

MIDDLETOWN UNIFIED SCHOOL DISTRICT

Regulation 4219.25: Political Activities Of Employees

Original Adopted Date: 1/17/2024

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. (Education Code 7056)

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 Governing Board (Education Code 7054, 7056; Government Code 8314)
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 (Elections Code 18304)
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 (Education Code 7056)
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. (Education Code 7054)

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. (Education Code 7056)

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.

State	Description
Ed. Code 38130-38139	<u>Civic Center Act</u>
Ed. Code 51520	<u>Prohibited solicitations on school premises</u>
Ed. Code 7050-7058	<u>Political activities of school officers and employees</u>
Elec. Code 18304	<u>Prohibition against use of district seal in campaign literature</u>
Gov. Code 3543.1	<u>Rights of employee organizations</u>
Gov. Code 82041.5	<u>Mass mailing</u>
Gov. Code 8314	<u>Unlawful use of state resources</u>
Pen. Code 424	<u>Embezzlement and falsification of accounts by public officers</u>
Management Resources	Description
Attorney General Opinion	77 Ops.Cal.Atty.Gen. 56 (1994)
Attorney General Opinion	84 Ops.Cal.Atty.Gen. 106 (2001)
Attorney General Opinion	84 Ops.Cal.Atty.Gen. 52 (2001)
Court Decision	Pickering v. Board of Education Township High School District, (1968) 88 S. Ct. 1731
Court Decision	L.A. Teachers Union v. L.A. City Board of Education, (1969) 71 Cal.2d 551
Court Decision	San Leandro Teachers Association v. Governing Board of the San Leandro Unified School District, (2010) 46 Cal. 4th 822
Court Decision	Diquisto v. County of Santa Clara, (2010) 181 Cal. App. 4th 236
Court Decision	Heffernan v. City of Paterson, (2016) 136 S. Ct. 1412
Court Decision	California Teachers Association v. Governing Board of San Diego Unified School District, (1996) 45 Cal.App. 4th 1383
Court Decision	Downs v. Los Angeles Unified School District, (9th Cir. 2000) 228 F.3d 1003
Public Employment Relations Board Ruling	Turlock Joint Elementary School District, (2004) PERB Dec. No. 1490a
Public Employment Relations Board Ruling	East Whittier School District (2004) PERB Dec. No. 1727
Public Employment Relations Board Ruling	Conejo Valley Unified School District, (2009) PERB Dec. No. 2054

Public Employment Relations Board
Ruling
Public Employment Relations Board
Ruling
Website
Website
Website
Website

City of Sacramento, (2019) PERB Dec. No. 2702m

San Diego Community College District, (2001) PERB Dec.
No.1467
[CSBA District and County Office of Education Legal Services](#)
[California Attorney General's Office](#)
[California Public Employment Relations Board](#)
[CSBA](#)

Cross References

Code	Description
1160	Political Processes
1325	Advertising And Promotion
1330	Use Of School Facilities
1330	Use Of School Facilities
3512	Equipment
3512-E(1)	Equipment
4040	Employee Use Of Technology
4040-E(1)	Employee Use Of Technology
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.1	Civil And Legal Rights
4119.21	Professional Standards
4119.21-E(1)	Professional Standards
4119.22	Dress And Grooming
4140	Bargaining Units
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4219.1	Civil And Legal Rights
4219.21	Professional Standards
4219.21-E(1)	Professional Standards
4219.22	Dress And Grooming
4240	Bargaining Units
4319.1	Civil And Legal Rights
4319.21	Professional Standards

4319.21-E(1)

[Professional Standards](#)

4319.22

[Dress And Grooming](#)

4340

[Bargaining Units](#)

6144

[Controversial Issues](#)