

Tahoe Truckee USD

Board Policy

Political Activities Of Employees

BP 4119.25 4219.25 4319.25

Personnel

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

(cf. 1160 - Political Processes)

~~Like other community members,~~(cf. **6144 - Controversial Issues**)

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.**

(cf. 1330 - Use of School Facilities)

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.

(cf. 1325 - Advertising and Promotion)

(cf. 4118 - **Dismissal/Suspension/Disciplinary Action**)

(cf. 4218 - **Dismissal/Suspension/Disciplinary Action**)

Legal Reference:

EDUCATION CODE

7050-7057 **7058** Political activities of school officers and employees

38130-38139 Civic Center Act

51520 Prohibited solicitations on school premises

ELECTIONS CODE

18304 Prohibition against use of district seal in campaign literature

GOVERNMENT CODE

3543.1 Rights of employee organizations

8314 Prohibition against use of public resources for campaign activity

82041.5 Definition of mass mailing

PENAL CODE

424 Punishment for misuse of public funds

COURT DECISIONS

Heffernan v. City of Paterson, (2016) 136 S. Ct. 1412

Diquisto v. County of Santa Clara, (2010) 181 Cal. App. 4th 236

San Leandro Teachers Association v. Governing Board of the San Leandro Unified School District, (2010) 46 Cal. 4th 822

Downs v. Los Angeles Unified School District, (9th Cir. 2000) 228 F.3d 1003

California Teachers Association v. Governing Board of San Diego Unified School District, (1996) 45 Cal.App. 4th 1383

L.A. Teachers Union v. L.A. City Board of Education, (1969) 71 Cal.2d 551

Pickering v. Board of Education Township High School District, (1968) 88 S. Ct. 1731

ATTORNEY GENERAL OPINIONS

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

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

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

~~PERB-PUBLIC EMPLOYMENT RELATIONS BOARD RULINGS~~

~~California Federation of Teachers, Local 1931 v. Sacramento, (2019) PERB Dec. No. 2702m~~

~~Conejo Valley Unified School District, (2009) PERB Dec. No. 2054~~

~~East Whittier School District, (2004) PERB Dec. No. 1727~~

~~Turlock Joint Elementary School District, (2004) PERB Dec. No. 1490a~~

~~San Diego Community College District, (2001) PERB Order #Dec. No. 1467-(26 PERC 33014)~~

Management Resources:

~~CSBA PUBLICATIONS~~

~~Political Activities of School Districts: Legal Issues, 1998, revised 2001~~

WEB SITES

CSBA: <http://www.csba.org>

~~California Office of the Attorney General, Dept. of Justice: <http://eaag.stateoag.ca.us/gov>~~

Public Employment Relations Board: <http://www.perb.ca.gov>

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Policy TAHOE TRUCKEE UNIFIED SCHOOL DISTRICT

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