruction will operate consistent with the MCPS calendar.
2. The student's school remains responsible for scheduling and conducting all IEP meetings for a student receiving IIS.
3. The student's school must provide books and necessary instructional materials for the student receiving IIS as well as other appropriate services such as college counseling or course guidance, when necessary.
4. IIS provides grades for assignments and assessments during the period in which the student is receiving IIS. IIS teachers will follow Montgomery County Board of Education grading and reporting policies and MCPS regulations and guidelines. The student's school averages the student's grades with their IIS grades, when applicable, to determine the student's report card grades. The student's school makes the final determination regarding report card grades.
5. Course credit for work completed in the IIS program is granted by the administrator/designee at the student's school.

E. Responsibilities of the IIS Administrator/Designee

1. Upon receiving the IIS application from the school counselor, the IIS administrator/designee may require up to 10 school days to verify the qualifying condition(s), establish the manner of instruction, and assign an IIS teacher, as appropriate. The IIS administrator/designee will make every reasonable effort to maintain continuity of instruction for the student, on receipt and verification of the referral.
2. The IIS administrator/designee notifies the parent/guardian/eligible student and the student's school counselor of the outcome of the application.

3. If the application is approved, the IIS administrator/designee also informs the student's school counselor when the return-to-school plan must be submitted to IIS.
4. The IIS administrator/designee will determine the manner in which instructional services shall be delivered.
5. An appropriate manner of instruction will begin as soon as possible, but not later than 10 school days following the –
 - a) notification to the IIS administrator of the inability of the student to attend school and
 - b) verification of the need for services.
6. It is not necessary for IIS services to be postponed for four weeks from notification and verification. Services can begin once a qualifying condition(s) has been verified and the manner of instruction has been established.
7. The weekly number of instructional hours is determined based on an evaluation of the student's needs and ability to receive IIS services.
 - a) Students who are able to access instruction at their schools part-time while approved for IIS will receive a minimum of three hours of IIS instruction weekly; and students who are unable to access instruction from their schools at all while approved for IIS will receive a minimum of six hours of IIS instruction weekly.
 - b) The length of instruction provided to students with disabilities is based on individual student needs as set forth in the student's IEP, subject to the minimum requirements set forth in section IV.G and the student's ability to receive IIS services.
8. In cases of emergency, the associate superintendent for the Office of Curriculum and Instructional Programs (OCIP)/designee may authorize services for students through IIS.

F. Student Attendance

1. Students receiving IIS are subject to the attendance guidelines for an approved lawful absence, set forth in MCPS Regulation JEA-RA, *Student*

Attendance.

- a) Parents/guardians/eligible students are to notify the IIS teacher in advance, per IIS guidelines, if a student is not available for a scheduled instructional service.
- b) The IIS teacher may reschedule and make up time for a student's lawful absences. If the time is made up, the absence will not be reported on the student grade report form.
- c) Time is not to be made up for unlawful absences.
- d) Absences on the part of the IIS teacher must be made up.
- e) Continued unlawful absences may result in suspension of instructional services.

G. Students with Individualized Education Programs (IEPs)

1. If a student has an IEP, the student's IEP team must convene in within 10 days of notification to MCPS of the inability of the student to attend school and receipt of the verification of the need for services to –
 - a) discuss the student's ability to receive educational services;
 - b) determine whether the student will be able to make educational progress with the provision of IIS and any accommodations and/or related services required, identify the goals of IIS, and develop a plan for returning the student to a school-based program; or
 - c) consider a review of the student's IEP and the change of placement if IIS is insufficient for the student to make educational progress.
2. The IEP team submits a copy of the IEP to IIS.
3. An IEP meeting also must be held when IIS is discontinued and the student returns to their school.
4. For a student with an IEP who is determined to need IIS due to a qualified emotional health condition, instructional services provided by IIS may not exceed 60 consecutive school days.

5. IIS may not be used as a temporary placement for a student with a disability waiting for –
 - a) placement in a nonpublic special school, or
 - b) any other change of placement.

H. Continued Qualification for Services

1. Continuing IIS services require the periodic reverification of the qualified physical or emotional health condition of the student —
 - a) 60 calendar days after the initial verification of eligibility and every 60 calendar days thereafter; or
 - b) sooner, at the request of the parent/guardian/eligible student or MCPS.
2. Qualification for services shall be reverified annually for students who receive concurrent delivery of instructional services.

I. IIS Teachers

1. The IIS teachers contract is included in the negotiated Agreement between the Montgomery County Education Association and the Montgomery County Board of Education.
2. The Office of Human Resources and Development periodically sends an updated list of qualified IIS teachers to the IIS administrator/designee. IIS teacher candidates are interviewed by the IIS administrator/designee and participate in an IIS orientation prior to employment.
3. IIS teachers are not to transport IIS students at any time.
4. IIS teachers are subject to the following reporting requirements:
 - a) IIS teachers must report suspected or observed child abuse or neglect to Child Protective Services, as indicated in MCPS Regulation JHC-RA, *Reporting and Investigating Child Abuse and Neglect*.
 - b) Any suspected or observed substance abuse by the student is to be reported, as appropriate, to the parent/guardian and the IIS

administrator/designee (see MCPS Regulation IGO-RA, *Guidelines for Incidents of Alcohol, Cannabis, Tobacco, and Other Drug Abuse Involving Students*).

- c) Any suggestion of suicidal ideation must be addressed immediately, following the steps of MCPS Form 335-54, *Suicide Risk Reporting Form*. In a medical emergency, 911 is to be contacted, followed by contact with the student's parent/guardian and the IIS administrator/designee. In a nonmedical emergency, the IIS teacher follows the steps listed on MCPS Form 335-54.
5. MCPS Form 311-13, *Teacher's Biweekly Report of Interim Instructional Services*, must be signed after each instructional session by an adult or the student (if meeting in a public location) to verify the duration of teaching time at the time services are rendered.
 6. IIS teachers are responsible for maintaining the confidentiality of student information, in consultation with the IIS administrator/designee and/or the student's school counselor, as appropriate.

V. REVIEW

Disagreements that arise in the implementation of IIS, which cannot be resolved by the IIS administrator/designee, will be referred to the associate superintendent of OCIP/designee for resolution. The associate superintendent of OCIP/designee will consult with appropriate offices and subject-matter experts as needed to resolve.

Related Sources:

Annotated Code of Maryland, Education Article, Section 7-301.1; *Code of Maryland Regulations*, §13A.03.05.01-.05; and §13A.05.01.10.C(5)

Regulation History: New Regulation, May 10, 1990; revised July 1, 1995; revised September 21, 2006; revised November 6, 2009; revised July 18, 2011; revised June 28, 2016; non-substantive revisions December 13, 2016; revised June 13, 2018; revised January 26, 2024; technical edit to comply with COMAR 13A.03.05.04, March 20, 2024.

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.*

- A. 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.**

For inquiries or complaints about discrimination against MCPS students*** 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	For inquiries or complaints about discrimination against MCPS staff*** 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
For student requests for accommodations under Section 504 of the Rehabilitation Act of 1973 Section 504 Coordinator Office of School Support and Well-being Office of Well-being, Learning, and Achievement 850 Hungerford Drive, Room 257, Rockville, MD 20850 240-740-5630 504@mcpsmd.org	For staff requests for accommodations under the Americans with Disabilities Act 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
For inquiries or complaints about sex discrimination under Title IX, including sexual harassment, against students or staff*** 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	

*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), 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 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.