

Office of Superintendent of Schools
Board Meeting of May 14, 2003

April 30, 2003

Office of School Board Attorney
Johnny Brown, School Board Attorney

**SUBJECT: PROPOSED AMENDMENT OF SCHOOL BOARD RULE: FINAL
READING 6Gx13- 1C-1.06, POLITICS–PARTICIPATION OF STAFF**

**COMMITTEE: LEGISLATIVE RELATIONS, PUBLIC RELATIONS AND PERSONNEL
SERVICES**

The School Board of Miami-Dade County, Florida, announced on March 12, 2003 its intention to amend School Board Rule 6Gx13- 1C-1.06, Politics–Participation of Staff, at the meeting of May 14, 2003, by establishing additional regulations and restrictions on political participation during hours of employment.

The Notice of Intended Action was published in the *Miami Daily Business Review* on March 17, 2003 posted in various places for public information and mailed to various organizations representing persons affected by the amended rule and to individuals requesting notification.

The time to request a hearing or protest the adoption of this rule has elapsed.

In accordance with the provisions of the Administrative Procedure Act, this amended rule is presented to The School Board of Miami-Dade County, Florida, for adoption and authorization to file the rule in the official records of The School Board of Miami-Dade County, Florida.

Attached are the Notice of Intended Action and the amended rule. Changes from the current rule are indicated by ~~striking through~~ words to be deleted and underscoring words to be added.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, adopt amended School Board Rule 6Gx13- 1C-1.06, Politics – Participation of Staff, and authorize the Superintendent to file the rule with The School Board of Miami-Dade County, Florida, to be effective May 14, 2003.

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NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on March 12, 2003, its intention to amend Board Rule 6Gx13- 1C-1.06, Politics–Participation of Staff, at its meeting of May 14, 2003.

PURPOSE AND EFFECT: The revision to the Board Rule establishes additional regulations and restrictions on political participation during hours of employment.

SUMMARY: To establish additional regulations and restrictions to have a more comprehensive policy regulating political activity in Miami-Dade County Public Schools.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 1001.41(1)(2); 1001.42(22); 1001.43(10) F.S.

LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: 1012.53(2) F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF May 14, 2003, which begins at 1:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132. Persons requesting such a hearing or who wish to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative as provided by Section 120.541(1), F.S., must do so in writing by April 7, 2003, to the Superintendent of Schools, Room 912, at the same address.

ANY PERSON WHO DECIDES TO APPEAL THE DECISION made by The School Board of Miami-Dade County, Florida, with respect to this action will need to ensure the preparation of a verbatim record of the proceedings, including the testimony and evidence upon which the appeal is to be based. (Section 286.0105, Florida Statutes)

A COPY OF THE PROPOSED AMENDED RULE is available for inspection and copying at cost by the public in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

Originator: Mr. Johnny Brown
Date: February 24, 2003

Public Activities Involving Staff or Students**POLITICS--PARTICIPATION OF STAFF**

The Board recognizes and encourages the rights of its employees, as citizens, to engage in political activity, with the following restrictions:

1. No employee shall, in the furtherance of any candidacy for nomination or election to public office in any election, provide campaign services to the candidate during working hours. See §106.15(3), Fla.Stat.
2. No employee shall use his/her official authority or influence for the purpose of coercing or influencing another person's vote. §104.31(1)(a), Fla.Stat. Activity prohibited under this section includes, but is not limited to, the following:
 - a. using school district email servers and individual school district-provided email accounts for political purposes;
 - b. campaigning during official school hours or otherwise attempting to influence votes when a district school is being used as a voting precinct on an election day; and
 - c. directly or indirectly or expressly using students to communicate political messages to parents and the community.
3. No employee shall directly or indirectly coerce or attempt to coerce, command or advise any other employee to contribute any money or anything else of value to any party, committee, organization, agency or person for political purposes. However, nothing in this paragraph shall prohibit an employee from suggesting to another employee in a non-coercive manner that he or she may voluntarily contribute to a fund which is administered by a party, committee, organization, agency, person, labor union or other employee organization for political purposes. §104.31(1)(b), Fla.Stat.
4. No employee shall make or solicit or knowingly accept any campaign contribution in a building owned by the school district. This subsection shall not apply when a school district-owned building or any portion thereof is rented for the specific purpose of holding a campaign fund-raiser. §106.15(4), Fla.Stat.
5. No employee, in the furtherance of his/her candidacy for nomination or election to public office in any election shall use any school board-owned motor vehicle solely for the purpose of furthering his/her candidacy. See §106.15(2), Fla.Stat.

6. Use of school district email servers and individual school district-provided email accounts for the purpose of distributing political communications of any nature constitutes an inappropriate and unacceptable use under School Board Rule 6Gx13- 6A-1.112, Acceptable Use Policy for the Exploration and Utilization of the Internet as a Tool for Learning, and is prohibited.
7. Distribution of political materials to students, in an effort to communicate political messages to parents and the community, is inconsistent with the policy set forth in School Board Rules 6Gx13- 1A-1.16, Materials - Distribution Through Students, and 6Gx13- 1A-1.161, Materials Distribution – Through Students, and is prohibited.
8. No employee shall use any School Board property, including district-provided email accounts, for political purposes, including influencing an election.

Nothing in this rule shall be construed to limit an employee's right to engage in political activity as set forth in §104.31, Fla.Stat.

Specific Authority: 104.31; 106.15; ~~230.22(2)~~ 1001.41(1)(2); 1001.42(22); 1001.43(10) F.S.

Law Implemented, Interpreted, or Made Specific: ~~231.09(2)~~ 1012.53(2) F.S.

History

Repromulgated: 12-11-74

Amended: 7-12-95

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA