

POLICY 2.59

4-B I recommend the Board adopt the proposed revision to Policy 2.59, entitled "Political Activities on School Board Property."

[Contact: Gerald Williams, 434-8734]

Adoption

CONSENT ITEM

- The Board approved development of this revision on March 1, 2004.
- This proposed revision promotes school safety and the educational purpose and integrity of the learning environment, such as by restricting appearances of candidates; eliminating access of candidates to school staff mailboxes; and limiting distribution of political material, while also clarifying that student government election materials of students are allowed in an appropriate time, place, and manner.

1 **POLICY 2.59**

2 **POLITICAL ACTIVITIES ON SCHOOL BOARD PROPERTY**

- 3 1. The School District of Palm Beach County is committed to ensuring each citizen's
4 rights as provided in the Constitution and laws of the State of Florida and the
5 Constitution of the United States. However, School Board employees shall be
6 prohibited from the following:
- 7 a. Participating in any political activity while on duty.
- 8 b. Attempting, either directly or indirectly, to coerce political activity or support
9 from any other School Board employee.
- 10 c. Soliciting or attempting to solicit funds from a School Board employee on
11 behalf of any candidate, party, or issue while on duty.
- 12 2. School Board employees shall have the right to actively participate in political
13 activities on behalf of any candidate, party, or issue during the time they are not
14 scheduled to be on duty.
- 15 3. Nothing contained in this Policy shall be interpreted to prohibit a School Board
16 member or employee from performing any statutory or assigned duty with respect
17 to any issue which directly affects the District school system or which is placed on
18 a ballot by or at the request of the School Board.
- 19 4. School Board employees who offer themselves as candidates for public office shall
20 notify the Superintendent immediately upon qualifying for election. They shall file a
21 written statement explaining plans for conducting their campaign so as not to
22 interfere with their job responsibilities.
- 23 a. Personal leave may be taken for thirty (30) days prior to the election as
24 provided herein.
- 25 b. Such candidate shall adhere strictly to Fla. Stat. § 104.31, ~~F.S.~~, regarding
26 political activity on the part of public officials and employees, including
27 teachers.
- 28 c. A successful candidate for an office requiring a part-time responsibility shall
29 report immediately to the Superintendent after the election and thereafter
30 when deemed necessary by the Superintendent or School Board to evaluate
31 the compatibility of the dual responsibility.
- 32 d. A School Board employee may be granted leave of absence, with loss of full
33 pay, for a specified period of time for the purpose of campaigning or for

34 serving in public office.

35 5. Political Candidates

36 a. Debates or Forum. If a class or school-sponsored group plans a political
37 debate or forum during the school day, the principal/teacher/sponsor shall
38 ensure that all candidates for the same public office or who have differing
39 opinions on a political issue, are given equal opportunity to participate.

40 b. Appearances. ~~If a political candidate asks to visit a school, the visit must~~
41 ~~take place before or after the school day or at lunch time. If a candidate is~~ are
42 not allowed to appear at a school unless they are invited to visit or speak to a
43 class or other school-related activity during school hours. ~~¶~~ The requirements
44 for debates or forums are applicable and other candidates for the public office
45 should be invited to visit at the same time or be provided an equivalent
46 opportunity.

47 c. Every partisan organization or political committee requesting to participate is
48 required to have filed the names and addresses of its appointed officers, its
49 contributions and expenditures with the Board of Election Supervisors, in
50 accordance with state fair election practices and Florida Statutes Chapter and
51 106 and other applicable laws.

52 d. Nothing in this policy shall preclude or prevent incumbent elected public
53 officials from appearances on School Board property upon the invitation of a
54 School Board Member, the Superintendent, the Superintendent's designee or
55 principal provided that it is within their official capacity and not a campaign
56 activity.

57 6. School groups may not participate in events that fall into these classifications:

58 a. Public appearances to promote the political candidacy of any person or the
59 furtherance of any partisan political interest.

60 b. Appearances that create an undue amount of interference with the regular
61 school program or that cause an excessive amount of students' absences for
62 rehearsal or preparation.

63 c. The school principal shall refer any case where a possible conflict may exist to
64 the Superintendent for approval or disapproval.

65 7. Use or Distribution of Political Materials During School Hours or on School
66 Grounds

67 a. ~~General Requirements. No one may distribute political material that is~~

68 ~~unconstitutional or illegal, that violates state fair election practices, or in the~~
69 ~~opinion of the principal poses the potential to disrupt the educational~~
70 ~~environment.~~

71 ~~b. Campaign materials must include an authority line that identifies the name and~~
72 ~~address of the person, candidate, treasurer, chairman or campaign manager~~
73 ~~who is responsible for the campaign materials.~~

74 ~~c. If a principal has questions about the appropriateness of any material, he or~~
75 ~~she may consult the superintendent/designee. Any person who is refused~~
76 ~~permission to distribute material on school property may appeal the principal's~~
77 ~~decision to the superintendent/designee.~~

78 ~~d. Manner, place and time of distribution. Persons may distribute political~~
79 ~~materials on public school property provided they consult in advance with the~~
80 ~~principal on the manner, place, and time of distribution.~~

81 ~~i. Manner. Emphasis will be placed on making materials available to~~
82 ~~interested persons, rather than having a blanket distribution. Distribution~~
83 ~~options to be considered include:~~

84 ~~1. A display of materials~~

85 ~~2. Handouts~~

86 ~~3. Designated bulletin boards or wall spaces.~~

87 ~~4. School mailboxes (see item 7(c) & (d) below)~~

88 ~~ii. Place. Except when related to the instructional program of a voluntary~~
89 ~~forum or seminar held by students, political materials may not be~~
90 ~~distributed in classrooms, the media center, or other instructional spaces~~
91 ~~during the school day. Location options to be considered include:~~

92 ~~1. Building sidewalks and entrance foyers~~

93 ~~2. Cafeteria or lunch room~~

94 ~~3. Designated hallways~~

95 ~~4. Student government rooms or spaces.~~

96 ~~iii. Time. Except when the distribution is related to the instructional program,~~
97 ~~political materials may not be distributed during class time. Time options~~
98 ~~to be considered include:~~

99 ~~1. Before the beginning of the school day~~

100 ~~2. During lunch periods~~

101 ~~3. During scheduled activity or flex periods (by students only)~~

- 102 4. ~~At the end of the school day.~~
- 103 e. ~~School Mailboxes.~~ Political materials may be placed by a candidate or his or
104 her representative in the individual mailboxes provided for school staff if the
105 distribution is made before or after school hours at a time that the principal has
106 determined will cause the least disruption to office and school activities. The
107 School District of Palm Beach County employees may not distribute political
108 materials during their work hours.
- 109 f. a. Interschool (Pony) Mail. Any interschool or intraschool mail system may not
110 be used to distribute any political materials to schools. A regular newsletter of
111 an employee organization that is normally distributed by the pony mail system
112 will not be considered political material if it simply contains news of a political
113 nature taken by the organization. However, news about or publications from
114 any political action committee is considered political material and may not be
115 distributed through the pony mail.
- 116 -g. b. District Employees. Political Materials. Any distribution of political materials,
117 except as part of the instructional program or student government, or political
118 activity during working hours (including e-mail messages) is prohibited, -
119 Distribution also includes "PROFS" or E-mail messages except as allowed
120 under this Policy or Policy 2.591.
- 121 -h. c. Students may post or distribute student-government election materials in an
122 appropriate time, place, and manner, as determined by the principal, so as to
123 avoid any disruption to the learning environment.
- 124 -i. d. As Part of an Instructional Program. Teachers may use political materials as
125 part of the instructional program, provided the material is germane to the
126 instructional objectives of the course. Any presentation of political materials, or
127 issues, or expression of views, however, must be balanced and fair.
- 128 i. Teachers shall be responsible for providing students with the opportunity
129 to investigate various sides of the topics presented in their courses,
130 particularly in relation to controversial subjects, within such limits as may
131 be imposed by relevance to the course, the maturity level and intellectual
132 ability of the students, and the time available.
- 133 ii. Teachers shall permit freedom of expression on those topics that are
134 matters of opinion so that students may weigh alternative views and make
135 up their own minds. Students shall be encouraged to examine, analyze,
136 evaluate, and synthesize the information available to them before drawing
137 conclusions in order to develop as fully as possible their capacities for
138 rational judgment.

139 iii. Teachers shall strive to promote tolerance for the opinions of others and
140 respect for the right of all individuals to hold and express differing
141 opinions.

142 iv. A teacher may express his/her opinions in regard to political, social and
143 religious values or issues provided that the total presentation is
144 essentially balanced and fair. He/she shall not use professional contacts
145 with students to further his/her own political aims or views or those of any
146 other individual or group.

147 STATUTORY AUTHORITY: §§ 1001.41(2); 1001.43(5), Fla. Stat. Section 230.22,
148 ~~Florida Statutes~~

149 LAWS IMPLEMENTED: §§ Sections 104.31; 1001.43(5); 1012.23; 1012.66;
150 1001.54; 1012.28, Fla. Stat. 231.001; 231.39; 231.085, Florida Statutes

151 History: 1/21/98; ___/___/04

Legal Signoff:

The Legal Department has reviewed proposed Policy 2.59 and finds it legally sufficient for development by the Board.

Attorney

Date