



## Political Speech and Controversial Issues FAQs

### ***FAQs of SCUSD Employees on Political Speech and Controversial Issues***

#### **Can a teacher use a virtual platform provided by the District, like a backdrop on Google Classroom, to urge support or defeat of a candidate or ballot measure?**

**No.** District resources cannot be used for political activities and political activities are only allowed during off duty time. See Cal. Ed. Code § 7054. Further, teachers during instructional hours “act with the imprimatur” of the District and thus, students may not be able to dissociate the teachers’ position from that of the District’s. See *Cal. Teachers Ass’n v. Governing Bd.*, 45 Cal.App.4th 1383, 1390 (1996). As such, “a school retains the authority to refuse to sponsor speech that might reasonably be perceived to ‘associate the school with any position other than neutrality on matters of political controversy.’” *Id.* at 1389.

#### **Can a teacher discuss controversial issues in his/her classroom?**

**Depends.** Under AR 6144 Instruction (Controversial Issues) controversial issues may be discussed in the classroom, provided that:

1. The issue is related to the course of study and provides opportunities for critical thinking, for developing tolerance, and for understanding conflicting points of view.
2. The issue has a meaningful relationship to matters of concern to the students.
3. Available information about the issue is sufficient to allow alternative points of view to be discussed and evaluated on a factual basis.
4. All sides of the issue are given a proper hearing, using established facts as primary evidence.
5. The issue has points of view which can be understood and defined by the students.
6. The teacher does not use his/her position to forward his/her own religious, political, economic or social bias. The teacher may express a personal opinion if he/she identifies it as such and does not express the opinion for the purpose of persuading students to his/her point of view.
7. Discussion or study of the issue is instigated by the students or by the established curriculum, but not by a source outside of the schools.
8. The discussion does not reflect adversely upon persons because of their race, sex, color, creed, national origin, ancestry, handicap or occupation.
9. The oral or written presentation does not violate state or federal law.

#### **Can the District regulate the wearing of political paraphernalia, like buttons or hats, by employees while on duty?**

**Yes.** Under the California Constitution, as well as the First Amendment, school authorities retain the power to dissociate themselves from political controversy by prohibiting their employees from engaging in political advocacy in instructional settings. See *Cal. Teachers Ass’n v. Governing Bd.*, 45 Cal.App.4th 1383 (1996).

*The District respects the right of school officers and employees to engage in political discussions and activities, including political campaigns, on their own time and at their own expense. On such occasions, school officers and employees should make it clear that they are acting as individuals, not as District representatives. These FAQs are intended to provide general information (parameters) on common political speech and/or controversial issue-related situations. If you have any questions about an issue that is not covered by these FAQs, please contact the Communications Office at (916) 643-9042.*