

NEW

Political Activities of Employees

Original Adopted Date: | **Last Revised Date:**

The Board of Education recognizes the importance of political activity, voting, and civic engagement, and respects the right of district employees to engage in political discussions and activities as individuals on their own time and at their own expense. When engaging in such activities, employees shall make it clear that they are acting on their own behalf and not as representatives of the district.

District employees, as members of the community, may use school facilities for meetings, including political activities, as permitted under the Civic Center Act and district policy.

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

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:

EDUCATION CODES

- 38130-38139 Civic Center Act
- 51520 Prohibited solicitations on school premises
- 7050-7058 Political activities of school officers and employees

CALIFORNIA ELECTIONS CODES

- 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

Policy Adopted: