

REGULATION **MONTGOMERY COUNTY PUBLIC SCHOOLS**

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.
- 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.