POLICY 2.59

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

[Contact: Gerald Williams, 434-8734]

Development CONSENT ITEM

 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

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

- the compatibility of the dual responsibility.
- d. A School Board employee may be granted leave of absence, with loss of full pay, for a specified period of time for the purpose of campaigning or for serving in public office.

35 5. Political Candidates

36

37

38

39

40

41

42

43

4445

46

47

48

49

50

- a. <u>Debates or Forum</u>. If a class or school-sponsored group plans a political debate or forum during the school day, the principal/teacher/sponsor shall ensure that all candidates for the same public office or who have differing opinions on a political issue, are given equal opportunity to participate.
 - b. Appearances. If a pPolitical candidates asks to visit a school, the visit must take place before or after the school day or at lunch time. If a candidate is are not allowed to appear at a school unless they are invited to visit or speak to a class or other school-related activity during school hours, the requirements for debates or forums are applicable and other candidates for the public office should be invited to visit at the same time or be provided an equivalent opportunity.
 - c. Every partisan organization or political committee is required to file the names and addresses of its appointed officers, its contributions and expenditures with the Board of Election Supervisors, in accordance with state fair election practices and Chapter 106, Florida Statutes.
- 51 d. Nothing in this policy shall preclude or prevent incumbent elected public
 52 officials from appearances on School Board property upon the invitation of a
 53 School Board Member, the Superintendent, the Superintendent's designee or
 54 principal provided that it is within their official capacity and not a campaign
 55 activity.
- 56 6. School groups may not participate in events that fall into these classifications:
- 57 a. Public appearances to promote the political candidacy of any person or the furtherance of any partisan political interest.
- 59 b. Appearances that create an undue amount of interference with the regular 60 school program or that cause an excessive amount of students' absences for 61 rehearsal or preparation.
- 62 c. The school principal shall refer any case where a possible conflict may exist to the Superintendent for approval or disapproval.

64 65	7.	Use or Distribution of Political Materials During School Hours <u>or on School Grounds</u>
66 67 68 69		a. General Requirements. No one may distribute political material that is unconstitutional or illegal, that violates state fair election practices, or in the opinion of the principal poses the potential to disrupt the educational environment.
70 71 72		 Campaign materials must include an authority line that identifies the name and address of the person, candidate, treasurer, chairman or campaign manager who is responsible for the campaign materials.
73 74 75 76		c. If a principal has questions about the appropriateness of any material, he or she may consult the superintendent/designee. Any person who is refused permission to distribute material on school property may appeal the principal's decision to the superintendent/designee.
77 78 79		d. Manner, place and time of distribution. Persons may distribute political materials on public school property provided they consult in advance with the principal on the manner, place, and time of distribution.
80 81 82		i. Manner. Emphasis will be placed on making materials available to interested persons, rather than having a blanket distribution. Distribution options to be considered include:
83		1. A display of materials
84		2. Handouts
85		3. Designated bulletin boards or wall spaces.
86		4. School mailboxes (see item 7(c) & (d) below)
87 88 89 90		ii. Place. Except when related to the instructional program of a voluntary forum or seminar held by students, political materials may not be distributed in classrooms, the media center, or other instructional spaces during the school day. Location options to be considered include:
91		1. Building sidewalks and entrance foyers
92		2. Cafeteria or lunch room
93		3. Designated hallways

4. Student government rooms or spaces.

iii. Time. Except when the distribution is related to the instructional program,

94

95

97		to be considered include:
98		1. Before the beginning of the school day
99		2. During lunch periods
100		3. During scheduled activity or flex periods (by students only)
101		4. At the end of the school day.
102 103 104 105 106 107	e.	School Mailboxes. Political materials may be placed by a candidate or his or her representative in the individual mailboxes provided for school staff if the distribution is made before or after school hours at a time that the principal has determined will cause the least disruption to office and school activities. The School District of Palm Beach County employees may not distribute political materials during their work hours.
108 109 110 111 112 113 114	f.	a. Interschool (Pony) Mail. Any interschool or intraschool mail system may not be used to distribute any political materials to schools. A regular newsletter of an employee organization that is normally distributed by the pony mail system will not be considered political material if it contains news of a political nature taken by the organization. However, news about or publications from any political action committee is considered political material and may not be distributed through the pony mail.
115 116 117 118 119	g.	<u>b.</u> District Employees. <u>Political Materials</u> . Any distribution of political materials, except as part of the instructional program <u>or student government</u> , or political activity during working hours <u>(including e-mail messages)</u> is prohibited, <u>-</u> Distribution also includes "PROFS" or E-mail messages <u>except as allowed under this Policy or Policy 2.591</u> .
120 121 122	<u>h.</u>	c. Students may post or distribute student-government election materials in an appropriate time, place, and manner, as determined by the principal, so as not to avoid any disruption to the learning environment.
123 124 125 126	i.	d. As Part of an Instructional Program. Teachers may use political materials as part of the instructional program, provided the material is germane to the instructional objectives of the course. Any presentation of political materials, or issues, or expression of views, however, must be balanced and fair.
127		i. Teachers shall be responsible for providing students with the opportunity

to investigate various sides of the topics presented in their courses,

particularly in relation to controversial subjects, within such limits as may

political materials may not be distributed during class time. Time options

96

128129

130 131		be imposed by relevance to the course, the maturity level and intellectual ability of the students, and the time available.	
132 133 134 135	ii.	Teachers shall permit freedom of expression on those topics that are matters of opinion so that students may weigh alternative views and make up their own minds. Students shall be encouraged to examine, analyze, evaluate, and synthesize the information available to them before drawing	
136 137		conclusions in order to develop as fully as possible their capacities for rational judgment.	
138 139 140	iii.	Teachers shall strive to promote tolerance for the opinions of others and respect for the right of all individuals to hold and express differing opinions.	
141 142 143 144 145	iv.	A teacher may express his/her opinions in regard to political, social and religious values or issues provided that the total presentation is essentially balanced and fair. He/she shall not use professional contacts with students to further his/her own political aims or views or those of any other individual or group.	
146 147	STATUTORY Florida Statut	YAUTHORITY: §§ <u>1001.41(2); 1001.43(5), Fla. Stat.</u> Section 230.22, es	
148 149	LAWS IMPLEMENTED: §§ Sections 104.31; <u>1001.43(5)</u> ; <u>1012.23</u> ; <u>1012.66</u> ; <u>1001.54</u> ; <u>1012.28</u> , Fla. Stat. <u>231.001</u> ; <u>231.39</u> ; <u>231.085</u> , Florida Statutes		
150	History:	1/21/98;/ <u>/04</u>	

5-B Board Report March 1, 2004 Page 7 of 7

Legal Signoff:	
The Legal Department has sufficient for developmen	s reviewed proposed Policy 2.59 and finds it legally by the Board.
Attorney	 Date