

ADMINISTRATIVE CIRCULAR NO. 31

Office of Legal Services

SAN DIEGO UNIFIED SCHOOL DISTRICT

Date: October 19, 2008

To: All Principals, Division and Department Heads, Child Development Center Administrators, Governance Team Chairpersons and Chairs of School Site Councils

Subject: PROHIBITED USE OF DISTRICT FACILITIES OR EMPLOYEE TIME FOR CAMPAIGN ACTIVITIES

Department and/or Persons Concerned: All Principals, Division and Department Heads, Child Development Center Administrators

Due Date: None

Reference: Education Code Sections 7050 through 7058 and 35172
Administrative Regulation and Procedures 4910, 8250, 9205 and 9375

Action Requested: Implement the following guidelines.

Brief Explanation:

State law prohibits the use of school district funds, services, supplies, or equipment for the purpose of urging the support or defeat of any ballot measure or candidate. District employees may not engage in political or campaign activities during work hours. (Education Code sections 7050 through 7058). This restriction includes the wearing or display of partisan political materials (i.e., posters, political buttons) at work sites during duty hours.

Based on these prohibitions, the following are guidelines concerning campaign activities:

1. No person may engage in political campaigning on school sites or on district administrative locations.
2. Except as provided for under Administrative Procedure 9205 (Civic Center Use of Buildings, Grounds and Equipment), district telephones, copiers, materials, supplies and personnel, including translators and interpreters, may not be used for any political or campaign activity.
3. Students may not take home political or campaign material distributed by parent or other school associated groups.
4. Employees may appear at public or private meetings to discuss a ballot measure. If they are at the meeting representing the district, they must only present relevant facts on the consequences to the district of the measure. Persons may campaign as private citizens on their own time and at their own expense. It should be clear that the views expressed are personal.
5. School mail or mailboxes may not be used to distribute materials that urge either the support or defeat of a candidate or ballot measure. Employee organizations may communicate with their unit members using school mail only pursuant to Administrative Procedure 8250 (Rights of Employee

Organizations). (*San Leandro Teacher's Assn v. Governing Board etc.* (2007) 154 CalApp4th 866, 65 CalRptr 3d 288)

6. Except for employee organization bulletin boards or faculty room tables, no district property, including bulletin boards, walls, or marquees, shall be used to display campaign or election materials. Employee organizations may post only their materials on the organization bulletin board. These bulletin boards should not be in a place readily accessible to the general public.
7. Instructional activities related to campaign issues are governed by Administrative Procedure 4910 (Controversial Issues in Schools).
8. Visits to school sites by individuals associated with political campaigns must comply with Administrative Procedure 9375 (Visitors to the District).
9. Distribution of information materials related to an election shall be governed by the following:
 - a. All written information to be disseminated to the public by school employees during work hours or using district facilities must first be submitted to the district's Legal Services office.
 - b. Information may be disseminated which addresses the general effect (as opposed to the effect on district programs and activities) of the passage of a proposition so long as the material is a fair and impartial presentation of the relevant facts. Such information will include all the principal consequences, both pro and con, from the passage of the initiative. (*Stanson v. Mott* (1976) 17Cal.3d206; Education Code Section 7054.)
 - c. Information may be disseminated which describes the effect of a proposition on the programs and activities of the district so long as such statements are factual and are presented in a manner which does not distort or exaggerate. (Education Code Section 35172.)
 - d. Information of a partisan nature may be distributed between employees on school premises only during lunch breaks or duty-free time. Such information may be discussed between employees only in noninstructional settings.

If you have any questions regarding the above, please contact the Legal Services office at (619) 725-5630.



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General Counsel

MRB:dmh

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