

MONTGOMERY COUNTY BOARD OF EDUCATION  
Rockville, Maryland

April 30, 2012

MEMORANDUM

To: Members of the Board of Education

From: Patricia O'Neill, Chair, Board of Education Policy Committee

Subject: Tentative Action, Policy CNA, *Informational Material and Announcements*

Policy CNA, *Informational Material and Announcements*, informs the public and staff about displaying and distributing printed informational materials and announcements in schools. On February 27, 2012, the Montgomery County Board of Education (Board) directed the Policy Committee to review Policy CNA, *Informational Material and Announcements*, in light of the concerns raised by the community and to make a recommendation to the Board regarding any appropriate changes to the policy.

Members of the Policy Committee discussed draft Policy CNA, *Informational Material and Announcements*, on March 20, 2012, and April 18, 2012. In considering possible changes to Policy CNA, *Informational Material and Announcements*, the Policy Committee reviewed related policies from neighboring jurisdictions and an overview of Montgomery County Public Schools (MCPS) recent experience at its schools with Policy CNA, *Informational Material and Announcements*. Based upon discussion and review of these materials, the Policy Committee recommends changes in the distribution of materials such that nonprofit community organizations only are permitted to directly distribute materials to elementary school students. (Community organizations or businesses would still be permitted to display printed informational material on tables, magazine racks or similar areas designated by elementary and secondary schools.) The Policy Committee also recommends adding language to Policy CNA, *Informational Material and Announcements*, that clarifies that, in accordance with Policy KEA, *Political Campaigns and Political Materials*, campaign materials may not be displayed or distributed to students through backpacks or similar manner.

The Policy Committee discussed adding language to the policy requiring that informational materials intended for distribution to elementary school students be appropriate for elementary-age children. However, the committee decided against adding such language because it would require school staff to evaluate informational materials, which could be both burdensome and

subjective. The Policy Committee also discussed the importance of having an evaluation at the end of the 2012-2013 school year regarding the impact and implications of this change in policy.

Updated Policy CNA, *Informational Material and Announcements*, is included as Attachment A. A summary of related policies from neighboring jurisdictions is included as Attachment B. The survey of MCPS schools is Attachment C. Policy KEA, *Political Campaigns and Political Materials*, is Attachment D, and MCPS Regulation KEA-RA, *Participation in Political Campaigns and Distribution of Campaign Materials*, is Attachment E.

The following resolution is provided for your consideration:

WHEREAS, Policy CNA, *Informational Material and Announcements*, informs the public and staff about displaying and distributing printed informational materials and announcements; and

WHEREAS, The Montgomery County Board of Education Policy Committee has considered and recommended revisions to update Policy CNA, *Informational Material and Announcements*; now therefore be it

Resolved, That the Montgomery County Board of Education take tentative action on Policy CNA, *Informational Material and Announcements*; and be it further

Resolved, That Policy CNA, *Informational Material and Announcements*, be sent out for public comment; and be it further

Resolved, That after completion of the 2012-2013 school year, MCPS shall conduct an evaluation regarding the impact and implications of this change in policy.

Present at the Board table for the discussion are Ms. Lori-Christina Webb, executive director, Office of the Deputy Superintendent of Schools; Ms. Robin L. Confino, executive director, Office of the Chief Operating Officer; and Mrs. Stephanie P. Williams, director, Department of Policy, Records and Reporting, Office of Shared Accountability.

PO:hp

Attachments

1 Related Entries: CNA-RA, JFA-RA, KEA, KEA-RA  
2 Responsible Office: Deputy Superintendent of Schools  
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5 Informational Material and Announcements  
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8 A. PURPOSE  
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10 To inform the public and staff about displaying and  
11 distributing printed informational materials and  
12 announcements.  
13

14 B. ISSUE  
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16 To provide an appropriate mechanism for informing students and  
17 parents about school and community activities and events in a  
18 manner that does not unduly burden school staff.  
19

20 C. POSITION  
21

- 22 1. Display and ~~D~~distribution of ~~P~~printed ~~M~~materials by  
23 **Montgomery County Public Schools (MCPS)**, ~~G~~governmental  
24 ~~A~~agencies, **Parent Teacher Associations (PTA)s**, and  
25 certain parent teacher organizations  
26

27 The following organizations shall be permitted to

28  
29 distribute printed informational materials and  
30 announcements directly to students through take home-  
31 folders, backpacks, or similar manner or display printed  
32 informational materials and announcements on any tables,  
33 magazine racks, or similar areas as designated by the  
34 school at any time during the school year:

- 35
- 36 a) MCPS;
- 37
- 38 b) Federal, state, or local governmental entities;
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- 40 c) Nationally affiliated PTAs operating within MCPS  
41 and **Montgomery County Council of PTAs**<sup>MCCPTA</sup>; and
- 42
- 43 d) Parent teacher organizations at special education  
44 schools and alternative centers that operate in  
45 lieu of nationally affiliated PTAs.
- 46

47 2. Display and Distribution of Printed Materials Provided by  
48 Others

- 49
- 50 **a)** Other nonprofit community organizations ~~shall be~~  
51 **are only** permitted to **directly** distribute ~~directly~~  
52 **materials** to **elementary school** students. **Such**  
53 **distribution may take place** through take-home  
54 folders, backpacks, or similar manner. **Schools**  
55 **shall provide opportunity for distribution** at least

56 twice a year and no more than once during each  
57 marking period. **However, in accordance with Board**  
58 **Policy KEA, Political Campaigns and Political**  
59 **Materials, such direct distribution methods may not**  
60 **be used to distribute materials that advocate the**  
61 **passage or defeat of any ballot or referendum**  
62 **question or advocate the passage or defeat of any**  
63 **matter pending before a local governing body, the**  
64 **Maryland General Assembly, or the Congress of the**  
65 **United States.**

66  
67 **b)** Community organizations or businesses shall be  
68 permitted to display, at any time during the school  
69 year, printed informational materials and  
70 announcements on tables, magazine racks, or similar  
71 areas ~~as may be~~ designated by **elementary, middle,**  
72 **or high**the schools.

73  
74 **c)** Materials provided for distribution or display by  
75 organizations or businesses shall include the  
76 disclaimer, "These materials are neither sponsored  
77 nor endorsed by the Board of Education of  
78 Montgomery County, the superintendent **of schools,**  
79 or this school."

80  
81 D. IMPLEMENTATION STRATEGIES  
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83 The superintendent **of schools** will develop reasonable

84 viewpoint-neutral regulations to implement this policy.

85

86 E. REVIEW AND REPORTING

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88 This policy will be reviewed in accordance with the Board of  
89 ~~Education~~ policy review process.

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92 *Policy History:* Adopted by Resolution No. 173-74, April 2, 1974;  
93 reformatted by Resolution No. 333-86, June 12, 1986, and Resolution  
94 No. 458-86, August 12, 1986, and accepted by Resolution No. 209-91,  
95 February 25, 1991; amended by Resolution No. 459-04, July 29, 2004;  
96 amended by Resolution No. 428-06, August 30, 2006.

**Informational Material Distribution Policies, Regulations, and Procedures**

**Review of Neighboring School Districts**

Policies, regulations, and procedures from neighboring school districts were reviewed for consistency with Montgomery County Board Policy CNA, *Informational Materials and Announcements*.

MCPS	<ul style="list-style-type: none"> <li>• Unlimited distribution through backpacks by the school district; federal, state, and local governmental agencies; parent teacher associations (PTAs) and parent teacher organizations (PTOs) operating in lieu of nationally affiliated PTAs</li> <li>• Distribution at least twice yearly by nonprofit community organizations</li> <li>• Display in designated area by community organizations or businesses</li> <li>• Non-endorsement disclaimer required on all materials distributed by organizations or businesses</li> </ul>
Arlington	<ul style="list-style-type: none"> <li>• Unlimited distribution through backpacks by the school district; Arlington County government; PTAs/PTOs; nonprofit booster clubs or foundations whose sole purpose it is to support the educational or extracurricular activities of Arlington Public Schools; for profit entities that relate directly to school programs and are sold directly to students and parents (school pictures, class rings, yearbooks, graduation materials)</li> <li>• Distribution no more than five times a year by nonprofit organizations</li> <li>• Non-endorsement disclaimer required on all materials distributed by organizations</li> <li>• Prohibition of materials that advocate the passage or defeat of any referendum question or matter pending before a local school board, local governing body, General Assembly of Virginia, or the Congress of the United States</li> <li>• Limitation of backpack distribution to elementary and middle schools (no high school or summer school)</li> </ul>
Baltimore County	<ul style="list-style-type: none"> <li>• Unlimited distribution “concerning school-sponsored established business partnerships”; federal, state, and local government; parent-teacher associations</li> <li>• Approval provided by school principal or office head</li> <li>• Distribution on the date(s) stated on the approval notification</li> <li>• Non-endorsement disclaimer required on all materials distributed by organizations</li> </ul>
Fairfax	<ul style="list-style-type: none"> <li>• Unlimited distribution through backpacks by the school district; government agency; “school-related organizations” (includes school clubs, community coalitions, PTAs, and booster clubs).</li> <li>• Distribution at least once a year by nonprofit organizations with information about “education-related activities or programs”</li> <li>• Prohibition of materials that advocate the passage or defeat of any referendum question or matter pending before a local school board, local governing body, General Assembly of Virginia, or the Congress of the United States</li> <li>• Limitation on content of materials: must be “related to the schools’ educational mission, be directed to students, not be harmful to children, be age-appropriate”</li> <li>• Limitation on backpack distribution, or electronic equivalent, to elementary schools only</li> <li>• Non-endorsement disclaimer required on all materials distributed by organizations</li> </ul>

## ATTACHMENT B

Frederick	<ul style="list-style-type: none"><li>• Unlimited distribution by Frederick County Public Schools; government agencies; FCPS clubs, PTAs, and booster clubs</li><li>• Distribution four times a year by “outside groups ... that primarily benefit students or the school”</li></ul>
Howard	<ul style="list-style-type: none"><li>• Upon request to and approval by the Public Information Office, distribution by federal, state or local government; PTA/PTO or “recognized” booster club; non-profit service organizations.</li><li>• Distribution “on a space and time available basis”</li><li>• “Opt-out” option that allows parents of elementary or middle school students not to receive materials from community organizations approved for distribution in schools</li></ul>
Prince Georges	<ul style="list-style-type: none"><li>• Approval authority:<ul style="list-style-type: none"><li>○ Superintendent or designee “retains the right to withdraw approval from any source.”</li><li>○ “Principals have the authority to approve materials from local school, parent, or student organizations.”</li></ul></li><li>• Materials from the following may be approved: Prince George’s County Public Schools; federal, state, and local government; PTAs/PTOs, foundations; “Other as deemed appropriate by the Board of Education and/or Superintendent.”</li></ul>



## Survey on Nonprofit Organization Flyers Distributed by Schools\*

*For the period July 1, 2011 to March 5, 2012*

### Survey Participation

All Schools	156/200	78%
High Schools	19/25	76%
Middle Schools	30/38	79%
Elementary Schools	105/131	80%

### Noteworthy

- 17 of 19 (89%) of responding high schools reported distributing 10 or fewer flyers\*\*. Taking into consideration the number of students enrolled, the amount of time spent distributing flyers was 6 hours or less in 17 of 19 (89%) of responding high schools.
- At the middle school level, 24 of 30 (80%) of responding schools reported distributing 20 or fewer flyers\*\*. Time spent distributing flyers varied considerably, probably due to the number of flyers and school enrollment.
- Elementary schools reported the widest range in the number of flyers distributed, from fewer than 10 to more than 75\*\*. The distribution range was considerable:
  - 27% of reporting elementary schools distributed 0–10 flyers\*\*
  - 32% of reporting elementary schools distributed 11–20 flyers\*\*
  - 30% of reporting elementary schools distributed 21–40 flyers\*\*
  - 11% of reporting elementary schools distributed 41 or more flyers\*\*

### Bucking the trend

- One middle school reported saving paper and sending all flyers out as part of the principal's e-newsletter. One elementary school reported the same approach using the PTA's electronic newsletter.

An informally gathered list of flyers as submitted by the responding elementary schools identified 232 flyers/organizations that accessed one or more of the flyer distribution opportunities\*\*. Responding middle schools identified 84 flyers/organizations that accessed one or more of the flyer distribution opportunities\*\*, and responding high schools identified 14\*\*.

The most frequent and consistent users of the flyer forum are organizations seeking student participation in after school activities including Boy Scouts/Girl Scouts, sports activities, and arts activities.

\* Survey was administered and data compiled by the Office of Shared Accountability.

\*\* Due to the informal nature of the survey, duplicate flyers/organizations may be included.

## ATTACHMENT C

Flyers/organizations reported\* as having accessed one or more of the flyer distribution opportunities – ES Schools

- |   |  |   |
|---|--|---|
| 1. 1 Uphandles, Inc.                                  | 42. City of Gaithersburg   | 83. Germantown Baseball Softball                              |
| 2. 5 Star Kids Camp                                   | 43. City of Rockville  | 84. Germantown Fall Soccer                                    |
| 3. Abrakadoodle                                       | 44. Clarksburg Sports Association  | 85. Germantown Softball Athletic Club                         |
| 4. Act Two Performing Arts                            | 45. Club Friday  | 86. Germantown Sports Association                             |
| 5. Adventure Theater                                  | 46. College of Agricultural Natural Resources                                    | 87. Girl Scouts of America (including Daisies and Brownies)   |
| 6. After School Sports                                | 47. Comcast  | 88. Girl Scouts Spring Break                                  |
| 7. After School Tennis                                | 48. Round House Theatre, Inc.  | 89. Girls on the Run  |
| 8. All for 1 Sports, Inc.                             | 49. Create Arts Center   | 90. Glen Echo Park  |
| 9. American Dance Institute, Inc.                     | 50. Create Co.   | 91. Guide   |
| 10. Andalusian Treasures                              | 51. Creative Adventures, Inc.  | 92. Halloween Fun Run   |
| 11. Arco Iris Somos – Spanish Immersion Camp          | 52. Creative Kids Drama  | 93. Hebrew Home of Greater Washington                         |
| 12. Arts and Humanities Council of Montgomery County  | 53. CSA Sports   | 94. Holton-Arms summer school                                 |
| 13. Autism Speaks, Inc.                               | 54. Damascus Community Recreation Center   | 95. Hooped – Spring Break Camp                                |
| 14. Awana Clubs                                       | 55. Damascus Soccer Club   | 96. I-9 Sports  |
| 15. Bar-T Summer Camp                                 | 56. Damascus Sports Association  | 97. Imagination Stage   |
| 16. Barrie School/Camp                                | 57. Damascus Theatre Company   | 98. Italian Language Program of Wash. DC                      |
| 17. Basketball Camp                                   | 58. DC Corporation   | 99. Jade Dragon Martial Arts;                                 |
| 18. BCC Baseball, Inc.                                | 59. DC Youth Futbol Club   | 100.K Insurance Group   |
| 19. Bethesda Academy of Performing Arts, Inc.         | 60. Department of Environmental Protection                                       | 101.Kalleva (Camp)  |
| 20. Bethesda International School                     | 61. Dept. Human Resources  | 102.Karver's Basketball                                       |
| 21. Bethesda Up                                       | 62. DNA LifePrint  | 103.Kennedy Center  |
| 22. Bethesda Urban Partnership                        | 63. Doggie Washerette  | 104.Kennedy Center Opera House Show                           |
| 23. Black Rock Center for the Arts                    | 64. Drama Advantages   | 105.Kentlands Children's Chorus                               |
| 24. B'nai Shalom of Olney Nursery School              | 65. Drama Kids   | 106.Kidball Summer Camps                                      |
| 25. Boy Scouts of America (including Cub Scouts)      | 66. Echelon Academy  | 107.Kids Adventures Day Camp                                  |
| 26. Bullis  | 67. Falun Dafa Association of Washington DC                                      | 108.Kids Sports League, Inc.                                  |
| 27. Burtonsville Athletic Association                 | 68. Family Magazine  | 109.KOA Sports League, Inc.                                   |
| 28. C Family Chess Center                             | 69. Fast Pitch Softball  | 110.Korsar Studio   |
| 29. Calleva – Clubs/Camps/Groups                      | 70. Federal Aid Forms  | 111.Laurel Lions Soccer                                       |
| 30. Calvary Lutheran Church – Fall Food Drive         | 71. First Touch Soccer   | 112.Laurel Soccer Club;                                       |
| 31. Camp Dragonfly                                    | 72. Flex program   | 113.Levine School of Music                                    |
| 32. Camp Invention                                    | 73. Free Methodist Church of North America (Layhill Comm. Free Methodist Church) | 114.Linkages to Learning                                      |
| 33. Camp Sonshine                                     | 74. Friends of the Round House Theater   | 115.Mad Science   |
| 34. CC Sports Camp                                    | 75. GAC  | 116.Mary Day's Olney Ballet 'Nutcracker'                      |
| 35. Center for Cultural Diversity                     | 76. Gaithersburg Sports Association  | 117.Maryland Sports Assoc.                                    |
| 36. Center for Music Movement and Art                 | 77. GC Sports Camps  | 118.Montgomery County Department of Environmental Protection; |
| 37. Champions of Tomorrow Foundation – Sports Leagues | 78. George B. Thomas Learning Academy for Saturday School                        | 119.Montgomery County Recreation Department                   |
| 38. Children's Chorus (Kentlands)                     | 79. George Washington College of Professional Studies                            | 120.McLean School of Maryland, Inc.                           |
| 39. Chinese Immersion and Language Program            | 80. George Washington University   | 121.Montgomery County Public Schools                          |
| 40. Church of the Redeemer                            | 81. Georgetown Visitation  | 122.Maryland Football   |
| 41. City Dance Ensemble                               | 82. Germantown Athletic Club, Inc.   | 123.Maryland State Department of Education                    |

\*Due to the informal nature of the survey, duplicate flyers/organizations may be included.

## ATTACHMENT C

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|---|---|--|
| 124. Messiah Lutheran Church                            | 158. Olney Children's Ballet Theater, Inc.                  | 196. Teens to Go, Inc.                             |
| 125. Metropolitan Ballet Theater, Inc.                  | 159. Olney Children's Theatre, Inc.                         | 197. Temple Beth Ami Nursery School                |
| 126. Metropolitan Ballet Theatre Academy                | 160. One on One Basketball                                  | 198. Tennis Star – Summer Camps                    |
| 127. Metropolitan Ballet Theatre and Academy            | 161. Parent Encouragement Programs, Inc.                    | 199. TGA   |
| 128. MFHA   | 162. Parks and Recreation                                   | 200. Ark Children's Center (The)                   |
| 129. M-NCPPC  | 163. Potomac Chinese School                                 | 201. Center for Music Movement and Art (The)       |
| 130. Montgomery County Division of Solid Waste Services | 164. Potomac Soccer Association                             | 202. The College of Professional Studies (The)     |
| 131. Montgomery County Gov.org                          | 165. Pro Power Foundation                                   | 203. The Kennedy Center (The)                      |
| 132. Montgomery County Youth Programs                   | 166. PTA;   | 204. The National Ballet (The)                     |
| 133. Montgomery Field Hockey Association                | 167. RABA Leadership Initiative, Inc.                       | 205. One Ace one Foundation, Inc. (The)            |
| 134. Montgomery County Arts Council                     | 168. Raider's Edge  | 206. Sidwell Friends School (The)                  |
| 135. Montgomery County Housing Fair Commission          | 169. Reality Training Academy – Basketball Classes/Camps    | 207. YMCA classes                                  |
| 136. Montgomery County Recreation Department            | 170. Red Cross  | 208. George B. Thomas Sr. Learning Academy, Inc.   |
| 137. Montgomery College                                 | 171. Red Raider Softball, Inc.                              | 209. Tka Korean Karate/Jujitsu                     |
| 138. Montgomery County Aquatic Center                   | 172. Children's Revels (The) – 2011-2012 Seasonal Workshops | 210. TLC - The Treatment and Learning Center, Inc. |
| 139. Montgomery County Department of Solid Waste        | 173. Road Runners Club of America, Inc.                     | 211. UMAC Baseball, Inc.                           |
| 140. Montgomery County Housing Fair Commission          | 174. Rockville Arts   | 212. UMAC Baseball, Inc.                           |
| 141. Montgomery Sports Association, Inc.                | 175. Rockville Ballet                                       | 213. University of Maryland;                       |
| 142. Montgomery Youth Wrestling League                  | 176. Rockville Community Nursery School                     | 214. University of MD Sports                       |
| 143. Montgomerycountymd.gov/bag                         | 177. Ross Natoli Winter Baseball Camps                      | 215. Uphandles, Inc.                               |
| 144. Musical Theater Center, Inc.                       | 178. Round House Theater                                    | 216. Burtonsville Athletic Assoc.                  |
| 145. Musical Theater Summer Camp                        | 179. SAM  | 217. Walk Now for Autism Speaks                    |
| 146. National Center for Child Safety and Awareness.    | 180. Sandy Spring Friends School – Summer Camp              | 218. Walk Now for Autism                           |
| 147. National Inventors Hall of Fame Foundation, Inc.   | 181. Schaeffer Piano Co                                     | 219. WAPTA   |
| 148. National Walk for Autism                           | 182. Shaare Tefila Congregation                             | 220. Washington Area Lacrosse League               |
| 149. NCCSA LifePrint                                    | 183. Shan Tao Lai   | 221. Washington Ballet                             |
| 150. Norwood School, Inc.                               | 184. Shen Yun Performing Arts                               | 222. Washington Episcopal School Summer Program    |
| 151. OBGC   | 185. Sidwell camp   | 223. Washington Hebrew Congregation                |
| 152. Oktoberfest  | 186. Silver Spring Jewish Center                            | 224. Washington Revels, Inc.                       |
| 153. Office of Human Rights                             | 187. Slow pitch baseball                                    | 225. Washington Suburban Sanitary Commission       |
| 154. OLGCHS Summer Sport Camps                          | 188. South Germantown Football Assoc., Inc.                 | 226. Wonders Child Care Center – Summer Camp       |
| 155. Olney Ballet Theater                               | 189. SSF.org  | 227. World Record Basketball, Inc.                 |
| 156. Olney Boys and Girls Club                          | 190. St. Andrews Summer Camp                                | 228. YMCA  |
| 157. Olney Boys and Girls Community Sports Association  | 191. Step Closer Foundation, Inc.                           | 229. Youth for Understanding                       |
|   | 192. Summer Edge  | 230. YoKid – Yoga Classes                          |
|   | 193. Summer Sports Camp (Georgetown Visitation)             | 231. Young Rembrandts Art Class                    |
|   | 194. Suto Dance Champions of Tomorrow                       | 232. Youth for Understanding                       |
|   | 195. Takoma Park Rec. Dept.                                 |  |

\* Due to the informal nature of the survey, duplicate flyers/organizations may be included.

## ATTACHMENT C

Flyers/organizations reported\* as having accessed one or more of the flyer distribution opportunities – MS Schools

1. 1Up Handles
2. All for 1 Sports
3. Blackrock center
4. Blanton Studios
5. Boy Scouts of America
6. CAA Sports
7. Calleva Camps
8. Catholic University of America
9. Champions of Tomorrow Foundation Sports
10. Chiefs football
11. Churchill HS - Senior Class Mulch Sale
12. City of Gaithersburg
13. City of Rockville
14. City of Rockville Boys and Girls groups
15. City of Rockville Recreation Department
16. Clarksburg Sports Association
17. Colonial Athletic Association
18. Comcast
19. Echelon Summer Camps
20. Falun Dafa DC Corp,
21. Fastpitch Softball
22. Fun and Fundamentals Sports
23. GAC
24. Gaithersburg Sports Association
25. GC Sports Camps
26. George B. Thomas, Sr. Learning Academy, Inc.
27. George Washington University Summer Speed Reading Programs
28. Germantown Hardknocks;
29. Germantown Sports Association
30. Girls Scouts of America
31. Glen Echo Theater
32. I270 Youth Sports
33. i9Sports
34. Imagination Stage
35. Imagination Station
36. Joe Corbi's,
37. K Insurance Group
38. Kids After Hours
39. Lacrosse Program
40. Levine School of Music
41. Lifetouch
42. Make a Wish Foundation
43. Mark ProPower Foundation
44. Maryland Life
45. Metropolitan Ballet Theatre
46. M-NCPPC - Party in the Parks
47. Montgomery College
48. Montgomery College ESOL Programs for Adults
49. Montgomery College Kids' College
50. Montgomery County Department of Health and Human Services 2011 School-based Seasonal Flu Vaccine Clinics
51. Montgomery County Department of Police Open House
52. Montgomery County Government Bring Your Bag - Fight Litter
53. Montgomery County Health Department
54. Montgomery County Public Schools Federal Aid Impact Survey
55. Montgomery County Public Schools Parent Academy
56. Montgomery County Recreation Department Club Friday
57. Montgomery County Recreation Department Potomac After Hours
58. Montgomery County Recreation Department Sports
59. Montgomery County Recreation Department Summer Camps
60. Montgomery County Recreation Department Youth Basketball
61. Montgomery County Summer Programs
62. Montgomery County's Community Service Week 2011
63. Music Theater Company, Rockville
64. my voice
65. NIMH
66. Northwest High School, Thomas Edison HS
67. Olney boys and Girls Community sport Association
68. Piano Sales
69. Poolesville Athletic Association
70. Pro Power Football Camp
71. Programs Champions of Tomorrow
72. Quince Orchard High School
73. Red Raider Softball
74. Round House Theatre
75. Shen Yun 2012 Performing Arts
76. Silver Anniversary Community Services Day
77. Softball Fun fundamentals
78. St. Andrews Episcopal School Camps
79. Teens To Go Inc,
80. TenniStar camp
81. TKA Korean Karate/Jujitsu
82. Travelin Teens
83. Washington lacrosse
84. YoungLife

\* Due to the informal nature of the survey, duplicate flyers/organizations may be included.

## ATTACHMENT C

Flyers/organizations reported\* as having accessed one or more of the flyer distribution opportunities – HS Schools

1. Bring Your Bag and Fight Litter
2. Falun Dafa Association of Washington, DC
3. George B. Thomas Learning Center
4. Kennedy Center Opera House
5. Montgomery County Department of Health and Human Services
6. Montgomery County Government
7. Montgomery County Commission of Children and Youth
8. Montgomery County Recreation Department
9. Montgomery County Teen Help
10. PFOX
11. PTSA Membership
12. Round House Theatre
13. Schaffer Piano
14. Shen Yun 2012 Cultural Arts Program

\* Due to the informal nature of the survey, duplicate flyers/organizations may be included.

# POLICY

## BOARD OF EDUCATION OF MONTGOMERY COUNTY

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**Related Entries:** KEA-RA,  
**Responsible Office:** Superintendent of Schools  
**Related Sources:** *Annotated Code of Maryland*, Education Article, §7-108; *Annotated Code of Maryland*, Election Law Article, §13-207-208, §13-401

### Political Campaigns and Political Materials

#### A. PURPOSE

To recognize the participation of students and employees in political campaigns and issues in accordance with the state constitution and election laws (see MCPS Exhibit KEA-EC: *Political Committees, Campaign Materials, and Advertising [State Law]*) regarding participation in political campaigns, partisan election activities, and distribution of political or partisan materials.

#### B. ISSUE

The Montgomery County Board of Education recognizes the rights of students and employees to participate in political campaigns and issues; the constitutional rights of students and employees and the general public to distribute materials relating to their political views on school grounds; and the right of students to pursue an education conducted in a suitable academic environment free from disruption.

#### C. POSITION

1. The Board approves the participation of students in Grades 9-12 in political campaign activity during school hours with parental consent, approval of the principal or his/her designee, and at the request of the political candidate or organization.
2. Released time may be granted to students for such participation for a total of three school days per school year during the two-week period immediately prior to a primary or general election.
3. The Board approves the participation of employees in political campaigns and issues as set forth in Regulation KEA-RA: *Student and Employee Participation in Political Campaigns and Distribution of Political Materials* and Exhibit KEA-EC: *Political*

*Committees, Campaign Materials, and Advertising (State Law)*

4. Printed materials advocating or opposing a candidate for public office or other political views may be distributed on school premises under certain conditions.

**D. DESIRED OUTCOME**

The outcome for this policy is to ensure that the employees and students of the Montgomery County Public Schools are well informed and guided in their activities regarding the requirements of state election laws and their participation in political campaigns, partisan election activities, and distribution of political or partisan materials.

**E. IMPLEMENTATION STRATEGIES**

1. The Board directs the superintendent, in consultation with staff, to prepare implementing regulations regarding participation in political activities by employees and students and the time, place, and manner in which printed materials advocating or opposing a candidate for public office or other political views may be distributed on school premises.
2. The Board further directs the superintendent to develop a document incorporating this Board policy with the procedures for distribution to all schools, PTA's, appropriate organizations, individual citizens by request, and the supervisor of elections for distribution to political candidates.
3. The superintendent will develop procedures to implement and publicize this policy.

**F. REVIEW AND REPORTING**

This policy will be reviewed in accordance with the Board of Education's policy review process.

*Policy History:* Adopted by Resolution No. 398-72, June 13, 1972, amended by Resolution No. 902-79, October 22, 1979; amended by Resolution No. 371-94, May 23, 1994; amended by Resolution No. 543-07, November 13, 2007.

# REGULATION MONTGOMERY COUNTY PUBLIC SCHOOLS

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**Related Entries:** GCA-RA, IGT-RA, KEA, KEA-EA, KEA-EC, KEA-ED, Collective Bargaining Agreements

**Responsible Office:** Superintendent of Schools

**Related Sources:** *Annotated Code of Maryland*, Education Article §7–108; *Annotated Code of Maryland*, Election Article §1–101(bb), (ii); §13–207, 208; §13–401, §§13-602(7)–(9); §§13-602(11)(b)

## Participation in Political Campaigns and Distribution of Campaign Materials

### I. PURPOSE

To publish the procedures for participation in political campaigns, including the approval or rejection of a ballot question, and the distribution of campaign materials

### II. DEFINITIONS

- A. *Authority Line* is a statement on any item of campaign material, set apart from any other part of the message that identifies the person or campaign finance entity responsible for its publication or distribution. The statement must meet additional requirements of Maryland law (see Montgomery County Public Schools (MCPS) Exhibit KEA-EC).
- B. *Ballot Question* is a question submitted to a vote in any election.
- C. *Campaign material* means any material that contains text, graphics or other images, relates to a candidate, a prospective candidate or the approval or rejection of a question, and is published or distributed, including material transmitted by or appearing on the Internet or other electronic medium including an oral commercial campaign advertisement.
- D. *Candidate* is a person who has filed a certificate of candidacy for a public or party office, including an incumbent judge of the Court of Appeals or Court of Special Appeals at an election for continuance in office, and a person for whom a campaign finance entity has been established prior to filing a certificate of candidacy.



- E. *Distribution* is the act of delivering, placing, or positioning and includes, but is not limited to, posting on a wall, bulletin board, or other building surface or anywhere on public school property; leaving items for pick up by interested persons; giving directly to individuals; placing in mailboxes or rooms in a public school facility or transmitting through the MCPS e-mail system.
- F. *Majority party* is the political party to which the incumbent governor belongs, if the incumbent governor is a member of a principal political party.
- G. A *political committee* is a combination of two or more individuals who assist or attempt to assist in promoting the success or defeat of a candidate, political party or question submitted to a vote in any election.
- H. *Principal minority party* is the principal political party whose candidate for governor received the second highest number of votes of any party candidate at the last preceding general election.
- I. *Work hours* for MCPS employees means the time an employee is scheduled to work.

### III. PROCEDURES

- A. Participation in Political Campaigns or the Approval or Rejection of Ballot Questions Using Excused Student Absences or Employee Leave

The following general procedures guide students and employees working for the election or defeat of a candidate or the approval or rejection of a ballot question.

- 1. Students

- a) Request for Excused Absence

Any student in Grades 9-12 may be excused from regular classes for up to three school days a school year during the two-week period immediately prior to a primary or general election to work for the election or defeat of a candidate or the approval or rejection of a ballot question by submitting the following to the principal:

- (1) A completed MCPS Form 560-31: *Application to Participate in an Activity Away from School for Which*

*MCPS Transportation is Not Provided*, which has been signed by the parent/guardian.

- (2) Evidence that the candidate or political committee has agreed to the student's participation.

b) The principal is responsible for:

- (1) Reviewing a request for the student to be excused from classes and ascertaining that MCPS Form 560-31 is complete and that there is evidence that the candidate or political committee has agreed to the student's participation.
- (2) Counseling the student and parent/guardian if the student's absence would interfere with his/her regular school program.
- (3) Assuring that the student is provided an opportunity to make up tests and any work missed during the absence.
- (4) Recording the student as absent, Code 08, "Work or activity accepted by school authorities as reason for excusing student."
- (5) If experience is being used for student service learning hours, developing with the students and faculty appropriate means for evaluating the experiences of students participating in a political campaign or issue. MCPS Form 560-51, *Student Service Learning Activity Verification* also should be submitted.

2. Employees

- a) Any employee who is: a candidate for political office, working for the election or defeat of a candidate, working for the approval or rejection of a ballot question or conducting Board of Elections–related work must request approved leave for any time during the work hours that are devoted to campaign activity.

## ATTACHMENT E

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- b) If the employee does not have sufficient leave, or if the leave will interfere with the performance of his or her assigned duties, an unpaid leave of absence for campaign activity may be arranged. The following rules apply:
- (1) Requests for leaves of absence must be submitted on MCPS Form 430-1, *Leave Request (Requiring ERSC Authorization)* to the director of functional administration within the Employee and Retiree Service Center. The associate superintendent for Human Resources will make the final decision regarding the granting or denial of such leave.
  - (2) Leaves of absence for campaigning and holding elected office may be arranged for a defined period. If the employee is a candidate and is not elected, the employee will be returned to his or her position immediately, unless the absence was over 60 consecutive duty days. If the leave of absence is greater than 60 consecutive duty days, see (3) below.
  - (3) Employees whose unpaid leave of absence for political activity constitutes over 60 consecutive duty days will not earn credited service for pension/retirement, will be responsible for 100 percent of health benefit costs, and their position will be vacated.
- c) Employees will make it clear in their oral and written statements, campaign materials, and actions that they speak as individuals and not as representatives of or employees of MCPS.
- d) Employees should refer to the applicable Collective Bargaining Agreements (CBA) regarding their personal freedom to participate in political activities to ensure compliance with the terms of the CBA.
- e) Employees wishing to work for the election or defeat of a candidate or for the approval or defeat of a ballot question should refer to Board of Education Policy BBB: *Ethics* and MCPS Regulation GCA-RA, *Employee Conflict of Interest*.

- f) If an employee is elected to the Board of Education, the employee must resign, or have submitted a resignation to be effective before taking office.

**B. Participation by Candidates**

**1. Debates or Forums**

If a class or school-sponsored group plans a political debate or forum during the school day, the teacher/sponsor must ensure equal opportunity to participate is provided to, at a minimum:

- a) Majority party and principal minority party candidates for public office in a primary or general election; or
- b) Opposing points of view in the case of ballot questions.

**2. Appearances**

If a political candidate asks to visit a school, and permission is granted, the visit must take place before or after the school day or at lunchtime. If a candidate is invited to visit or speak to a class or attend another school-related activity during school hours, the requirements for debates or forums (III.B.1.) are applicable and the candidate from the opposing majority or principal minority party should be invited to visit at the same time, or provided an equivalent time to visit.

**C. Distribution of Campaign Materials**

**1. General Requirements**

No one may distribute campaign material that is unconstitutional, illegal, violates state election laws, or which, in the reasoned opinion of the principal, poses a danger of disruption to the educational environment. Campaign materials must have an authority line (see MCPS Exhibit KEA-EC). If the principal has questions about the appropriateness of any material, he/she may consult the superintendent of schools/designee. Any person who is refused permission to distribute campaign material on school property may appeal the principal's decision to the superintendent of schools/designee.

**2. Time, Place, and Manner of Distribution**

a) Time

Except when the distribution is related to the instructional program, campaign materials may not be distributed during class time. Students may be permitted to distribute at other times not disruptive to school operations such as:

- (1) Before the beginning of the school day;
- (2) During lunch periods;
- (3) During scheduled activity or flex periods (by students only); or
- (4) At the end of the school day.

b) Place

Campaign materials may not be distributed in classrooms, the media center, or other instructional spaces during the school day, except when related to the instructional program or a voluntary forum or seminar held by students. Students may be permitted to distribute in other areas, such as:

- (1) Building sidewalks and entrance foyers;
- (2) Cafeteria or lunch room;
- (3) Designated hallways; or
- (4) Student government rooms or spaces.

Campaign materials may be placed by a candidate or his/her representative in the individual mailboxes provided for school staff if the distribution is made outside the school day at a time that the principal has determined will cause the least amount of disruption to office and school operations. MCPS employees may not distribute political materials during their work hours.

c) Manner

Emphasis will be placed on making materials available to interested persons, rather than blanket distribution. Distribution options to be considered include:

- (1) A table or other designated display area;
- (2) Handouts; or
- (3) Designated bulletin boards or wall spaces.

3. Distribution and Interoffice (Pony) Mail

The interoffice mail system may not be used to distribute any campaign materials to schools or offices. A regular newsletter of an employee organization that is normally distributed through the Pony mail system will not be considered campaign material if it contains news of a political nature taken by the organization. However, news about or publications from any political action committee is considered campaign material and may not be distributed through the Pony mail.

4. Distribution and MCPS Computer Systems and Related Technology

In accordance with MCPS Regulation IGT-RA, *User Responsibilities for Computer Systems, Electronic Information, and Network Security*, use of MCPS computer systems and related technology, including, but not limited to, e-mail messages, websites, or blogs, for the distribution of campaign materials is prohibited.

5. Distribution by MCPS Employees

Any distribution of campaign materials (except as part of the instructional program) or work for the election or defeat of a candidate or the approval or rejection of a ballot question during work hours is prohibited.

6. Distribution and Use of Campaign Materials As Part of an Instructional Program

Teachers may use campaign materials as part of the instructional program, provided the material is germane to the instructional objectives of the

course. Any presentation of campaign materials or issues, or expression of views, however, must be balanced and fair.

- a) Teachers shall be responsible for providing students with the opportunity to investigate various sides of the topics presented in their courses, particularly in relation to a controversial subject, within such limits as may be imposed by relevance to the course, the maturity level and intellectual ability of the students, and the time available.
- b) Teachers shall permit freedom of expression on those topics that are matters of opinion so that students may weigh alternative views and make up their own minds. Students shall be encouraged to examine, analyze, evaluate, and synthesize the information available to them before drawing conclusions in order to develop, as fully as possible, their capacities for rational judgment.
- c) Teachers shall strive to promote tolerance for the opinions of others and respect for the right of all individuals to hold and express differing opinions.
- d) A teacher may express his or her opinions in regard to political, social, and religious values or issues provided that the total presentation is essentially balanced and fair. He or she shall not use professional contacts with students to further his or her own political aims or those of any individual or group.

**D. Use of School Buildings During Nonschool Hours**

**1. By Nonschool Organizations**

Nonschool organizations that wish to conduct meetings that are open to the public (at times that will not interfere with school activities) may apply through the Interagency Coordinating Board to use school facilities. The organization may distribute campaign materials in the area of the school it is authorized to use during any such meeting. If an organization does not wish to have campaign materials distributed in the area it is authorized to use, its representative should ask any individuals distributing campaign materials to do so in an entrance foyer or outside on a school sidewalk. The organization is responsible for ensuring that the material conforms to election laws.

2. By School-Sponsored Organizations

School-sponsored organizations that hold a meeting outside of regular school hours are governed by the same rules that apply to nonschool organizations.

*Regulation History:* Formerly Regulation No. 520-3, revised October 1982; revised 1989; revised May 24, 1994; revised September 22, 2008.