908 POLITICAL CAMPAIGNS AND ACTIVITIES

I. PURPOSES

The purpose of this policy is to recognize the participation of students and employees in political issues. Further, the purpose of this policy is to establish guidelines for the participation of students and employees in political campaigns, partisan or non-partisan election activities, and the distribution of political or partisan materials.

II. GENERAL STATEMENT OF POLICY

A. The school district will maintain neutrality as to all political campaigns and issues. The school district will not expend public funds or resources to advocate for particular candidates or for only one side of a controversial question. However, the school district may expend reasonable amounts to apprise voters in the school district of facts pertinent to an election, bond issue, or referendum.

B. The school district recognizes the rights of students and employees to participate in political campaigns and political issues, elections, and public service and the right of students to pursue an education conducted in a suitable academic environment free from disruption.

C. To protect First Amendment rights, while at the same time preserving the integrity of the education objectives and responsibilities of the school district, the school board adopts the following guidelines.

III. DEFINITIONS

A. "Distribution" means circulation or dissemination of material by means of handing out free copies, selling or offering copies for sale, accepting donations for copies, or posting or displaying material. This includes, but is not limited to, posting on a wall, bulletin board, or other building surface, or anywhere on school district property; leaving items to be picked up by interested persons; directly giving items to persons; or placing items in rooms in a school district building.

B. "Nonschool-sponsored material" or "unofficial material" includes all materials or objects intended for distribution, except school newspapers, employee newsletters, literary magazines, yearbooks, and other publications funded and/or sponsored or authorized by the school. Examples of nonschool-sponsored material include, but

are not limited to, leaflets, brochures, buttons, badges, fliers, petitions, posters, and underground newspapers, whether written by students or employees.

C. "Nonschool person" means any person who is not a currently enrolled student or a current employee of the school district.

D. "Political materials" include, but are not limited to, any paper, handbill, poster, booklet, brochure, advertisement, sample ballot, display, or audio or video presentation, that pertains to a political candidate or political issue.

E. "Political issue" is an issue that is the subject of a public referendum which is being debated by political candidates or organizations.

F. "Political candidate" is a person who seeks nomination or election to partisan or nonpartisan public or party office or who has filed as candidate for election.

G. A "political activity" is an act that is of a nature, done with intent, or done in a way, to influence or tend to directly or indirectly influence, voting at a primary or an election or, if it is done because a person is about to vote, has voted, or has refrained from voting at a primary or an election.

H. "School activities" means any activity sponsored by the school including, but not limited to, classroom work, library activities, physical education classes, official assemblies and other similar gatherings, school athletic contests, band concerts, school plays, and in-school lunch periods.

I. "Work hours" for school district employees refer to the period between the time an employee is scheduled to begin work and the end of the employee's assigned work day (excluding the employee's lunch and break periods), and any paid overtime hours or extra-duty hours for which the employee has volunteered or been assigned.

IV. PROCEDURES

A. Political Activities of Employees in General

1. Employees of the school district, while acting in the capacity of a school district employee, shall not engage in any political activity during the school day, during work hours, or at school activities.

2. School district employees shall be free to engage in political activities outside of the school day, work hours, or school activities and to campaign and run for political office. Employees shall not allow such political activities to interfere with the proper performance of their school duties and shall not use school time, supplies, or equipment in these activities.

3. A school district employee or official shall not use his or her official authority or influence to compel a person to take part in a political activity, to pay or promise to pay a political contribution, or apply for membership in or become a member in a political organization.

4. Teachers or other school district employees may not use or recruit students during the school day, during work hours, or at school activities for either distribution of political materials or other political activities.

5. School district employees, while acting in the capacity of a school district employee, shall refrain from any conduct that is intended to be or that reasonably could be perceived as endorsing or opposing specific political issues or political candidates.

6. The implementation of and compliance with this policy shall be coordinated by the Superintendent. All inquiries regarding school district elections referendum candidates and campaigns shall be referred to the Superintendent.

B. Distribution of Political Materials

1. The distribution of political materials on school district property by nonschool persons is governed by Policy 904, Distribution of Materials on School District Property by Nonschool Persons.

2. The distribution of political materials on school district property by students and employees is governed by Policy 505, Distribution of Nonschool-sponsored Materials on School Premises by Students and Employees.

C. School District Property, Facilities, and Activities

1. Nonpublic forums. All school district property and facilities are nonpublic forums that are designated as reserved for their intended purpose of education and education-related activities. Political activities will not be allowed in such nonpublic forums unless it is part of approved curriculum. Further, reasonable time, place, and manner restrictions may be imposed in such a nonpublic forum.

2. Public forums by designation. The building principal, with approval of the superintendent and the school board, may designate specific property or facilities of the school district as limited public forums open for certain expressive activity such as political speech. The open character of such property or facilities will not be retained indefinitely. Further, reasonable time, place, and manner restrictions may be imposed. The building principal and the superintendent are responsible for establishing the time,

place, and manner restrictions and for ensuring equality of treatment toward all candidates and issues when such a designated public forum is created.

V. VIOLATION OF POLICY

A. Violation of this policy by a student will be halted, and appropriate disciplinary action will be taken in accordance with the school district's student discipline policy and/or any governing statute.

B. Violation of this policy by an employee will be halted, and appropriate disciplinary action will be taken, in accordance with any individual contract, collective bargaining agreement, school district policies and procedures, and/or governing statute.

C. Any other party violating this policy will be requested to leave the school property immediately and, if necessary, the police will be called. In addition, other action may be taken, if appropriate.

VI. IMPLEMENTATION/NOTICE OF POLICY

A. A copy of this policy will be available in school buildings. The policy will be noted in student handbooks and available to students, staff, employees and community members in school buildings and the administrative office.

B. The school district will develop a method of discussing the policy with students and employees.

C. The school district administration may develop any additional guidelines and procedures necessary to implement his policy. Such additional guidelines shall be submitted to the school board for approval. Upon approval, such guidelines and procedures shall be an addendum to this policy.

Legal References: Minn. Stat. § 10A.01, Subd. 5
Minn. Stat. § 43A.32
Minn. Stat. § 211A.02, Subd.8
Minn. Stat. § 211B.09 (Prohibited public employee activities)
Op. Minn. Atty. Gen. 159a-3 (May 24, 1966) (concluding that a school district could not make expenditure of public funds for printing and mailing of literature urging passage of a bond issue)

Cross References: Policy 505 (Distribution of Nonschool-sponsored Materials on School Premises by Students and Employees)
Policy 904 (Distribution of Materials on School District Property by Nonschool Persons)