

EXHIBIT 1

POLICY

BOARD OF EDUCATION OF MONTGOMERY COUNTY

Related Entries: ACD, ACF, ACH, ACH-RA, ACG, BMA, GAA, GBA-RA, GBH, GEG-RA, JHF, JHF-RA, JHG-RA

Responsible Offices: Chief of Staff Montgomery County Public School; Teaching, Learning, and Schools; Strategic Initiatives; Districtwide Services and Supports; Human Resources and Development; General Counsel

Nondiscrimination, Equity, and Cultural Proficiency

A. PURPOSE

To affirm the Montgomery County Board of Education's desire to create an educational community guided by its five core values—Learning, Relationships, Respect, Excellence, and Equity.

To affirm the Board's deep commitment to providing every student equitable access to the educational opportunities, rigor, resources, and supports that are designed to maximize the student's academic success and physical, psychological, and social/emotional well-being, and ensuring all staff are empowered to do their best work.

To assert the Board's belief that each and every student matters, each student's individual characteristics are valuable, and in particular, that educational outcomes should never be predictable by any individual's actual or perceived personal characteristics, and that equity demands intensive focus and attention to eliminate all gaps in student achievement.

To establish and promote a framework that prepares all students to live and work in a globally-minded society; fosters a positive learning environment that embraces all unique and individual differences; and, uses an equity lens to consider the impact of any program, practice, decision, or action on all student groups with a strategic focus on marginalized student groups.

To affirm the Board's unwavering commitment that all staff will be culturally proficient, and demonstrate mutual respect without regard to any individual's actual or perceived personal characteristics.

To uphold the Board's core values, and ensure compliance with all federal, state, and local nondiscrimination laws.

B. ISSUE

Discrimination in any form will not be tolerated. It impedes Montgomery County Public Schools' (MCPS) ability to discharge its responsibilities to all students and staff, and achieve our community's long-standing efforts to create, foster, and promote equity, inclusion, and acceptance for all.

The Board recognizes that equity goes beyond meeting the letter of the law. Equity also requires proactive steps to identify and redress implicit biases and structural and institutional barriers that too often have resulted in identifiable groups of students and staff being unjustifiably or disproportionately excluded from or underrepresented in key educational program areas and sectors of the workforce, as well as over-identified in student discipline actions. Continued vigilance is necessary to end identified inequities that students and staff experience because of their actual or perceived personal characteristics.

For the purposes of this policy, the following definitions are used:

1. *Cultural proficiency* is the ongoing process of becoming knowledgeable of one's own culture, as well as the cultures of others in order to foster an appreciation, understanding, and respect for varying cultural expressions that exist in the actions and interactions of an organization; and, to strengthen and enrich the organization and the community at large with the presence and contributions of many cultures.
2. *Discrimination* includes actions that are motivated by an invidious intent to target individuals based on their actual or perceived personal characteristics, as well as acts of hate, violence, insensitivity, disrespect, or retaliation—such as verbal abuse, harassment, bullying, slurs, threats, physical violence, vandalism, or destruction of property—that impede or affect the learning or work environment. Discrimination also includes conduct or practices that may be facially neutral but that have an unjustified impact based on individuals' actual or perceived personal characteristics. Discrimination encompasses racism, sexism, and other forms of institutional prejudice in all their manifestations.
3. *Equity* is the commitment to ensure that every student and staff member, without regard to their actual or perceived personal characteristics, is given the individual challenges, support, and opportunities to exceed a rigorous common standard in order to be prepared for academic and career success.
4. *Equity lens* means that for any program, practice, decision, or action, the impact on all students is addressed, with a strategic focus on marginalized student groups.
5. *Implicit bias* refers to the attitudes or stereotypes that affect our understanding, actions, and decisions. These biases, which encompass both favorable and

unfavorable assessments, may be activated involuntarily and without an individual's awareness or intentional control.

6. *Personal Characteristics* include 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.

C. POSITION

1. The Board expects the district to develop and promote a culture of high expectations for all students and staff performance and maintain environments that will be equitable, fair, safe, diverse, and inclusive; and eliminate inequities of opportunities, raise the level of achievement for all students, and significantly address achievement gaps.
2. 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. This prohibition will not be used, however, to prevent responsible discussion of such language, images or symbols for educational purposes.
3. The Board expects all students and staff to conduct themselves in a manner that demonstrates mutual respect without regard to an individual's actual or perceived personal characteristics.
4. The Board prohibits discrimination, by students and staff, of any kind, directed at persons because of their actual or perceived personal characteristics.
5. The Board commits to modelling the expectations in this policy, and expects all Board and MCPS reports, presentations, and decision making to take into account the equity implications of this policy.
6. The Board also expects and promotes the following:
 - a) Collaboration among staff, students, parents/guardians, and the community
 - (1) Staff are expected to work together and with students, parents/guardians, and community members to ensure that each school and work site is free from discrimination.
 - (2) Parents/guardians are encouraged to establish expectations for their children that are consistent with the beliefs, intentions, and obligations set forth in law and as reflected in this policy, and to collaborate with MCPS staff to meet these expectations.

- (3) Staff are expected to promote engagement of all parents/guardians in their children's education and work to remove barriers that impede their active participation without regard to actual or perceived personal characteristics.
 - (4) MCPS shall seek broad participation on task forces, committees, commissions, and other advisory bodies which represent diverse communities, cultures, languages, and perspectives.
- b) Equality of educational opportunities
- (1) The Board is committed to addressing disparities in levels of access to factors critical to the success of all students, including the following:
 - (a) Resources, including challenging and creative courses, programs, and extracurricular activities;
 - (b) Effective and qualified teachers, leaders, and support staff;
 - (c) Adequate facilities and equipment;
 - (d) Updated technology;
 - (e) Quality education materials;
 - (f) Practices and procedures that provide for educational equity and ensure that there are not obstacles to accessing educational opportunities for any student; and
 - (g) Sufficient funding.

This commitment is, and must continue to be, evident in how resources are allocated, including an intentional strategy of providing additional funding to students in greater need, as well as to schools that serve larger numbers of students in need.
 - (2) MCPS will work to identify and address structural and institutional barriers that could prevent students from equitably accessing educational opportunities in all schools.
 - (3) MCPS will expect the equitable administration of disciplinary consequences as one of the essential components to equitable access to educational opportunities in schools.

- (4) MCPS will work toward empowering emergent multilinguals/English Learners to master social and academic English, using their first language(s) and culture(s) as assets, to thrive in school, college, careers, and as global citizens. MCPS will provide access to rigorous coursework and equal access to comparable academic programs both among schools and among students within the same school without regard to actual or perceived personal characteristics.
- (5) MCPS will encourage all students to pursue their goals and interests, without regard to historical barriers or stereotypes. Students will be provided wide access to various and multiple opportunities to enroll in challenging programs and participate in a wide variety of school activities, including athletics, extracurricular and non-academic programs, to enrich their perspectives and to prepare for meaningful and fulfilling work in their chosen careers.
- (6) MCPS will promote and encourage schools, classrooms, work sites, and school-sponsored representations (including mascots, logos, team names, chants, or musical accompaniments) to be inclusive, nondiscriminatory, and bias-free, and to provide a welcoming climate for all.
- (7) MCPS will provide a culturally responsive Prekindergarten to Grade 12 curriculum that promotes equity, respect, and civility among our diverse community, accurately depicts and represents the distinctive contributions of our global community, and provides opportunities for staff and students to model cultural proficiency in every school and program. The curriculum shall enable staff to model, and students to develop, the following attitudes, skills, and behaviors:
 - (a) Value one's heritage and the heritage of others;
 - (b) Respect, value, and celebrate diversity as an essential component of a healthy and thriving community;
 - (c) Value the richness of cultural pluralism and commonality;
 - (d) Develop and promote inclusive relationships and work effectively in cross-cultural environments; and
 - (e) Confront and eliminate stereotypes related to individuals' actual or perceived personal characteristics.
- (8) Instructional materials used in MCPS schools will reflect the diversity of the global community, the aspirations, issues, and

achievements of women, persons with disabilities, persons from diverse racial, ethnic, and cultural backgrounds, as well as persons of diverse gender identity, gender expression, or sexual orientation.

- c) Professional learning and education to achieve districtwide cultural proficiency

MCPS will encourage effective collaboration among staff, parents/guardians, and community members by offering opportunities to enhance cultural proficiency, creating districtwide engagement, and promoting understanding and resolution of differences and disagreements.

- d) Equality of employment opportunities

- (1) MCPS shall continue to monitor and promote a diverse workforce and take appropriate action to create a district free of implicit bias and discrimination in all aspects of employment.

- (2) MCPS will take positive steps to eliminate structural and institutional barriers to recruiting, hiring, retaining, and promoting a diverse workforce.

- (3) MCPS will identify staff positions in which individuals from diverse backgrounds are underrepresented, and promote a diverse workforce by actively recruiting and/or promoting qualified candidates, consistent with negotiated agreements. For example, MCPS will continue to recruit staff to positions that are nontraditional for their gender.

- (4) MCPS will empower staff to promote the Board's core values and beliefs expressed in this policy in daily interactions with peers, students, parents/guardians, and members of the community.

D. DESIRED OUTCOMES

1. Every school and work site will embody a culture of respect, grounded in the Board's core values, that promotes understanding, respect, civility, acceptance, and positive interaction among all individuals and groups.
2. Structural and institutional barriers to educational and employment opportunities will be eliminated.
3. MCPS schools and work sites will be equitable, safe, diverse, inclusive, and free of discriminatory acts of hate, violence, insensitivity, and disrespect.
4. Educational outcomes shall not be predictable by actual or perceived personal characteristics, and gaps in student achievement will be significantly reduced.

5. MCPS students and staff will become models in the community of civility, acceptance, respect, and positive interactions.
6. The educational experiences of all students will be enriched by providing exposure to staff from many backgrounds reflecting the pluralistic nature of the community, thereby providing settings for education that promote understanding of diversity and contribute to the quality of the exchange of ideas inherent in the educational setting.

E. IMPLEMENTATION STRATEGIES

1. The Board will address disparities in levels of access to resources critical to the success of students by implementing an intentional strategy of providing additional funding to students in greater need, as well as to schools that serve larger numbers of students in need; and ensuring equitable access to effective leaders and teachers for all students.
2. MCPS will engage with staff, students, parents/guardians, and the entire community to build and sustain a culture emblematic of the ideals of this policy.
3. MCPS will identify a process for analyzing data to develop goals, objectives, strategies, and timelines for the implementation of equitable and culturally competent practices in each school. Multiple indicators are necessary to monitor student outcomes, engagement, and school climate, and specific data will be used to ensure accountability for student, school, and districtwide performance; to reduce variability in outcomes; and to ensure that academic outcomes will not be predictable by actual or perceived personal characteristics and can be assessed and reported transparently to the public.
4. Programs, curricula, instructional materials, and activities, including athletics, extracurricular and non-academic programs and activities, will provide all students with the knowledge, skills, attitudes, and behaviors that promote cultural proficiency and behaviors that enable students to live and work together in our increasingly diverse county, state, nation, and world.
5. MCPS will provide tailored and differentiated professional learning to –
 - a) build capacity for cultural proficiency and cultural responsiveness,
 - b) gain the skills and knowledge to create a learning environment that is student-centered and meets the individual and diverse needs of all students, and
 - c) address areas of inequity in the system and the barriers that may impede students success, social-emotional learning, and physical and psychological health of students.

6. At all times, staff will foster –
 - a) physically and psychologically safe and welcoming environments for learning and working;
 - b) model and encourage respectful, and civil discourse and interactions among all staff, students, parents/guardians, and community members; and
 - c) strive to remove cultural, linguistic, technological, or transportation-related barriers that may prevent families from engaging with their children's education, through the use of culturally responsive resources, such as –
 1. interpreters,
 2. translated documents, and
 3. collaboration with organizations that may facilitate communication between MCPS and families.
7. Specific strategies will be identified, communicated and used to prevent discrimination, and procedures will be followed to resolve, monitor, and analyze such incidents of discrimination if they occur.
8. MCPS will identify partnerships and work cooperatively with the Montgomery County Executive, the Montgomery County Council, local law enforcement agencies, other county agencies, community groups, business organizations, and other stakeholders to increase equity and reduce discrimination for students and staff.
9. A statement summarizing this Board policy of nondiscrimination, will be prominently included in MCPS publications and on the MCPS website. Any publication that states the Board policy of nondiscrimination in English will also be translated into those languages for which translation and interpretation services are most frequently requested by parents/guardians of MCPS students.
10. The superintendent of schools will designate an appropriate lead office to implement this policy, with support from other offices as appropriate, and assume responsibility for the following:
 - a) Monitoring and ensuring MCPS compliance with all federal, state, and local nondiscrimination laws and MSDE reporting requirements;

- b) Identifying the method of evaluation to measure the effect of equitable practices districtwide and in schools;
 - c) Promptly investigating, and resolving complaints of discrimination;
 - d) Designating an individual responsible for the facilitation, monitoring, and implementation of system equity initiatives;
 - e) Increasing awareness of the Board's values and expectations under this policy;
 - f) Requiring that an equity lens be used in reviews of –
 - 1) staff, curriculum, pedagogy, professional learning, instructional materials, and assessment designs; and
 - 2) all staff recruiting, hiring, retention, and promotion processes;
 - g) Providing professional learning regarding nondiscrimination, equity and cultural proficiency; and conducting outreach to support the application of these concepts in professional conduct and practice; and
 - h) Maintaining appropriate records.
11. The superintendent of schools may direct an employee who exhibits insensitive behavior, as evidenced by violating the values and expectation expressed in this policy, to participate in additional training regarding cultural proficiency. Continued insensitivity will not be tolerated by the Board and may result in further disciplinary action, including dismissal, consistent with the *MCPS Employee Code of Conduct*.

F. REVIEW AND REPORTING

- 1. The superintendent of schools will –
 - a) ensure that equity be addressed in the Local Every Student Succeeds Act (ESSA) Consolidated Strategic Plan;
 - b) disaggregate student data to analyze trends and identify gaps, and use such data to support the creation of equitable solutions; and
 - c) provide the public and the Board with regular updates on the implementation of this policy and efforts undertaken by the district to create an equitable school system that fulfills the Board's core values.
- 2. This policy will be reviewed every three years in accordance with the Board of Education's policy review process.

Related Sources:

MCPS Culture of Respect Compact¹; Student Code of Conduct in MCPS; MCPS Employee Code of Conduct; MCPS Guidelines for Respecting Religious Diversity; MCPS Guidelines for Student Gender Identity; U.S. Constitution U.S.C.), Amendment 14; Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq.; Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq.; Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq.; 34 Code of Federal Regulations (CFR), Part 106, 34 CFR Part 100; Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § § 1400-1487; Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794; Americans with Disabilities Act (ADA), 42 U.S.C. § 12131 et seq.; Section 1981 of the Civil Rights Act of 1866, 42 U.S.C. § 1981; Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-634; Equal Pay Act of 1963, 29 U.S.C. § 206(d); Equal Rights Amendment to the Maryland Constitution's Patient Protection Affordable Care Act, 42 U.S.C. § 18001 et seq.; Maryland Constitution Declaration of Rights (Article 46); Annotated Code of Maryland, State Government Article, Title 20, Human Relations; Annotated Code of Maryland, Education Article 6-104, 7-424.1; Code of Maryland Regulations (COMAR) 13A.05.01; Montgomery County Racial Equity and Social Justice Act Amendments to Montgomery County Code §1A-201, §2-64A, §2-81C, §27-83, §33A-14.

Policy History: Adopted by Resolution No. 595-69, November 11, 1969; amended by Resolution No. 16-72, January 11, 1972; amended by Resolution No. 536-77, August 2, 1977; amended by Resolution No. 240-96, March 25, 1996; amended by Resolution No. 323-96, May 14, 1996; amended by Resolution No. 249-03, May 13, 2003; amended by Resolution No. 318-17, June 26, 2017; copy edits December 11, 2019; amended by Resolution No. 321-21, June 29, 2021.

Note: Tenets of Board policies ACB, *Nondiscrimination*, ACE, *Gender Equity*, GBA, *Workforce Diversity*, and GMA, *Human Relations Training of MCPS Staff*, were incorporated into Resolution No. 318-17 amendments to this policy, and were rescinded upon adoption of amended Board Policy ACA on June 26, 2017.

¹ *Culture of Respect Compact among Montgomery County Public Schools, Montgomery County Education Association, Service Employees International Union Local 500, and the Montgomery County Association of Administrators and Principals*