Political Activities of Employees

Adopted: 08/20/2024 **| Last Revised**: n/a **| Last Reviewed**: 08/20/2024

No employee shall be prohibited from soliciting or receiving political funds or contributions to promote the support or defeat of a ballot measure during nonworking time, including before and after school, the lunch period, or other scheduled work intermittency during the school day.

District employees shall not:

1. Use district funds, services, supplies, equipment, work hours, or other public resources to urge the support or defeat of any ballot measure or candidate, including any candidate for election to the Board of Education

2. Use the district's seal in any campaign literature or mass mailing with the intent to deceive voters, including, but not limited to, the use of a reproduction or facsimile of the seal in a manner that creates a misleading, erroneous, or false impression that the document is authorized by the Board, a Board member, or the district

3. During working hours, 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

4. During working hours, solicit or receive any political funds or contributions to promote the passage or defeat of other types of ballot measures

5. Use district equipment for the preparation or reproduction of political campaign materials

6. Post or distribute political campaign materials in classrooms, through distance learning platforms, or on district property

7. Disseminate political campaign materials through the district's mail service, e-mail, or staff mailboxes

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 all perspectives

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

Political Activities of Employee Organizations

Employee organizations shall not use district funds, services, supplies, or equipment, such as staff mailboxes or the district mail system, to urge the support or defeat of any ballot measure or candidate, including any candidate for election to the Board.

No employee organization or its officers, agents, or representatives shall be prohibited from soliciting or receiving political funds or contributions to promote the passage or defeat of a ballot measure during

nonworking time, including before and after school, the lunch period, or other scheduled work intermittency during the school day.

Policy Reference Disclaimer:
These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Legal References:

STATE
EDUCATION CODE
38130-38139 Civic Center Act
51520 Prohibited solicitations on school premises
7050-7058 Political activities of school officers and employees
ELECTION CODE
18304 Prohibition against use of district seal in campaign literature
GOVERNMENT CODE
3543.1 Rights of employee organizations
82041.5 Mass mailing
8314 Unlawful use of state resources
PENAL CODE
424 Embezzlement and falsification of accounts by public officers
MANAGEMENT RESOURCES
ATTORNEY GENERAL OPINION
77 Ops.Cal.Atty.Gen. 56 (1994)
84 Ops.Cal.Atty.Gen. 106 (2001)
84 Ops.Cal.Atty.Gen. 52 (2001)
COURT DECISION
Pickering v. Board of Education Township High School District (1968) 88 S. Ct. 1731
L.A. Teachers Union v. L.A. City Board of Education (1969) 71 Cal.2d 551
San Leandro Teachers Association v. Governing Board of the San Leandro Unified School District (2010) 46 Cal. 4th 822
Diquisto v. County of Santa Clara (2010) 181 Cal. App. 4th 236
Heffernan v. City of Paterson (2016) 136 S. Ct. 1412
California Teachers Association v. Governing Board of San Diego Unified School District (1996) 45 Cal.App. 4th 1383
Downs v. Los Angeles Unified School District (9th Cir. 2000) 228 F.3d 1003
PUBLIC EMPLOYMENT RELATIONS BOARD RULING
Turlock Joint Elementary School District (2004) PERB Dec. No. 1490a
East Whittier School District (2004) PERB Dec. No. 1727
Conejo Valley Unified School District (2009) PERB Dec. No. 2054
City of Sacramento (2019) PERB Dec. No. 2702
San Diego Community College District (2001) PERB Dec. No.1467
WEBSITES
CSBA District and County Office of Education Legal Services https://legalservices.csba.org/#
California Attorney General's Office http://oag.ca.gov/
California Public Employment Relations Board http://www.perb.ca.gov/
CSBA http://www.csba.org/#

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