

All Personnel

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POLITICAL ACTIVITIES OF EMPLOYEES

4319.25

The Governing Board respects the right of school employees to engage in political discussions and activities on their own time and at their own expense. On such occasions, employees shall make it clear that they are acting as individuals and not as representatives of the district.

(cf. 1160 – Political Processes)

Like other community members, employees may use school facilities for meetings under the Civic Center Act.

(cf. 1330 - Use of School Facilities)

Employees shall refrain from prohibited activities identified in law and administrative regulations. Employees who engage in these activities shall be subject to disciplinary action and/or criminal penalties.

(cf. 1325 – Advertising and Promotion)

(cf. 4118 – Suspension/Disciplinary Action)

(cf. 4218 – Dismissal/Suspension/Disciplinary Action)

Legal Reference:

EDUCATION CODE

7050-7057 Political activities of school officers and employees

38130-38139 Civic Center Act

51520 Prohibited solicitations on school premises

GOVERNMENT CODE

3543.1 Rights of employee organizations

COURT DECISIONS

Downs v. Los Angeles Unified School District (9th Cir. 2000) 228 F. 3d 1003

California Teachers Association v. Governing Board of San Diego Unified School District, (1996)

45 Cal. App. 4th 1383

L. A. Teachers Union v. L.A. City Board of Education (1969) 71 Cal. 2d 551

ATTORNEY GENERAL OPINIONS

84 Ops. Atty. Gen. 106 (2001)

84 Ops. Atty. Gen. 52 (2001)

77 Ops. Atty. Gen. 56 (1994)

PERB RULINGS

California Federation of Teachers, Local 1931 v. San Diego Community College District (2001)

PERB Order #1467 (26 PERC 33014)

Management Resources:

CSBA PUBLICATIONS

Political Activities of School Districts: Legal Issues, 1998, revised 2001

WEB SITES

CSBA: <http://csba.org>

Office of the Attorney General, Dept. of Justice: <http://caag.state.ca.us/>

Public Employment Relations Board: <http://www.perb.ca.gov>

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AR 4119.25 (a)

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POLITICAL ACTIVITIES OF EMPLOYEES

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Education Code 7055 authorizes the Governing Board to establish regulations related to (1) officers and employees engaging in political activity during working hours, and (2) political activities on district premises.

District employees shall not:

1. Use district funds, services, supplies or equipment to urge the passage or defeat of any ballot measure or candidate, including any candidate for election to the Governing Board. (Education Code 7054)

(cf. 1160 – Political Processes)

2. During working hours and on district property, solicit or receive any political funds or contributions to promote the passage or defeat of a ballot measure that would affect the rate of pay, hours of work, retirement, civil service or other working conditions. (Education Code 7056)
3. During working hours and on district property, solicit or receive any political funds or contributions to promote the passage or defeat of other types of ballot measures.
4. Use district time to urge the passage or defeat of any ballot measure or candidate.
5. Use district equipment for the preparation or reproduction of political campaign materials, even if the district is reimbursed.

(cf. 3512 – Equipment)

6. Post or distribute political campaign materials on district property.
7. Disseminate political campaign materials through the district's mail service, e-mail or staff mailboxes.

(cf. 4040 – Employee Use of Technology)

8. Use students to write, address or distribute political campaign materials.
9. Present viewpoints on particular candidates or ballot measures in the classroom without giving equal time to the presentation of opposing views.

(cf. 6144 – Controversial Issues)

10. Wear buttons or articles of clothing that express political opinions on ballot measures or candidates during instructional time.

POLITICAL ACTIVITIES OF EMPLOYEES (continued)

However, teachers shall not be prohibited from wearing political buttons during non-instructional time.

Nothing in Board policy or administrative regulation shall be construed to prevent employees from soliciting or receiving funds or contributions for political purposes during non-working time, including before and after school, the lunch period or other scheduled work intermittency during the school day (Education Code 7056).

Employee Organizations

Employee organizations may use district mailboxes and other means to communicate with employees, subject to reasonable regulation. Employee organizations may have access at reasonable times to areas in which employees work; may use institutional bulletin boards, mailboxes, and other means of communication and may use district facilities at reasonable times for the purpose of meetings (Government Code 3543.1).

However, employee organizations shall not use district funds, services, supplies or equipment, such as the district mail system, to urge the passage or defeat of any ballot measure or candidate, including any candidate for election to the Board (Education Code 7054).

(cf. 4140/4240 – Bargaining Units)

Access to district communication channels shall be limited in cases where such access would be disruptive to district operations.

In the event of a concerted action or work stoppage, political activities by employee organizations and individual employees shall be restricted to peaceful informational picketing and other activities allowed by law.

(cf. 4141.6/4241.6 – Concerted Action/Work Stoppage)