



OFFICE OF THE INSPECTOR GENERAL MONTGOMERY COUNTY MARYLAND

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INSPECTOR GENERAL

MCPS Complaint Processing

Montgomery County Public Schools

OIG Publication # OIG-24-08

JANUARY 23, 2024

EXECUTIVE SUMMARY

The Montgomery County Office of the Inspector General (OIG) initiated this review in response to assertions that the inadequate response to alleged misconduct committed by former principal Dr. Joel Beidleman was caused in part by shortcomings in how complaints of employee wrongdoing are handled by Montgomery County Public Schools (MCPS). It is important to note that this review focused on MCPS's general processes involving complaint handling and investigations of employee misconduct. It did not examine specific allegations against Beidleman or MCPS's actions to address them, nor did it re-examine the promotions process at MCPS which was part of the work done by a law firm hired by MCPS in August of 2023.

The MCPS Department of Compliance and Investigations (DCI) is responsible for investigating allegations of employee misconduct, harassment, workplace bullying, and Equal Employment Opportunity Commission violations.

Our review found numerous issues with the manner in which MCPS and DCI handle and investigate complaints of employee misconduct. Of note, many of the same deficiencies we found were previously identified by other entities and reported to MCPS. Although informed of the concerns, MCPS failed to implement appropriate corrective actions.

OBJECTIVES

Through this review, we sought to assess whether MCPS has effective procedures for the receipt, assignment, investigation, referral, resolution, documentation, and retention of allegations of misconduct by its employees.

SCOPE & STANDARDS

Our review examined investigative and complaint records for the period July 1, 2020 – September 20, 2023, and was conducted between September and December 2023, in accordance with the Association of Inspectors General, *Principles and Standards for Offices of Inspectors General, Quality Standards for Inspections, Evaluations, and Reviews* (May 2014).

RESULTS

- MCPS does not have a comprehensive protocol addressing the receipt, evaluation, tracking and disposition of complaints.
- DCI does not follow defined criteria when determining what actions to take with complaints.
- DCI does not have comprehensive policies for conducting and documenting investigations.
- Electronic case files lacked evidence that DCI consistently followed sound investigative practices.
- Previously identified deficiencies have not been addressed.

RECOMMENDATIONS

- Implement comprehensive policies and procedures regarding the receipt and processing of complaints.
- Formalize procedures and criteria for assessing complaints and making disposition decisions.
- Implement comprehensive policies and procedures that address conducting and documenting DCI investigations.
- Evaluate DCI's role, assess staffing and training needs, and implement stricter oversight.
- Evaluate previous findings and recommendations related to DCI and implement solutions.

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Background

As the largest school district in the State of Maryland, Montgomery County Public Schools (MCPS) had a student enrollment of approximately 160,554 and more than 25,000 employees during the 2022-2023 school year. MCPS is overseen by the Montgomery County Board of Education (BOE) which serves as the “official educational policy-making body” for Montgomery County. The BOE consists of seven elected county residents who serve a four-year term and a student member who serves a one-year term. MCPS’s Fiscal Year 2024 operating budget is \$3.17 billion. Approximately 63% of MCPS’s funding is provided by Montgomery County while the remaining 37% is funded by a combination of state education aid, federal grants, and other miscellaneous funding sources.

The MCPS Department of Compliance and Investigations (DCI) is responsible for investigating allegations of employee misconduct, harassment, workplace bullying, and Equal Employment Opportunity Commission violations. Additionally, DCI supervises the employee background check program, employee drug testing, and processes requests for accommodations in accordance with the Americans with Disabilities Act (ADA) of 1990. DCI also investigates specific violations of Title II and Title VII of the Civil Rights Act of 1964, and Title IX of the Educational Amendments of 1972. DCI is the entity primarily responsible for investigating employee infractions of MCPS policies and regulations, including the Employee Code of Conduct. DCI staff also consult and coordinate with the MCPS Office of General Counsel (OGC) to support litigation and legal proceedings for employee discipline, harassment, and unemployment claims. The DCI director reports to the Chief of the Office of Human Resources and Development (OHRD) and serves as MCPS’s representative to Child Protective Services (CPS), local law enforcement, and the State’s Attorney’s Office in matters related to employee misconduct.

DCI, previously known as the Performance, Evaluation, and Compliance Unit, was initially established as an office within OHRD. During a 2017 restructuring, DCI became a part of the newly established Office of Employee Engagement and Labor Relations, now known as the Department of Labor Relations. In July 2021, DCI was moved organizationally back under OHRD. In addition to a director, DCI currently has two administrative secretaries, two investigative specialists, and one compliance coordinator.

MCPS’s Student Welfare and Compliance unit (SWC) monitors the implementation of policies and procedures relating to BOE policy *ACA, Nondiscrimination, Equity, and Cultural Proficiency*. SWC ensures consistency with the implementation of policies, regulations, and guidelines including those related to human relations; bullying, harassment (including Title IX sexual harassment), and intimidation; recognizing and reporting child abuse and neglect; and addressing incidents of hate-bias, hazing, and student gender identity discrimination. Although DCI and SWC have similar responsibilities, DCI focuses on misconduct by MCPS employees while SWC focuses on matters involving students where an employee is not involved.

MCPS regulation ACI-RA, *Investigation of Title IX Sexual Harassment of MCPS Employees*, designates the SWC director as MCPS’s Title IX coordinator. Regulation ACI-RA states that to request an investigation of Title IX sexual harassment, an individual must complete MCPS form 0109.22 EGPS, *Title IX Discrimination Formal Complaint*, and submit it to the Title IX coordinator who will notify DCI. While SWC conducts their own investigation of Title IX violations involving students, Title IX violations involving MCPS employees are referred to DCI for appropriate action.

During the 2022-2023 school year, SWC referred five complaints to DCI for evaluation and appropriate action.

Objectives, Scope, and Methodology

Through this review we sought to assess whether MCPS has effective procedures for the receipt, assignment, investigation, referral, resolution, documentation, and retention of allegations of misconduct by its employees. The scope of our review included MCPS records related to employee misconduct complaints and investigations for the period July 1, 2020, through September 20, 2023.

During this engagement we reviewed pertinent laws, regulations, policies, and procedures. We also interviewed MCPS staff and analyzed relevant documentation related to the receipt, processing, investigation, and adjudication of employee misconduct complaints. The documentation we reviewed included complaint logs, investigative records and reports, email communications, and third-party records.

DCI maintains electronic case files on a MCPS shared drive. DCI also creates electronic case files for Child Protective Services (CPS) matters and other issues handled by school officials that do not involve work performed by DCI staff. The naming convention used for DCI electronic case files does not differentiate between the types of investigations or indicate which entity conducted the investigation. For this reason, we sampled a relatively large number of DCI case files.

MCPS provided a list of 817 electronic case files for our scope period, and we identified a random sample of 10%, resulting in 82 case files for our testing sample. For those files, we reviewed each electronic case file and assessed whether it contained the information we were told should be included in each file. We also evaluated if the documentation maintained in each case file appropriately detailed the investigative steps taken, and when appropriate, was sufficient to support the final disposition. In attempting to evaluate efforts undertaken to receive and process complaints, we were hamstrung by MCPS's email retention policy which automatically deletes most emails after one year.

This review was conducted between September and December 2023, in accordance with the Association of Inspectors General, Principles and Standards for Offices of Inspector General, Quality Standards for Inspections, Evaluations, and Reviews (May 2014).

Findings and Recommendations

This report documents our review of MCPS's¹ complaint handling and investigation processes as they relate to allegations of misconduct by employees. We initiated this review in response to widespread speculation that failures in those areas contributed to an inadequate response to reported allegations of misconduct committed by former MCPS principal Dr. Joel Beidleman (Beidleman).² This review did not examine specific allegations against Beidleman or MCPS's actions to address them. Instead, it sought to determine whether MCPS has effective procedures for the receipt, assignment, investigation, referral, resolution, documentation, and retention of allegations of misconduct by its employees. We also evaluated whether DCI, as MCPS's primary department for investigating allegations of employee misconduct, follows reasonable steps in conducting its investigations.

It is important to note that this review focused only on processes for receiving and investigating allegations of employee misconduct. We did not review processes associated with investigating complaints pertaining to violations of academic policies and protocols, allegations involving student-on-student misconduct, complaints concerning students and non-MCPS employees, security threats, ADA matters, or labor relations issues, all areas that may warrant an additional review in the future.

In conducting this review, we found issues with MCPS and DCI's procedures and processes for handling and investigating complaints involving misconduct by employees. Our findings should not be surprising to some in MCPS senior management because similar observations were identified on at least four previous occasions dating back to 2019. (See Appendix A.) Unfortunately, it does not appear that any substantive action was taken to address the previously noted findings and recommendations.

Complaint Handling

A well-organized process to effectively handle employee misconduct complaints can provide invaluable benefits to an organization. It presents an opportunity for leaders to appropriately address misconduct, identify areas for improvement, and build trust with employees and stakeholders. An effective complaint handling program will typically include the following basic steps which should be memorialized in formal written policies and procedures with detailed descriptions of what should occur at each stage.

1. Acknowledge and document the receipt of a complaint;
2. Assess the complaint and determine whether it will be investigated, referred to another entity, or declined;
3. Inform the complainant about the decision, when feasible/appropriate;
4. Take appropriate action to investigate, refer, or close the complaint; and

¹ Throughout this report we use MCPS and BOE synonymously unless otherwise noted.

² MC OIG Memorandum of Investigation, *Investigation of Misconduct Allegations Against Dr. Joel Beidleman*, dated November 29, 2023. [Montgomerycountymd.gov/igproduct.html](https://montgomerycountymd.gov/igproduct.html).

5. Maintain records about actions taken for each complaint including when it was received, how it was handled, the parties involved, and the outcome.

MCPS requires that some types of complaints be submitted using designated forms while others can be tendered through email, in person, by phone, or through two external on-line reporting systems: Lighthouse Hotline (Lighthouse) and Safe Schools Maryland (Safe Schools). MCPS uses these two entities to receive anonymous complaints. The receipt of complaints is a shared effort among several MCPS employees, divisions, and programs, with no standardization or process to aggregate complaint data. The ultimate assignment of complaints varies depending on the subject matter. DCI is charged with handling complaints alleging employee misconduct.

Complaint Intake

There are many different mechanisms to submit a complaint of employee misconduct at MCPS. In addition to Lighthouse and Safe Schools, there are also a number of general MCPS email addresses (drop boxes) used to receive complaints.³ Individuals may also email complaints directly to members of the MCPS and BOE leadership teams, some of whom utilize their own spreadsheet or database to track complaints received. While Lighthouse and Safe Schools provided fairly detailed and well-organized data, they are both independent programs that do not directly interface with other MCPS systems. Additionally, we discovered that the dispositions noted in Lighthouse and Safe Schools did not always fully represent what was actually done to address the complaints.

Each point of complaint intake determines what information is retained; what is, or is not, shared with others; and how the disposition of a matter is categorized or tracked, all of which makes it difficult to accurately track complaints and identify trends. Due to the nature and variety of ways that complaints can be reported to MCPS, it was difficult for us to ascertain the total number of employee misconduct related complaints received during our scope period or what was done to address them. MCPS could benefit from maintaining a centralized, searchable database of all complaints with enough detail to enable the identification of patterns of misconduct and repeat offenders.

Finding 1: MCPS does not have a comprehensive written policy addressing the receipt, evaluation, tracking and disposition of complaints.

Various MCPS regulations and policies provide some instructions for submitting employee misconduct complaints. For example, the *Sexual Harassment of MCPS Employees* (ACI) policy provides the following guidance:

“A report of sexual harassment involving an employee or third party may be made by anyone. An individual who alleges sexual harassment, or has observed an MCPS employee engage in such discriminatory conduct, a) should report the incident

³ MCPS advertises four department email addresses that may be used for the submission of complaints.

promptly to the Office of Human Resources and Development, Department of Compliance and Investigations (DCI). The report may be made in person, by telephone, or by email to DCI@mcpsmd.org. Employees, alternatively, may contact their principal/supervisor, as appropriate, who will refer the issue to DCI. b) If the subject of the complaint is the complainant's supervisor or is in a position of authority in relation to the complainant, the employee may submit the complaint directly to DCI. c) To request an investigation of a complaint of Title IX sexual harassment, the employee should follow the process set forth in MCPS Regulation ACI-RA, Investigation of Title IX Sexual Harassment of MCPS Employees."⁴

While these instructions generally lay out how to file a complaint, they do not detail the procedures for processing a complaint once received, including the steps necessary to properly assess the allegations and document actions taken. MCPS lacks policy or regulation that identifies the specific roles and responsibilities of those who receive complaints, including how complaints are handled by principals and other supervisors. This lack of specific guidance regarding the handling of employee misconduct complaints extends to DCI as well which has no formal policies or procedures detailing the criteria that should be used to evaluate allegations, the recordation or assignment of complaints, and communications with complainants.

The absence of comprehensive written policies addressing the complaint handling process can lead to inconsistencies and inequities in how complaints are evaluated and ultimately resolved. These discrepancies can also hinder the detection of misconduct, the discovery of repeat offenders, and the identification of opportunities for improvement. Lastly, a poorly executed complaint handling process can sow distrust with employees and stakeholders.

RECOMMENDATION 1

We recommend the BOE draft and implement a comprehensive policy, and MCPS issue aligned regulations and procedures, regarding the receipt and processing of employee misconduct complaints, to include a requirement to maintain a centralized, searchable database of all complaints with enough detail to enable the identification of patterns of misconduct and repeat offenders.

Assessment of Complaints

The proper assessment of complaints is critical to a successful complaint handling program. Failing to make informed and consistent decisions in assessing complaints may result in continued harm and missed opportunities to improve processes. Determining what resources should be committed to addressing specific allegations can be complicated and requires experience and training on the part of the assessor. We would expect to see the following questions considered when evaluating complaints to determine what action should be taken with a complaint:

1. Is the alleged conduct a violation of MCPS policy, law, or regulation?

⁴ BOE Sexual Harassment of MCPS Employees Policy, Section C4. Pg 3.

2. What does policy require be done with the complaint? (e.g. forms completed, notifications, etc.)?
3. Who is the appropriate party to address the issue (e.g. school principal, DCI, Title IX Coordinator, supervisor, Child Protective Services, etc.)?
4. Is there sufficient information to provide logical leads to prove or disprove the allegation?

Finding 2: DCI does not follow defined criteria when determining what actions to take with complaints.

Little is provided in policy to assist staff in assessing complaints. Some MCPS policies⁵ provide general considerations to be used when evaluating complaints, such as “take appropriate action, including investigation and offering supportive measures.”⁶ The *Investigation of Title IX Sexual Harassment of MCPS Employees (ACI-RA)* policy goes further and mandates that the “Title IX coordinator must dismiss the formal complaint if... (a) the alleged conduct in the formal complaint does not meet the definitions of Title IX sexual harassment, even if the conduct is proved; or (b) the conduct did not occur within the scope of MCPS’s education programs/activities.” The same policy also gives the Title IX coordinator discretion to dismiss complaints if “specific circumstances prevent MCPS from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.”⁷

With respect to DCI’s evaluation process, we observed that the DCI director principally retained the task of determining how to handle most complaints. We found little documentation noting what factors were considered when assessing complaints, and no consistent process to document decisions and dispositions. Reportedly, the DCI director held regular staff meetings during which they discussed new complaints, case assignments, and which complaints would be referred to another entity for action. Two former employees familiar with DCI’s complaint handling process told us that the director would often “downplay or minimize” allegations. We were also told that the DCI director frequently did not document pertinent conversations and actions they took on complaints.

We observed that even in instances where policy delineated procedures required when evaluating complaints, they were not always followed. For example, as noted above, the sexual harassment policy mandates the involvement of MCPS’s Title IX coordinator in determining whether to pursue action on certain complaints alleging sexual harassment. The Title IX coordinator explained that they merely pass employee related Title IX complaints on to DCI and do not take an active role in evaluating allegations, as required by policy. Furthermore, DCI staff told us they only conducted investigations involving violations of Title VII and do not conduct any Title IX investigations.

⁵ MCPS Regulation - Nondiscrimination, Equity, and Cultural Proficiency (ACA-RA); and Investigation of Title IX Sexual Harassment of MCPS Employees (ACI-RA). BOE Policy – Sexual Harassment of MCPS Employees (ACI).

⁶ Nondiscrimination, Equity, and Cultural Proficiency (ACA-RA), IV. Procedures, A1. Pg 2.

⁷ ACI-RA, Section D. Investigation of Title IX Sexual Harassment Complaint, 2(b)(1)(c). Pg. 5.

The importance of properly assessing complaints cannot be overstated. It is the point at which MCPS, either intentionally or passively, decides whether or not to seize the opportunity to address vulnerabilities, potentially stop harmful behavior, and lay the foundation for a safe work environment. Decisions made at this stage depend on staff having the requisite training, experience, guidance, and data representing how past similar complaints were handled, who was involved, and how they were resolved.

RECOMMENDATION 2

We recommend DCI formalize procedures and specific criteria to be used when assessing complaints and making disposition decisions.

Investigative Process

Prior to our review, MCPS and DCI employees made assertions that DCI had an informal policy of not investigating complaints received by anonymous sources. However, the fact that MCPS uses two external entities who are designed to receive anonymous complaints points to MCPS's willingness to consider complaints received from anonymous sources. We also observed instances where the DCI director made informal inquiries into some complaints received through anonymous sources. Additionally, the DCI director told us that an anonymous complaint would not be dismissed outright as long as it contained enough specific details to allow them to corroborate the facts.

Finding 3: DCI does not have formal comprehensive policies for conducting and documenting investigations.

After a complaint is received, logged, and triaged, best practices dictate that a determination is made on an appropriate course of action to address the alleged activity. We recognize that not every complaint warrants a full investigation. Some can be appropriately addressed by making informal inquiries or referring the matter to another appropriate entity. Several MCPS regulations in fact allow for the dismissal of complaints without investigation.⁸ However, if the decision is made to conduct an investigation, the investigation itself should be undertaken with enough rigor, care, and reason to ensure that the underlying conduct is thoroughly examined, and that investigative steps and conclusions are adequately supported and documented. The best way to ensure this happens is to maintain a formal process that is followed by staff and reinforced by supervision and training.

MCPS's regulations regarding workplace bullying, discrimination, and sexual harassment include limited guidance on the procedure for investigating such complaints. The regulations are not comprehensive in outlining the investigative process, nor do they address other types of employee

⁸ Workplace Bullying (ACH-RA). Pg 4, Nondiscrimination, Equity, and Cultural Proficiency (ACA-RA) Pg 4, Investigation of Title IX Sexual Harassment of MCPS Employees (ACI-RA) Pg 4, and Administrative Complaint (GKA-RA) Pg 4.

misconduct. Further, DCI has no formal written policies or procedures governing how to handle or investigate allegations of misconduct.

In 2017, MCPS's Office of General Counsel made attempts to strengthen the effectiveness of DCI investigations by drafting a comprehensive document, *Guidelines for Managing Allegations of Employee Misconduct* (Guide). The intent of the Guide was to help DCI staff conduct legally compliant investigations and was "...provided as guidance only to assist DCI investigators and staff and may be adjusted, as appropriate and warranted by the circumstances for specific investigations." We were told that the Guide has not been updated since its issuance in 2017. The Guide provides a formal structure to support most of DCI's assigned responsibilities, including suggesting that DCI should investigate all serious allegations of wrongdoing themselves and not delegate them to principals or supervisors for investigation. The Guide also provides direction on how to maintain case files, prepare investigative reports, and document disciplinary outcomes.

When asked about the Guide, the DCI director said that they considered only certain parts of the guide as being "essential". The DCI director explained that although the Guide was never formal policy, staff should have received a copy and were expected to follow the requirements outlined for documenting investigations. However, two former DCI investigators stated that the Guide was outdated and they did not refer to it when conducting investigations, nor were they compelled to follow the processes delineated within the Guide.

Not having comprehensive written policies that address investigative methodology and documentation requirements can lead to discrepancies in how investigations are conducted and ultimately hinder the discovery of misconduct, potentially failing to punish responsible parties.

RECOMMENDATION 3

We recommend the BOE draft and implement a comprehensive policy, and MCPS issue aligned regulations and procedures, that address how investigations should be conducted, and results documented by DCI.

Finding 4: Electronic case files lacked evidence that DCI consistently followed sound investigative practices.

We reviewed 82 of DCI's electronic case files in an attempt to assess 1) whether investigative processes comported with expected industry procedures; 2) compliance with MCPS policies; and 3) if investigative conclusions were supported. Our first observation was that DCI's files were a disorderly collection of investigative documents, general information, paperwork recording parts of disciplinary proceedings, and a hodgepodge of communications from MCPS staff.⁹ The files were not always numbered or otherwise labeled with a consistent nomenclature. In our sample of

⁹ We focused our testing on DCI's electronic case files because we were told by the DCI director that all staff were expected to follow directions in the Guide which instructs that all investigative material be included in electronic case files.

82 randomly selected files we identified 27 that appeared to be related to actual investigations conducted by DCI staff.

In those files, we found inconsistencies in how investigative records were maintained and prepared, how investigations were conducted, and how results were documented. Specifically, seven investigative files did not contain a copy of an investigative report, eight lacked proof that investigative reports were sent to OGC for review¹⁰, and seven had no documentation that DCI addressed the allegations. In another five files we observed that employees were placed on administrative leave pending an investigation of employee misconduct and subsequently returned to work; however, the files did not contain documentation showing that an investigation was conducted. In one additional file, we found a document indicating that an employee was terminated even though there was no investigative report supporting the termination. We also noted six instances where DCI did not comply with MCPS's workplace bullying regulations that requires them to notify the complainant if they chose not to investigate their allegations.

Finally, many of the investigative files were missing important information such as the original complaint or allegation(s), a document summarizing what had been done in the investigation, and evidence to support investigative conclusions. The inconsistencies and lack of documentation in some files did not allow us to determine if individual complaints were properly resolved. We note that the lack of documentation does not necessarily mean appropriate investigative steps were not completed in each case; however, not requiring the documentation and retention of substantive information and action taken creates a vulnerability and potentially complicates MCPS's ability to defend or explain the final disposition of a case.

During our review, we also observed that DCI did not always adhere to MCPS regulations related to protecting the confidentiality of complainants, witnesses and materials generated through an investigation.¹¹ In one instance, DCI told a would-be witness that their name would not be kept confidential. This resulted in the witness refusing to provide needed information. The DCI director told us that OGC previously advised them that subjects of employee misconduct investigations have the right to know who is making allegations against them, including witness statements. As demonstrated above, failing to maintain confidentiality when practicable may dissuade individuals from sharing important information, allowing potential misconduct to go unaddressed.

The chaotic condition of DCI's files and record keeping, combined with the general disorganization of the unit points to DCI failing to consistently follow expected investigative practices. While implementing written guidance will help, MCPS should also conduct a thorough assessment of DCI's mission; staffing and training needs; reporting structure; and overall role within the organization. It was apparent through our file reviews and discussions with staff that DCI has too many disparate responsibilities and lacks sufficient oversight and appropriate resources, including training opportunities and staffing levels. The work conducted by DCI is important as many of their investigations have the potential to impact peoples' livelihood, mental health, and feelings of

¹⁰ A step both outlined in the Guide and that the DCI director told us should be done for all investigative reports prior to issuance.

¹¹ Administrative Complaint (GKA-RA), Pg. 7.

being heard. Ensuring DCI has the appropriate resources, support, training, and oversight benefits the employees as well as the entire organization by instilling confidence that investigations will be conducted thoroughly and equitably, and that all investigative findings are supported by evidence.

RECOMMENDATION 4

We recommend MCPS undertake an effort to evaluate DCI's role in the organization, assess staffing and training needs, and implement stricter oversight of DCI's investigations.

Finding 5: Previously identified deficiencies regarding DCI management and operations have not been addressed.

Since 2019, MCPS has been notified at least four times of deficiencies with DCI management and operations. (See Appendix A.) Two of the initiatives were conducted by outside law firms who MCPS retained to conduct specific investigations, while two were conducted by internal sources. Collectively, these efforts found issues with the responsiveness of DCI staff, timeliness of investigations, disorganization of the office, missing documentation, deficiencies with reports, the need for written policies and protocols, and inadequate staffing. As detailed in Appendix A, some of the specific recommendations made in prior reviews included:

- Consider developing a training program for new investigators and provide periodic professional development programs for all DCI staff;
- Consider implementing a case tracking system which could assist in estimating the time needed to conduct an investigation and the equitable distribution of work;
- Evaluate if DCI's hierarchy or current placement within the organization is appropriate;
- Evaluate if DCI would benefit from having one or more managers with investigative experience;
- Assess the qualifications and capabilities of DCI leadership and staff;
- Assess DCI's tracking, reporting, and accountability of complaints/cases;
- Assess DCI's investigative practices, results, and timeliness;
- Require additional training for the DCI director;
- Create a new position and hire a compliance officer to implement urgent changes and supervise the director and coordinator; or maintain current structure and evaluate personnel reassignments, update job descriptions incorporating additional qualifications, immediate additional training;

We did not independently assess previous efforts to evaluate DCI, but our review uncovered many of the same themes and failings. Not taking action on observed deficiencies and choosing not to implement recommendations contributes to MCPS's inability to appropriately respond to serious employee health and safety risks, degrades confidence in MCPS, and may leave staff vulnerable to other employees' misconduct.

Recommendation 5

MCPS should revisit and evaluate the previous findings and recommendations related to DCI and implement solutions to resolve those impacting MCPS's ability to properly receive, evaluate, and track complaints. They should also implement policy and practices that improve the consistency of investigations, management oversight, and documentation requirements.

OIG COMMENTS TO MCPS'S RESPONSE

MCPS Superintendent McKnight's response to our report is included in its entirety in Appendix B. The response notes concurrence with the OIG's recommendations and notes that actions are underway to address a variety of issues. We will follow up with MCPS to ascertain more specific actions taken to address the recommendations and obtain policies and other documents generated to address noted deficiencies. We will also continue to engage with MCPS until they satisfactorily implement actions to remediate the challenges documented in this report.

APPENDIX A: Previously Identified DCI Deficiencies

PREVIOUSLY IDENTIFIED DCI DEFICIENCIES		
Source	Finding(s)	Recommendation(s)
<p>July 2019 Investigation by Private Law Firm</p>	<p>The law firm identified several concerns related to DCI’s management and processes. The issues identified generally involved the responsiveness of DCI staff, timeliness of investigations, disorganization of the office, missing documentation, reports requiring significant edits, and the need for additional written policies and protocols.</p>	<ul style="list-style-type: none"> • Consider developing a training program for new investigators and provide periodic professional development programs for all DCI staff; • Consider implementing a case tracking system which could assist in estimating the time needed to conduct an investigation and the equitable distribution of work; • Evaluate if DCI’s hierarchy or current placement within the organization is appropriate; • Evaluate if DCI would benefit from having one or more managers with investigative experience; and • Consider whether there needs to be system improvements to enable MCPS to easily access all of an employee’s personnel records, including when the employee has worked for MCPS in varying capacities.
<p>January 2022 MCPS OHRD Review of DCI</p>	<ol style="list-style-type: none"> 1. The Qualifications represented in the job descriptions for the director and coordinator positions seem inadequate to lead and meet the charge of the office; 2. DCI structure and staffing do not comport with industry best practice which suggest incorporating risk management and a comprehensive, collaborative approach; and 3. DCI would benefit from a written manual establishing a process for investigations. 	<ul style="list-style-type: none"> • Assess the qualifications and capabilities of DCI leadership and staff; • Assess DCI’s tracking, reporting, and accountability of complaints/cases; • Assess DCI’s equity and consistency when recommending discipline; • Assess DCI’s investigative practices, results, and timeliness; • Assess DCI’s general processes and efficiencies; • Require additional training for DCI director; • Require additional tracking and accountability (case management software); and

PREVIOUSLY IDENTIFIED DCI DEFICIENCIES		
Source	Finding(s)	Recommendation(s)
		<ul style="list-style-type: none"> • Create a new position and hire a compliance officer to implement urgent changes and supervise the director and coordinator; or maintain current structure and evaluate personnel reassignments, update job descriptions incorporating additional qualifications, immediate additional training.
<p>June 2023 Supervisory Comments to DCI Director</p>	<p>An MCPS Administrator identified areas of improvement including:</p> <ol style="list-style-type: none"> 1. Managing the amount of work within DCI; 2. Meeting Deadlines; 3. Delegation of Work to DCI staff; and 4. Tracking the number and status of complaints and investigations. reviewed as part of the promotion process. 	<p>The MCPS Administrator recommended that DCI develop a written support plan with increased focus on developing and implementing well-defined, well-designed and well-deployed processes and better management of the work.</p>
<p>August 2023 Investigation by Private Law Firm</p>	<ol style="list-style-type: none"> 1. Anonymous complaints and additional collateral complaints were not formally investigated as DCI has a long-standing practice of not investigating anonymous complaints; 2. Individuals must formally file their own complaint as there is no process for investigating allegations made by witnesses in another investigation; 3. Alleged violations of Title IX were not referred to the Title IX coordinator; 4. MCPS has no process or practice to catalogue similar complaints received from different sources; 5. MCPS has no process in place to automatically identify and/or delay the promotion of a candidate who is under investigation; and 	<p>This report did not provide any recommendations for action based on the findings.</p>

APPENDIX A: Previously Identified DCI Deficiencies

PREVIOUSLY IDENTIFIED DCI DEFICIENCIES		
<i>Source</i>	<i>Finding(s)</i>	<i>Recommendation(s)</i>
	MCPS does not have a process whereby personnel information, including personnel files, are reviewed as part of the promotion process.	

APPENDIX B: MCPS'S RESPONSE

The Superintendent of Montgomery County Public Schools provided the following response to our report:

Maryland's Largest School District

MONTGOMERY COUNTY PUBLIC SCHOOLS

Expanding Opportunity and Unleashing Potential

OFFICE OF THE SUPERINTENDENT OF SCHOOLS

January 22, 2024

Ms. Megan Davey Limarzi, Esquire, Inspector General
Office of the Inspector General
54 Monroe Street, Suite 600
Rockville, Maryland 20850

Re: Response to OIG Publication #OIG-24-08

Dear Inspector General Limarzi:

Thank you for the opportunity to respond to the Office of the Inspector General (OIG) Report, *Montgomery County Public Schools (MCPS) Complaint Processing*, which focused on MCPS' general processes involving complaint handling and investigations of employee misconduct. Specifically, you assessed whether MCPS has effective procedures for the receipt, assignment, investigation, referral, resolution, documentation, and retention of allegations of misconduct by its employees.

I accept each of the five findings and the associated recommendations identified in the report that will be used to eradicate long standing practices and procedures. MCPS will collaborate with the Board of Education to make the necessary systemic changes to policies, regulations, procedures, organizational structure, leadership and staff credentials and training, and oversight of employee complaints and investigations. Through the Community of Practice (CoP) Investigations Subcommittee, I have convened investigative or legal expertise and MCPS staff, MCPS employee associations, and community and family partners to benchmark best practices, review and implement recommendations of this report, and issue additional recommendations for improvement of investigations processes.

Prior to receiving your recommendations, MCPS developed a Corrective Action Plan in response to the Jackson Lewis Report that is cited in Appendix A: *Previously Identified Department of Compliance and Investigations (DCI) Deficiencies*, which included documenting and investigating anonymous complaints and revising the promotions process to review personnel files and exclude administrators who are under investigation from the promotions process. MCPS approved a revision to the email retention policy from one year to three years with a targeted implementation date of February 12, 2024, and purchased *Go Guardian* for complaint tracking and processing, which will be implemented by the end of the month. The other recommendations cited in Appendix A include the 2019 Investigation by Private Law Firm and the 2021 MCPS Office of Human Resources and Development (OHRD). The transition of former executive staff who initiated these reports may have resulted in the recommendations not being communicated to members of the current administration. I am committed fully to directing staff to act on them.

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APPENDIX B: MCPS'S RESPONSE

Ms. Megan Davey Limarzi

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January 22, 2024

The June 2023 Supervisory Comments to DCI Director is a personnel document that was followed up on by the current supervisor of that former employee, and the processes outlined in the professional growth system were implemented. Other process improvements that have occurred in response to the Jackson-Lewis reports include developing a preliminary multi-step triage for improving the complaint and investigations process. However, the research-based information you have provided will guide the process moving forward along with each of the recommendations in Appendix A, which will be shared with the staff and CoP Investigations Subcommittee for action.

MCPS and the Board have a shared commitment to the social-emotional well-being of students and staff as indicated in the Strategic Plan Priority: Build a Safe and Inclusive School Climate. The findings and recommendations of this report will be used to improve the general processes to handle complaints and investigate allegations of employee misconduct, harassment, workplace bullying, and Equal Employment Opportunity Commission violations.

If you have any questions, please do not hesitate to contact me at 240-740-3020, or via email.

Sincerely,



Monifa B. McKnight, Ed. D.
Superintendent of Schools

MBM:LF:sln