



Frederick County Public Schools
Board of Education
PERSONNEL
Policy 300

A. Policy Purpose

To outline Board of Education of Frederick County (Board) expectations for hiring and retaining a high quality and diverse workforce across all position types and roles.

B. Definitions

1. “Certificated or Licensed Employee” is defined to mean any person employed by the Board in a position which requires a certificate or license issued by the State Board of Education or employed in a professional education capacity by the Board.
2. “Coach” is defined to mean an individual, either paid or volunteer, who teaches, guides, and supports student athletes to help them improve their skills, performance, and teamwork in a sport.
3. “Contractor” is defined to mean a person providing specific goods or services through a formal agreement, or contract, with FCPS.
4. “Employee” is defined to mean certificated and non-certificated personnel whether benefited or non-benefited who are employed by FCPS.
5. “Full-Time” is defined to mean an assignment that requires an employee to work four (4) or five (5) working days in a regular work week totaling at least thirty-five (35) hours in that week.
6. “Non-Benefited Employee” is defined to mean any person employed by the Board in a position that does not receive benefits other than hourly compensation and leave, except as provided for under the Maryland Healthy Working Families Act through the provision of sick and safe leave.
7. “Part-Time” is defined to mean an assignment that requires an employee to work a reduced schedule and fewer hours than a 1.0 FTE would be expected to work in a work week.
8. “Resident Substitute Teacher” is defined to mean any person employed on a permanent basis as a substitute in a specific school location.
9. “Substitute Teacher” is defined to mean any person employed on an on-call day-to-day basis, long-term basis, or in-house basis.
10. “Support Employee” is defined to mean any person in the Frederick Association of School Support Employees (FASSE) bargaining unit who works in a non-certificated role to

support school functionality, classroom learning, health and wellness, cleaning, maintenance, clerical, transportation, or other key school or system functionality roles.

11. “Volunteer” is defined to include parents, caregivers, and other family members of FCPS students, as well as other members of the community interested in the education of children, who are willing to donate their time and energies to support FCPS students.

C. Policy Statement

1. In support of its strategic goals, the Board seeks to create and maintain a welcoming and safe work environment where outstanding applicants want to join and remain in Frederick County Public Schools (FCPS) and are individuals who value civility and kindness, as well as champion professional and student excellence. The Board is committed to having a diverse and highly competent workforce, and it directs and supports the Superintendent in developing a recruitment and retention program that incorporates innovative, dynamic, and competitive hiring and retention practices.
2. The Board agrees that academic freedom is essential to the fulfillment of the FCPS’ purposes and acknowledges the fundamental need to protect teachers from censorship or restraint which might interfere with their obligation to present fairly all sides of issues in their teaching functions.

D. Implementation

1. Terms of Employment

- a. There are a variety of work schedules (days per hour, number of days per year) for employees. This includes, but is not necessarily limited to, the following:
 - i. A regular full-time, twelve (12)-month benefitted assignment is a position which has been created by the Board with the anticipation that it will be necessary to maintain the existence of the position on a full-time year-round basis. The work year for a twelve (12)-month position begins July 1 of one year and ends June 30 of the following year.
 - ii. A regular full-time, eleven (11)-month benefitted assignment is a position that has been created by the Board with the anticipation that it will be necessary to maintain the existence of the position during the existence of the time that schools are open as well as some additional time beyond the school year.
 - iii. A regular full-time, ten (10)-month benefitted assignment is a position that has been created by the Board with the anticipation that it will be necessary to maintain the existence of the position during the time that schools are open.
 - iv. A regular part-time assignment is a position less than full-time. If an employee works fifty percent (50%) or more of the regular workweek of a person in their particular position, such employee is eligible for all benefits offered to full-time employees with any accrued leave pro-rated by the percentage of the FTE assigned to the position.
- b. Temporary assignments are created on an as-needed basis and are expected to be of brief duration. These employees are at-will employees and may be terminated at any

time without cause and are not entitled to leave benefits, except as provided for under the Maryland Healthy Working Families Act through the provision of sick and safe leave; retirement membership; or insurance coverage, which is provided for full-time or eligible part-time employees.

c. **Criminal Background Check**

- i. In accordance with the requirements of the Family Law Article of the Maryland Annotated Code, all employment candidates and persons with unsupervised access to students, including substitute teachers, coaches, and contractors, are required to be fingerprinted for a criminal background check.
- ii. Prior to employment with FCPS, a candidate for employment must undergo a criminal background check, including submitting a written statement or affirmation disclosing the existence of any criminal convictions, probation before judgment dispositions, not criminally responsible dispositions, or pending criminal charges without a final disposition.

2. **Probationary Period**

a. **Certificated or Licensed Teaching Employee Probationary Period**

- i. All new certificated or licensed teaching employees shall complete a probationary period of three (3) years with the same school system in order to earn tenure.
- ii. All certificated or licensed teaching employees transferring from another Maryland county may port their tenure to only serve one (1) year of probation prior to earning tenure.
- iii. If a certificated or licensed employee has a lapse in certification or licensure, the employee shall be issued a conditional certificate or licensure, provisional contract, and lose tenure. If the required coursework is completed within the year, the employee regains tenure at the beginning of the next year. If the lapse is beyond one (1) year, the three (3)-year tenure clock restarts when the employee regains the professional certificate or license and signs a new contract.
- iv. If a conditional teacher does not meet the criteria to obtain a certificate or license within the required timeframe, they will be placed and paid as a long-term substitute.

b. **Support Employee Probationary Period**

- i. All new support employees shall complete a one (1)-year period, as outlined in the FASSE negotiated agreement.
- ii. Probationary employees may be discharged with or without cause during the probation period, and in accordance with the FASSE negotiated agreement, the Superintendent's or designee's decision is final.
- iii. Probationary employees may accrue annual leave, sick leave, personal leave, and seniority in accordance with the FASSE negotiated agreement.
- iv. Probationary employees shall join the Maryland State Pension System, as permitted by state law.
- v. Probationary employees in full-time or eligible part-time assignments shall be eligible for coverage for health and life insurance, as provided by the Board.
- vi. All probationary employees may be evaluated quarterly or as otherwise deemed necessary by an employee's supervisor.

3. **Appointments**
 - a. Employees are assigned by the Department of Human Resources in cooperation with the respective director, supervisor, or manager.
 - b. Employees of the Board are public employees and should dress in a manner which is appropriate for the work to be done in their assigned positions.
 - c. The Board shall provide equal employment opportunity on the basis of merit and ability and without discrimination because of race, religion, color, ancestry, national origin, age, marital status, disability, pregnancy, sexual orientation, gender identity, sex or genetic information.
4. **Salary.** Salary shall be paid according to the provisions outlined in the negotiated agreements applicable to the employee's assignment or, for non-bargaining unit employees, pursuant to the appropriate salary scale.
5. **Evaluation**
 - a. Employees shall be evaluated in accordance with the provisions of the negotiated agreement applicable to the employee's assignment, or for non-bargaining unit employees, pursuant to [Board Policy 319, Non-Unit Employee Group](#).
 - b. The evaluation form shall be signed by the employee and the evaluator and housed in the Department of Human Resources where it is to be retained with employee's personnel records.
6. **Personnel Record.** An employee's personnel record shall not be disclosed except when released by the employee or permitted by law.
7. **Insurance.** The Board shall provide health, life, and dental insurance in accordance with provisions of the negotiated agreements applicable to the employee's assignment, or for non-bargaining unit employees, pursuant to [Board Policy 319, Non-Unit Employee Group](#).
8. **Terminal Pay.** Employees working for the Board at the time of official retirement, or at time of death while under contract, shall receive terminal pay in accordance with provisions of the negotiated agreement applicable to the employee's assignment, or for non-bargaining unit employees, pursuant to [Board Policy 319, Non-Unit Employee Group](#).
9. **Workers' Compensation.** When an employee is injured on the job and loses time from work, salary and leave shall be determined in accordance with provisions of the negotiated agreement applicable to the employee's assignment, or for non-bargaining unit employees, pursuant to [Board Policy 319, Non-Unit Employee Group](#).
10. **Leave from Assignment.** Employees are eligible for leave benefits in accordance with provisions of the negotiated agreement applicable to the employee's assignment, or for non-bargaining unit employees, pursuant to [Board Policy 319, Non-Unit Employee Group](#).
11. **Support Employees.** The Board may engage unpaid volunteers to function as auxiliary custodians or pool operators. Principals shall identify and approve these persons, in accordance with [FCPS Regulation 100-05, Auxiliary Custodians](#).

12. **Substitute Teachers**

- a. The Superintendent shall provide for the employment of substitute teachers whenever a regularly attended classroom would otherwise be without and require a teacher.
- b. Only substitute teachers who have been approved in advance by the Department of Human Resources shall be employed and entitled to compensation.
- c. Unless otherwise directed by the Superintendent, the maximum compensation available to a substitute teacher shall not exceed an amount equal to the per-hour salary paid to a teacher placed on step 1 of the bachelor's salary scale for ten-month teachers.

13. **Student Teachers / Interns.** The Board may enter into agreements with institutions of higher education for the purpose of arranging for classroom or administrative office experience for student teachers or interns. Such arrangements shall be approved and supervised by the appropriate director or designee. Maryland education and worker's compensation law shall apply to the student teacher or intern.

14. **Academic Freedom.** Classroom presentations and discussion shall be relevant to course content as prescribed in the essential curriculum as adopted by the Board.

15. **Code of Conduct**

- a. The Board recognizes the dedication and commitment of FCPS employees. This Policy is adopted in order to assure satisfactory performance and conduct to meet the needs of the Board in managing the school system.
- b. Employees are expected to observe basic rules of good conduct. It is important to understand the code of acceptable conduct and the penalties for not adhering to such code.
- c. Due process shall be provided in the administration of the discipline policy.
- d. This Policy applies to acts committed on or off school property, during or not during working hours, when such acts may impact the employee's employment.
- e. **Disciplinary Actions**
 - i. Immediate supervisors are primarily responsible for addressing an employee's unacceptable performance or behavior and, in consultation with the appropriate department director or Human Resources personnel, shall determine the suitable disciplinary action.
 - ii. The Board supports the application of progressive discipline when discipline of an employee is necessary; however, the Board reserves the right to deviate from the suggested guidelines and issue a more severe disciplinary action when deemed appropriate.
 - iii. Progressive discipline, in general, consists of the following steps:
 1. A verbal warning.
 2. A reprimand.
 3. Suspension without pay.
 4. Termination.
 - iv. The employee's supervisor, as a preliminary step before initiating discipline, may issue a memo to the record or summary of employee conference, which is not disciplinary by its nature.

- v. Except in extenuating circumstances, suspensions without pay or terminations shall not be implemented without prior notice. Some actions by employee may result in immediate termination.
 - vi. When criminal charges are involved inclusive of child abuse, the Director of Safety and Emergency Management shall serve as the contact to retrieve necessary information from law enforcement and the Department of Child Protective Services.
- f. **Administrative Leave With Pay**
- i. Occasionally, the nature of an allegation or the needs surrounding an investigation requires that the employee be placed on paid administrative leave or reassigned. Administrative leave may only be authorized by the department director or senior manager-human resources.
 - ii. The decision to place an employee on administrative leave or reassign the employee shall depend upon the particular circumstances. Factors to be considered include, but are not necessarily limited to, the following:
 - 1. Whether the allegations suggest that the employee may engage in conduct with students or staff which is inappropriate, intimidating, and/or threatening and could compromise the investigation.
 - 2. The seriousness of the alleged conduct.
 - 3. The weight of evidence that suggests the employee engaged in the conduct.
 - 4. The benefits of removing the employee from the workplace to prevent potential disruption or to assist the employee.
 - 5. The need to remove the employee from the workplace in order to conduct an investigation without compromise or preserve possible evidence.
 - 6. The need to remove the employee in order to prevent possible retaliatory acts.
 - iii. In making this decision, it is helpful to consider what the disciplinary action would be assuming the allegations are proven. For example, if a disciplinary action to an alleged incident would be to counsel with the employee or issue a letter of warning, it is typically unnecessary to place the employee on administrative leave.
- g. **Dismissal**
- i. An employee may be dismissed for immorality, misconduct, insubordination, incompetence, or willful neglect of duty. This section may apply to acts committed off school property or outside of the workday if such behavior impacts the employee's ability to serve in their assignment. A criminal prosecution is not required for dismissal. Criminal proceedings, including disposition and admissions and findings of culpability, may be relied upon when assessing wrongdoing.
 - ii. The Superintendent shall establish procedures in accordance with due process regarding the discipline and dismissal of employees.

E. Related Information

- 1. **Board Policy**
 - a. [Policy 301, Employment Expectations](#)
 - b. [Policy 302, Salaries and Benefits](#)
 - c. [Policy 304, Certification](#)
 - d. [Policy 305, Conflict of Interests and Employee Ethics](#)

- e. [Policy 319, Non-Unit Employee Group](#)
 - f. [Policy 418, Child Abuse and Neglect](#)
2. **Code of Maryland Regulations (COMAR)**
- a. [COMAR 13A.12, Educator Licensure](#)
3. **Decommissioned Board Policies**
- a. Board Policy 308, *Personal and Academic Freedom*
 - b. Board Policy 311, *Student Teachers*
 - c. Board Policy 312, *Substitute Teachers*
 - d. Board Policy 320, *Support Personnel*
 - e. Board Policy 323, *Support Personnel Discipline*
4. **FCPS Regulations**
- a. [Regulation 100-05, Auxiliary Custodians](#)
 - b. [Regulation 300-01, Recruitment, Selection, and Employment of Personnel](#)
 - c. [Regulation 300-02, Telework](#)
 - d. [Regulation 300-03, Courtesy Consulting by Administrative and Supervisory Personnel](#)
(formerly 300-25)
 - e. [Regulation 300-04, Employee Attendance](#)
 - f. [Regulation 300-05, Mandatory Self-Reporting of Arrests, Charges, or Criminal Convictions](#)
 - g. [Regulation 300-06, HIPAA-Health Information-Electronic](#)
 - h. [Regulation 300-07, Criminal Background Investigations](#) (formerly 301-02)
 - i. [Regulation 300-08, Assault Leave](#)
 - j. [Regulation 300-09, Job Abandonment](#)
 - k. [Regulation 300-10, Accommodations for Employees](#) (formerly 303-01)
 - l. [Regulation 300-11, Tutoring](#)
 - m. [Regulation 300-13, Minimum Qualifications for Substitute Teachers](#)
 - n. [Regulation 300-16, Coaches for Interscholastic Athletics](#)
 - o. [Regulation 300-27, Resident Substitutes](#)
 - p. [Regulation 300-29, Moving Expenses](#)
 - q. [Regulation 300-40, Drug and Alcohol Testing – Drivers of CDL and FCPS Vehicles](#)
 - r. [Regulation 300-41, Non-Benefited Employees](#)
 - s. [Regulation 300-42, Family and Medical Leave \(FMLA\)/Non-Military](#)
 - t. [Regulation 300-43, Terminal and Severance Pay](#)
 - u. [Regulation 300-47, Military Family and Medical Leave](#)
5. **FCPS Resources**
- a. [Employee Handbook](#) and [Code of Conduct](#)
 - b. [FCPS Salary Scales](#)
 - c. [FCPS Work Year Calendars](#)
 - d. [Negotiated Agreements](#)
6. **Maryland Law**
- a. Maryland Healthy Working Families Act

7. **Maryland Statutes**

- a. [Md. Code Ann., Educ. § 6-107](#)
- b. [Md. Code Ann., Educ. § 6-401](#)
- c. [Md. Code Ann., Educ. § 6-404](#)
- d. [Md. Code Ann., Educ. § 6-501](#)
- e. [Md. Code Ann., Educ. § 6-505](#)
- f. [Md. Code Ann., Family § 5-551](#)

F. Policy History (Maintained by Legal Services)

<i>Responsible Office</i>	Human Resources
Adoption Dates	09/06/05
Review Dates	
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