

**NEW**

**Political Activities of Employees**

Original Adopted Date: | Last Revised Date:

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.

### Legal References:

State

#### EDUCATION CODES

38130-38139 Civic Center Act

51520 Prohibited solicitations on school premises

7050-7058 Political activities of school officers and employees

#### CALIFORNIA ELECTIONS CODE

18304 Prohibition against use of district seal in campaign literature

#### GOVERNMENT CODES

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 OPINIONS

77 Ops.Cal.Atty.Gen. 56 (1994)

84 Ops.Cal.Atty.Gen. 106 (2001)

84 Ops.Cal.Atty.Gen. 52 (2001)

#### COURT DECISIONS

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 RULINGS

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

California Attorney General's Office

California Public Employment Relations Board

California School Boards Association

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**Rule Approved:**