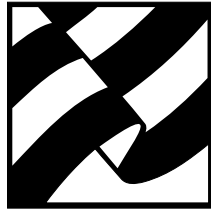


Kids, Schools, and Politics: Protecting the Integrity of Taxpayer Resources

**A Project of
Center of the American Experiment**

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Kids, Schools, and Politics: Protecting the Integrity of Taxpayer Resources

Executive Summary

To protect the academic integrity of our classrooms and to ensure the nonpartisan use of taxpayer dollars, schools must have policies in place that address potentially partisan issues *before* being faced with such issues.

A number of incidents occurred in Minnesota during the 2004 campaign cycle that highlight the importance of clear policies regarding the ethical issues of using publicly funded resources or school children to promote political causes:

- In Lakeville (ISD 194), the teachers' union sued the district in an attempt to force the use of teachers' mailboxes for the distribution of material endorsing John Kerry for president.
- Controversy swelled over the opportunity for high school bands in both Lakeville (ISD 194) and Robbinsdale (ISD 281) to perform during a presidential campaign visit.
- In North St. Paul-Maplewood-Oakdale (ISD 622), fliers advertising a political fundraiser for a state House candidate were sent home in the backpacks of third graders.
- Anecdotal stories of teachers expressing their political views in the classroom abounded, culminating with a letter to the editor by a seventeen-year-old student from Woodbury (ISD 833) decrying what she saw as political advocacy by teachers.

These issues are not isolated to Minnesota. Similar examples can be found across the country.

What safeguards are in place to ensure that tax dollars and children are not being used for political purposes? Research reveals that many states and local districts have strong policies in place that can serve as models for those states and districts lacking such policies.

Unfortunately, the laws in Minnesota are weaker than those in other states, and for the most part only apply to a small percentage of public employees. So that all public employees are clear about how to be responsible stewards of tax dollars, this must be addressed. With regard to local school districts, this report recommends that comprehensive policies be required that address the following issues:

1. Protecting school resources from being used for political purposes.
2. Protecting publicly funded technologies, such as e-mail and the Internet, from being used for political purposes.
3. Protecting students from being used for political purposes.
4. Protecting the classroom from political advocacy.

All fifty states were surveyed on the existence of laws, legal opinions, and guidance/rule documents covering these issues. Responses have been compiled and are available in the appendix to this report, and the appendices will be updated regularly online so that the most current information will be available.

Introduction

To protect the academic integrity of our classrooms and to ensure the nonpartisan use of taxpayer dollars, schools must have policies in place that address potentially partisan issues *before* being faced with such issues.

Unfortunately, the laws in Minnesota are weaker than those in other states, and for the most part only apply to a small percentage of public employees. However, research reveals that many states and local districts have strong policies in place that can serve as models for those states and districts lacking such policies.

With regard to local school districts, this report recommends that comprehensive policies be required that address the following issues:

1. Protecting school resources from being used for political purposes.
2. Protecting publicly funded technologies, such as e-mail and the Internet, from being used for political purposes.
3. Protecting students from being used for political purposes.
4. Protecting the classroom from political advocacy.

I. Using School Resources for Political Purposes

A. Teachers' Mailboxes

In October 2004, the teachers' union in Lakeville took the district to court after the district prohibited the union from using teacher mailboxes to distribute a leaflet highlighting union endorsement of Sen. John Kerry for president. The union claimed that their members should be allowed to use teachers' mailboxes for the distribution of political material. According to a lawyer representing the union: "We need to have the ability to communicate with our members. I think it's a very important issue for us."¹

The union claimed that a district policy prohibiting the use of school mailboxes for the distribution of political materials was a violation of the teachers' constitutional right to free speech. But one has to question why the suit was filed in 2004 since this policy has been in place for seven years, having been approved by the Lakeville School Board in 1997.

The language of the district policy regarding the distribution of political material is quite clear and is readily available on the district website. It reads:

"No literature endorsing any political candidate or other similar political materials shall be distributed in employee mailboxes or in the school district's internal mail systems."²

District policy also makes it very clear that it is permissible to use employee mailboxes for “the ability to communicate” on official union matters:

“Employee mailboxes and the school district internal mail systems shall be open to the exclusive representatives of school district employees on matters within the scope of the official representational duties of the unions.”³

It therefore came as no surprise to most people when U.S. District Judge Richard Kyle upheld the school board’s policy, ruling that a district is within its rights to regulate the use of teachers’ mailboxes.

In this case, a clear and comprehensive school board policy helped to maintain the integrity of taxpayer-funded resources.

Similar Incidents Elsewhere

The use of school employee mailboxes has been an issue in other states:

- After a local teachers’ union in Idaho used school mailboxes to distribute political materials, the lawyer for the school district recommended that the practice cease immediately. One board member stated: “I’ve got to believe we’re in violation of the code of ethics.”⁴
- Union leaders in San Diego filed charges against their school board after school board lawyers told the union that using the district mail system to distribute political material was illegal. The union claimed this amounted to unfair labor practices, citing the California government code: “Employee organizations shall have the right of access at reasonable times to areas in which employees work, the right to use institutional bulletin boards, mailboxes, and other means of communications, subject to reasonable regulations.”⁵
- Union candidates for the presidency of the Baltimore teachers’ union complained that current policies that allow incumbents to use the interoffice mail system are unfair. “The incumbents are trying to control the election process because they don’t want a challenge,” said one. Instead, the challengers must personally visit all 184 schools to distribute their literature.⁶

Model Policies From Around the Country

A survey of all fifty states (see Appendix A) indicates that while the use of public resources for political purposes is sometimes left to local discretion (for example, see Connecticut, Delaware, and Idaho), most states responding to this survey do have laws, legal opinions, or some other state requirement that prohibits such usage. For example, Hawaii provides an “Ethics Checklist” that is quite explicit:

Do not use state time, equipment (computers, e-mail, etc.), facilities, personnel, the state seal, office supplies, or other state resources for private business purposes or political campaigning.⁷

Iowa law has language similar to that in other states in that it is more general than specific:

The state and the governing body of a county, city, or other political subdivision of the state shall not expend or permit the expenditure of public moneys for political purposes, including expressly advocating the passage or defeat of a ballot issue.⁸

Oregon law is more explicit:

No public employee shall solicit any money, influence, service, or other thing of value or otherwise promote or oppose any political committee or promote or oppose the nomination or election of a candidate, the gathering of signatures on an initiative, referendum or recall petition, the adoption of a measure, or the recall of a public office holder while on the job during working hours.⁹

States that address this issue almost always include language that makes it clear that public employees are free to participate in political activities—provided they do so on their own time.

B. From Mailboxes to Music

The Armstrong High School band in Robbinsdale (ISD 281) and the Lakeville High School band were invited to play at an event where President Bush was scheduled to speak. The event was to be held three days before the contentious 2004 presidential election.

Both band directors jumped at the chance to have their students play for the president, but district policies caused the superintendents of these districts to decline the invitations based on the fact that the visit by President Bush was a campaign event, not an official government event. When it appeared that the bands would be playing for the president, parents who supported Kerry were irate—but after the bands were told they would *not* be playing, parents who were Bush supporters were the ones who were angry.

The fact that this presidential visit was a campaign stop, and not an official government visit, meant that existing policies in Lakeville prevented the band from participating. Involvement with this event could have been construed as supporting one candidate over another, and also would have involved the use of a school employee (band director) and school property (in this case, buses, uniforms, and instruments) in a political activity. According to Lakeville policies:

“The school district will maintain neutrality as to all political campaigns and issues...”¹⁰

“Employees of the school district, while acting in the capacity of a school district employee, shall not engage in any political activity during the school day, during work hours or at school activities.”¹¹

“All school district property and facilities...are designated as reserved for their intended purpose of education and education-related activities....”¹²

A press release issued on October 29 by the Robbinsdale district states in part: “While it is an honor to play for the president of the United States, it is not acceptable for the band to perform at an election campaign rally for any [political] party.” District policy in Robbinsdale, while not as explicit as that in Lakeville, nonetheless states that “employees shall not use District 281 property or time for political purposes...”¹³

Playing for the president is a once-in-a-lifetime experience, and it is understandable that many of the students were disappointed by missing such an opportunity. Had the event been in a non-political context, both bands would have performed.

However, strong and explicit policies that clearly articulate appropriate uses of school resources must be implemented consistently to maintain their integrity and credibility, and to be fair to taxpayers.

Similar Incidents Elsewhere

These incidents are not isolated to Minnesota. Similar situations have occurred across the country:

- A high school band in Reno, Nevada, was prevented from playing for a presidential campaign visit because of a school policy that “forbids school-sponsored organizations from engaging in party politics.” However, one school trustee said that “there are many aspects of this board policy that are vague and need to be changed.”¹⁴
- The Hillsborough school district in Florida turned down two requests in 2004: one was for the use of a high school gym for a campaign event by Senator Kerry and the other was to have a high school band play at a campaign event for President Bush. According to the district spokesman: “We have to be as apolitical as possible.”¹⁵

Model Policies From Around the Country

No state policies were reported that explicitly addressed situations involving school bands, but a prohibition could be a reasonable interpretation of some state laws. The key issue here would be that any policy must be applied consistently, as was the case in Hillsborough, Florida.

C. Local Advocacy

One recent incident in Minnesota highlights the lack of controls on the use of public resources for political advocacy in the area of ballot initiatives. In Crookston, a referendum with two

ballot questions was held in conjunction with the general election in November 2004. Informational material was sent home with students, but the district website went beyond information and into advocacy with a graphic of two buttons that said “Vote Yes on Question #1” and “Yes on Question #2.”¹⁶ The graphic appeared on the district home page as well as on a link. It must be noted that although this kind of advocacy is explicitly illegal in many states (for example, see Arizona, Illinois, Iowa, Louisiana, Massachusetts, Michigan, Mississippi, Nebraska, Oregon, and Texas in Appendix A), it is apparently legal in Minnesota.

Furthermore, the public in Crookston had been told that there was going to be a \$400,000 budget shortfall in the district, and consequently the referendum passed. But in an added twist, after the election it was revealed that district officials knew nearly a month *before* the election that they actually had a \$307,000 *surplus*—meaning that the budget forecast for this small district was off by \$700,000. The school district business manager said: “I knew I needed to get it out before the election. We just weren’t able to get the meeting set.”¹⁷ Members of the public were outraged, with some calling for board member resignations,¹⁸ as well as stating: “I feel betrayed by the school administration...Considering the duplicity of the administration, I believe the vote should be declared null and void.”¹⁹ Ironically, a bill before the state legislature in 2003 might have prevented this situation by changing the date local districts have to report financial data to the state, but it did not pass.²⁰

In a different incident, a lack of control on the use of school resources for political advocacy may be jeopardizing a school district’s non-profit mailing permit. The Eden Prairie school district’s bulk mail permit was used to mail a piece of union literature supporting the election of two Democratic state House candidates. In other words, an advocacy piece for these candidates received the benefit of a discounted postage rate that was intended exclusively for the use of the school district. In addition, the document was printed at the school district’s document printing center, and it is unclear if this is allowable. Union officials claim the use of the district bulk rate mailing permit was an error and said that the district would be repaid, but an investigation is being called for.²¹

Similar Incidents Elsewhere

- A local citizen’s group in the San Diego area sued the Ramona school district charging that “district employees illegally spent work hours and used district resources to campaign for a \$25 million bond measure.” The allegations included use of district funds to purchase thousands of fliers promoting the measure and circulating petitions among students during the school day.²²
- When materials regarding a tax increase were sent home with students in Massachusetts, opponents voiced concerns that “some school officials were sending home biased information with students.” One parent reported that “his children were told by their teachers that they would lose their jobs if voters didn’t approve the tax boost.” He said: “They basically came home thinking I was this bad guy because I was against it.”²³

Model Policies From Around the Country

While most states have prohibitions in place regarding the use of public resources for political advocacy, they also have language that explicitly allows school districts to distribute informational reports on funding-related ballot initiatives (see Appendix A). Some states are clear in articulating that *information* is different from *advocacy*. For example, an attorney general opinion from Louisiana states that it is unconstitutional to “use public funds to manipulate public opinion.”²⁴ Oregon and Texas even have guidance as to what language may or may not be used in informational publications addressing ballot initiatives:

From Oregon: “With this measure you will pay the same low amount,” “You will still get the same great service,” and “Passage of this measure is critical as the needs of our district are urgent.” Adjectives that qualify such as “low” and “great” included in these sentences are not necessary to relay the factual information, rather they serve to add a persuasive tone. Informational documents produced by governing bodies should be as dispassionate as possible, even if the adjectives used are accurate. Other adjectives that may be inappropriate are “serious,” “critical need,” and “important.” In an informational document the reader should be left on their own to come to the conclusion that the issues are important, rather than the information including impassioned descriptions (emphasis in the original).²⁵

From Texas: The prohibition does not apply to “a communication that factually describes the purposes” of a measure election. In other words, it is permissible to use district resources to produce explanatory material about what is at stake in a measure election. Violations of the law often occur, however, because someone finds it irresistible to wrap up a factual explanation with a motivational slogan such as: “Good Schools are the Foundation of a Good Community” or “Every Child Deserves a Good Education.” Another common misstep is to include “calls to action,” such as “Put Children First” or “Show That You Care About Education.” Remember: No matter how much factual information about the purposes of a bond election is in a communication, *any amount* of advocacy is impermissible (emphasis in the original)²⁶

While most states that identify the dissemination of factual information as something permissive, Massachusetts is more restrictive, noting that the state constitution “prohibits the publicly funded distribution of any information to voters concerning a ballot question without express statutory authority.”²⁷

D. Publicly Funded Computer and Internet Systems

While many states have very specific policies in place prohibiting the use of taxpayer-funded resources for political purposes, some states and districts have enacted more specific prohibitions that address newer technologies, such as e-mail and the Internet. Although many people commonly use the e-mail system at their place of employment as a personal account, it is

specifically illegal in many states to send advocacy e-mails using publicly funded equipment while on state time. Furthermore, in some states, establishing advocacy websites on state time with state equipment is likewise explicitly prohibited.

During the contentious 2004 Minnesota legislative session, political discussions and apparent advocacy may have been conducted during the school day from computers in at least two public school systems. Many people do not know that emails, whether sent from a school account or from a generic account (such as Yahoo.com or Hotmail.com), as well as postings to Internet blogs, can be identified by the IP address that is unique to each Internet-connected computer. Multiple postings to a politically-oriented blog were made from IP address 205.215.134.20 and at least one posting was made from IP address 199.199.233.230. A search on the American Registry for Internet Numbers (ARIN) identifies the source of these addresses as Minneapolis Public Schools and Edina Public Schools, respectively.²⁸ While apparently not illegal in Minnesota, the evidence that such activities are being performed on state equipment during the school day does raise ethical issues.

Similar Incidents Elsewhere

- A teacher in Arkansas was the focus of an ethics investigation regarding her use of the school e-mail system, school property, and school time to lobby on behalf of a school board candidate. The e-mail was sent from a school computer during school hours and stated in part: “If you truly want to help Gloria, please call your friends and remind them to vote (and who to vote for), sign the sheets in the lounge that will add your name to the ad coming out in the paper.”²⁹
- In Nebraska, fax and e-mail requests were sent from Omaha schools soliciting contributions for the election campaign of a candidate for the State Board of Education. The teachers’ union “defended the communications...stating that such exchanges of information and urgings to get involved were just part of communication with their members and the democratic process.” However, Nebraska Department of Education Rule 27 states that educators “shall not use institutional privileges for private gain or to promote political candidates, political issues, or partisan political activities.”³⁰
- The official website for Montgomery County Public Schools in Maryland notified students that they could “earn two hours of community service” by attending a pro-tax rally. It went on to tell students that they could contact the local teachers’ union and other groups if they needed transportation.³¹

Model Policies From Around the Country

School district policy needs to stay abreast of the latest technologies. The Lakeville, Minnesota, district has a stand-alone policy document that specifically addresses access to *mailboxes* and *internal mail systems*, and defines those terms as follows: “employee mailboxes and school district internal mail systems include paper mail, voice mail, computer electronic mail (e-mail) and any other potential technologies used for mail purposes.”³² With the inclusion of e-mail and “any other potential technologies used for mail purposes,” the usage policy becomes very clear:

“No literature endorsing any political candidate or other similar political materials shall be distributed in employee mailboxes or in the school district’s internal mail systems.”³³

Massachusetts has an interpretive opinion that addresses e-mail usage, but states such as Texas, Hawaii, and Oregon have clear and specific mandates in place (see Appendix B). Even more specific is language from the Office of the Secretary of State in Oregon:

“An e-mail that is supporting or opposing a petition, candidate, or measure that is sent on a public employees’ work time to a group of other employees of an agency or others would be a violation of election law by the public employee who wrote and sent it. Any public employee who uses work time to produce a website that is political advocacy would be in violation of election law. Whoever is ultimately responsible for the website would also be responsible for its content.”³⁴

A legal opinion from Hawaii concludes that:

“...E-mail accounts that are provided by the state and supported by the state may not be used for political campaigning...The use of a state e-mail account for political campaigning violates the State Ethics Code...”³⁵

E. Analysis and Recommendation:

Minnesota law is surprisingly vague in the area of using publicly funded resources for political purposes. For example, in Minnesota Statutes, section 43A.32, titled “Political activities,” the only general prohibitions on political activities for public employees appear to be those that address *compelling* an employee into a political membership, a contribution, or political activity. In other words, employee involvement in political activities on state time or using state equipment are not prohibited, but *compelling* an employee to do so is:

No employee shall, directly or indirectly, during hours of employment solicit or receive funds for political purposes, or use official authority or influence to compel an employee in the classified service to apply for membership in or become a member of any political organization, to pay or promise to pay any assessment, subscription, or contribution or to take part in any political activity.³⁶

This law is amplified in the administrative procedures issued by the Department of Employee Relations, which notes that state employees “may take an active part in political management and political campaigns, but not on state time or premises (e.g., do volunteer work for a partisan candidate, campaign committee, or political party; attend political meetings or rallies; originate, circulate, and/or sign petitions for candidates)...”³⁷ However, these administrative procedures are applicable only to state employees. With seventy-five percent of public employees in Minnesota belonging to local governments and school districts, only twenty-five percent of public employees (those who work for the state) are impacted by these administrative procedures.³⁸ Furthermore, administrative procedures are merely a description of how to comply with the law, and not the law itself.

Minnesota Statutes, section 211B.09, is titled “Prohibited public employee activities” and states:

An employee or official of the state or of a political subdivision may not use official authority or influence to compel a person to apply for membership in or become a member of a political organization, to pay or promise to pay a political contribution, or to take part in political activity. A political subdivision may not impose or enforce additional limitations on the political activities of its employees.³⁹

In other words, Minnesota law again states that a public official cannot *compel* a person to join a political organization, make a contribution, or “take part in a political activity”—but it does not address a public employee’s willful involvement with political activities while on state time or with the use of state resources. In addition, this section of the law concludes by stating: “A political subdivision *may not* impose or enforce additional limitations on the political activities of its employees (emphasis added).” It appears that Minnesota may be the only state with such an open-ended law.

Furthermore, other more explicit prohibitions, commonly applied to *all* public employees in other states (“state time, supplies, or state-owned or leased property and equipment”), are set forth only for the executive branch in Minnesota.⁴⁰ In other words, the political use of taxpayer funded resources by public employees is explicitly prohibited *by law* only for those employed by the executive branch— *not* for all public employees. Complicating this matter is the fact that Minnesota Statutes, section 43A.02, identifies Minnesota State Colleges and Universities (MNSCU) as an executive branch agency, while the University of Minnesota is expressly excluded from the executive branch, although both entities receive state funds. Since the executive branch (including MNSCU) makes up only fourteen percent of public employees in this state, eighty-six percent of our public employees are not expressly prohibited *by law* from using public resources for political purposes.⁴¹

With regard to e-mail, again our law is vague. Although various state commissioners are called upon to issue “a statewide policy on the use of electronic mail and other forms of electronic communications,” this policy is only applicable to “executive branch state employees.” And while “appointing authorities in the legislative and judicial branches” are required to have e-mail policies in place, no prohibitions are listed as being required. Instead, the only criteria mandated for such policies are that they “shall permit state employees to make reasonable use of state time, property, and equipment for personal communications and shall address issues of privacy, content of communications, and the definition of reasonable use as well as other issues the commissioners and appointing authorities identify as necessary and relevant.”⁴² So instead of stipulating prohibited uses of public resources, our law only requires that policies be in place – and that these policies mandate the parameters for employees’ *personal use* “as well as other issues.” This loose language is out of step with that of other states which explicitly protects taxpayer resources, such as computers and Internet access, from political uses.

To be responsible stewards of the taxpayers' dollars, Minnesota lawmakers must work to close these apparent loopholes. We recommend that the Minnesota legislature examine our laws against the statutes of other states and move to strengthen our laws.

In addition to addressing the issue for all public employees, local school districts should be required to have comprehensive policies in place. Legislation requiring such policies must be broad enough to cover the use of teacher mailboxes, materials prepared on taxpayer time for local ballot initiatives, and participation in events sponsored by political campaigns; yet specific enough to ensure that all areas of lobbying and political advocacy, as well as the use of new and emerging technologies, are addressed as well. Furthermore, care must be taken to ensure that the First Amendment right to free speech is not curtailed. Some school districts, such as Lakeville, should be commended for already having such policies in place.

Recommendation 1: Suggested language for public employees:

Prohibitions on political activities by public employees. Publicly funded resources, including but not limited to time, materials, equipment, facilities, as well as e-mail and any other potential technologies used for communication purposes, are not to be used or authorized for use by public employees to (i) advocate the election or defeat of any candidate for elective office; (ii) advocate the passage or defeat of any referendum question; (iii) advocate the passage or defeat of any matter pending before a local school board, local governing body, the Minnesota Legislature, or the Congress of the United States; (iv) solicit funds for political purposes; or (v) advocate for any other political issue.

This policy does not prohibit public employees from engaging in political activities except when they are on government time or representing their employer in an official capacity.

Recommendation 2: Suggested language for school districts:

Prohibitions on political activities by public school employees. No later than December 31, 2005, local school boards shall develop and implement policies to ensure that publicly funded resources, including but not limited to time, materials, equipment, facilities, as well as e-mail and any other potential technologies used for communication purposes, are not used or authorized for use by public employees to (i) advocate the election or defeat of any candidate for elective office; (ii) advocate the passage or defeat of any referendum question; (iii) advocate the passage or defeat of any matter pending before a local school board, local governing body, the Minnesota Legislature, or the Congress of the United States; (iv) solicit funds for political purposes; or (v) advocate for any other political issue.

Such policies shall not prohibit a public employee from engaging in political activities except when they are on school district time or representing their employer in an official capacity.

Such policies shall not prohibit the use of public funds for dissemination of factual information relative to any proposition appearing on a local ballot, provided such information is factual only and does not in any way advocate for or against such proposition.

All school district policies shall be readily available to the public in hard copy or on the district website.

Recommendation 3:

When local school districts have a referendum on the ballot, they should be required by law to present the public with the most current information regarding school budgets *before* election day. We recommend that the state Legislature revisit and update relevant legislation that was introduced in the 2003 session.⁴³

II. Using Students for Political Purposes

A. Students as Carriers of Political Materials

In October 2004, a teacher at Weaver Elementary School (in the North St. Paul-Maplewood-Oakdale district, ISD 622) sent a political fundraising flier home in the backpacks of twenty-six third grade students. A spokesperson for the district explained that it was union mail that was intended for teachers, not students, and was given to the students inadvertently.⁴⁴

This distribution of the political fundraising fliers to students, while apparently inadvertent, nonetheless raises the question of using children as carriers of political material and the ethical issues associated with this practice.

Parents whose children received these fliers filed an unfair campaign practices complaint against the political candidate for whom the fundraiser was being held, but administrative law judge Kathleen Sheehy ruled that the candidate was not responsible for the distribution of these fliers. Clearly, the candidate was not at the school and had no physical contact with the children or their backpacks, but parents whose children received the fliers apparently believed they could seek no legal remedy other than filing a formal complaint against the candidate.

Similar Incidents Elsewhere

- Political material supporting Democratic candidates was sent home from school with third grade students in Missoula, Montana. Officials stated that the material “was intended for teachers, not students.”⁴⁵
- A local citizen’s group in the San Diego area sued the Ramona school district alleging (among other things) that district employees had circulated petitions on a bond issue among students during the school day.⁴⁶
- During the 2000 Virginia state legislative session, two Fairfax County schools sent fliers home in students’ backpacks that urged parents “to oppose a bill for tuition tax credits for those who send their children to private school or teach them at home.”⁴⁷ The state attorney general responded by issuing a letter that stated: “Schools in our Commonwealth should be places where our children are free to learn and express their ideas. They should not be compelled to serve as conduits to reach parents to advance political positions.”⁴⁸ Delegate Jay O’Brien then introduced a bill to prevent such actions in the future, stating: “Anything that goes in the backpack carries the endorsement of the school.”⁴⁹
- According to the Massachusetts Office of Campaign and Political Finance, the most common examples of the improper use of taxpayer resources to influence voters include, among other things, “stuffing materials in children’s backpacks.” One local legislator reported that children are being used as “mules,” and a parent in Winchester reported receiving “a note in his daughter’s backpack detailing the dramatic cuts that would occur” if he didn’t vote for a tax hike. “They have free access to 400 free couriers to proselytize the school message to pass the [tax increase] or else,” he said.⁵⁰

Model Policies From Around the Country

It appears that only Arizona and Virginia have laws that expressly prohibit the use of children as carriers of political materials (see Appendix C). Arizona's law reads:

An employee of a school district or charter school who is acting as an agent of or working in an official capacity for the school district or charter school may not give pupils written materials to influence the outcome of an election or to advocate support for or opposition to pending or proposed legislation.⁵¹

Virginia's law, passed in 2000, is very specific:

No later than January 1, 2001, local school boards shall develop and implement policies to ensure that public school students are not required to convey or deliver any materials that (i) advocate the election or defeat of any candidate for elective office, (ii) advocate the passage or defeat of any referendum question, or (iii) advocate the passage or defeat of any matter pending before a local school board, local governing body or the General Assembly of Virginia or the Congress of the United States.⁵²

B. Using the Classroom for Political Lobbying

Numerous instances of inappropriate political advocacy and ideological bias have been documented at institutions of higher education.⁵³ According to one source: "Many professors not only admit but proudly trumpet their use of the classroom to press their own views."⁵⁴ Reports of such advocacy at the K-12 level tend to be less numerous than those in higher education. It may be that K-12 students, for the most part, are too young to recognize advocacy and ideological bias when they occur. Nonetheless, an articulate high school student from Woodbury recently sent a letter to the editor of the local newspaper describing political advocacy by teachers at her school:

The education system has become a tool for liberals to preach their ridiculous philosophies of life, preying on young people who have not yet determined what they believe in. I am extremely disappointed in the number of teachers I have had that use their class time to preach political opinions, sometimes even attempting to disguise their views as part of the curriculum.

When adults wonder why many kids today make harmful or immoral decisions, I wonder, could it possibly be because of the liberal ideas (which promote lack of responsibility and relativism) that are constantly presented to students as the correct way to think?⁵⁵

Our public classrooms clearly should be places of education, not indoctrination. However, examples of public classrooms being used to promote political or ideological stances have been well documented.

Similar Incidents Elsewhere

- Some school districts in Maryland offered students a chance to earn credit toward their service learning requirements by attending a pro-tax rally. In fact, the schools in Prince George’s County closed two hours early on the day of the rally. According to one editorial, students “are not in school to be conscripted or bribed into being foot soldiers for a lobbying campaign...”⁵⁶
- A Wisconsin organization whose umbrella group endorsed John Kerry for president in 2004 organized a get-out-the-vote effort using children as young as eleven from thirty-seven different schools in Milwaukee, Madison, and Racine. During school time, students missed their classes to go door-to-door and work in phone banks urging citizens to register to vote. Although the group claims it is non-partisan, it is targeting historically Democratic areas. According to one of the leaders, the group does not address neighborhoods with high Republican turnout “because that is not a part of its mission.” The communication director for the state Republican Party stated: “They are exploiting schoolchildren on the taxpayers’ dime to conduct what is clearly a Democratic, partisan get-out-the-vote effort. To spend this time on a clearly partisan effort when these kids should be in school learning is shocking. It’s a disgraceful use of taxpayers’ money.”⁵⁷
- Officials at Amherst High School in Massachusetts deemed “West Side Story” as racist toward Puerto Ricans and “Peter Pan” as racist toward Native Americans. However, they approved the production of “The Vagina Monologues,” where “actors do soliloquies on vagina-centered matters, which cannot be detailed here in a family newspaper.” One protesting parent said “We don’t let 15 and 16-year olds drink or see R-rated movies. [Yet] you can’t put in the newspaper the words you want 14-year-olds to say publicly...from a stage.”⁵⁸
- A high school in Texas showed Michael Moore’s controversial film “Fahrenheit 9/11” during an English class. The school’s principal previewed the film and said “I didn’t hear anything that was offensive to me.” However, a parent complained due to the film’s “R-rating and political partisanship.” He stated: “It is spun to a very liberal viewpoint. It is absolutely wrong for teachers to take a political position with some of these kids at legal voting age.”⁵⁹ The district superintendent later announced that the film would not be shown again, stating: “We don’t need to be showing biased viewpoints.”⁶⁰
- When his son came home from school worried that he wouldn’t get into college unless his parents voted for an upcoming tax increase, a Massachusetts parent stated: “I was furious because he was totally brainwashed, in my opinion.”⁶¹
- A Michigan teacher distributed copies of a web page that contained political satire against President Bush. One parent said that he is not necessarily a Bush supporter, but objected to the material because “both sides were not presented fairly.”⁶²

- Some members of the public reacted angrily to an anti-war “teach-in” at Foss High School in Tacoma, Washington. The event was attended by 350 students and took place for two hours during the school day with no opportunity for a different point of view.⁶³

Model Policies From Around the Country

State policies in this area address political balance as well as the inappropriateness of rewarding students to support one political view over another (see Appendix D).

Hawaii addresses the issue in law by stating:

“Representatives of all recognized political parties, in equal numbers, who may or may not be candidates for political office, may be invited to schools to discuss their party, its policies, principles and platform.”⁶⁴

A formal advisory opinion out of Iowa goes farther and states that candidates may speak in a school setting provided that they do not use “words of express advocacy,” such as “vote for,” “defeat,” or similar words.⁶⁵ Oregon addresses class discussions on political issues:

...The focus on a specific election for illustrative purposes is not inappropriate as long as the employee’s presentation of the material does not support or oppose any political committee or any particular candidate, petition, or ballot measure. Instructional material must provide a balanced review of both sides of an issue.⁶⁶

Likewise, Nebraska mandates that a teacher “shall permit the student access to varying points of view,” “shall not deliberately suppress or distort subject matter for which the educator is responsible,” and “shall not use institutional privileges for private gain or to promote political candidates, political issues, or partisan political activities.”⁶⁷

Both Hawaii and Oregon address the impact of rewarding students for taking political stands. The law in Hawaii states that no teacher shall “reward any student by the granting of credit, grade, or other forms of recognition as the result of such student supporting a single candidate or party...”⁶⁸

C. Analysis and Recommendation

Minnesota law does not explicitly address either of these issues, although Minnesota statutes, section 43A.32, could possibly be interpreted in this context as referring to a teacher compelling the involvement of students in political activities.⁶⁹

We recommend that Minnesota lawmakers enact legislation to prohibit political activities in our public schools. The following suggested language comes from an analysis of existing laws in other states and would provide a clear delineation of what is acceptable:

Recommendation 4:

Prohibitions on political activities in public schools. No later than December 31, 2005, local school boards shall develop and implement policies to ensure that:

- A. Public school employees shall not use the classroom or class time to promote political candidates, political issues, petitions, ballot measures, or partisan political activities.*
- B. Public school employees shall provide a balanced view of both sides of an issue when controversial issues are a part of classroom discussions.*
- C. Public school students shall neither be rewarded nor penalized for supporting or opposing a political candidate or political issue.*
- D. Public school students shall not be used to convey or deliver any materials that (i) advocate the election or defeat of any candidate for elective office; (ii) advocate the passage or defeat of any referendum question; (iii) advocate the passage or defeat of any matter pending before a local school board, local governing body, the Minnesota Legislature, or the Congress of the United States; (iv) solicit funds for political purposes; or (v) advocate for any other political issue.*

This section shall not be construed to prohibit the discussion or use of political or issue-oriented materials as part of classroom discussions or projects, or to prohibit the delivery of non-advocacy informational materials.

IV. Conclusion

The purpose of this project was threefold:

1. To research state policies across the United States on issues related to the use of taxpayer-funded resources in political advocacy;
2. To present recommendations for legislation in Minnesota; and
3. To assemble a database of information that would be useful to state and local policy makers across the country as they grapple with these issues.

The four databases of state-by-state information that are available in the online version of this report will be updated regularly as state policies continue to evolve and new laws are passed.

As responsible stewards of the taxpayers' dollars, legislators have an obligation to ensure that clear, comprehensive policies are in place that will prevent the inappropriate use of tax dollars.

Minnesota appears to have laws that are less explicit and less comprehensive than those of other states. Out of respect for our taxpayers, it is time to move ahead boldly and strengthen our existing laws.

Appendix A

State Laws, Rules, Regulations and Guidelines on the Use of Public School Resources for Political Purposes

This document was last updated November 19, 2004. It will be modified online at www.amexp.org as states report new and/or updated information.

State	State Law, Rule, or Legal Opinion	State law, guideline/rule, and/or statement
Arizona	Yes	<p>Law: http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/ars/15/00511.htm&Title=15&DocType=ARS 15-511. Use of school district or charter school resources or employees to influence elections; prohibition; civil penalty; definition</p> <p><i>Excerpts:</i> A. A person acting on behalf of a school district or a person who aids another person acting on behalf of a school district shall not use school district or charter school personnel, equipment, materials, buildings or other resources for the purpose of influencing the outcomes of elections. Notwithstanding this section, a school district may distribute informational reports on a proposed budget override election... C. Employees of a school district or charter school may not use the authority of their positions to influence the vote or political activities of any subordinate employee.</p>
Connecticut	No	<p>Statement: “Under Connecticut law, wide latitude is given to local school districts to adopt their own policies...I know of no state policy covering school employees. I believe any such policy would have been locally adopted. In addition, it is possible that employee use of school resources would be a subject of collective bargaining agreements in each district.”</p>
Delaware	No	<p>Statement: “The Department of Education has limited regulation in this area.”</p>
Georgia	No	N/A
Hawaii	Yes	<p>Statement: “The Hawaii Department of Education is a single school district. All public school teachers are state employees.”</p> <p>Rule: http://www.hawaii.gov/ethics/noindex/84guide.htm <i>“Ethics Guide for Elected Officials, Employees, Members of Boards and Commissions”</i></p> <p><i>Excerpt:</i> You may not use state time, equipment, or facilities for private business purposes. [HR §84-13(3)]</p>

		<p>Guidance: http://www.hawaii.gov/ethics/noindex/checklist.htm “Ethics Checklist”</p> <p><i>Excerpts:</i> Favoritism; Fair Treatment: Do not use, or attempt to use, your official position to give yourself or anyone any preferential treatment or any unwarranted advantage. State Resources: Do not use state time, equipment (computers, e-mail, etc.), facilities, personnel, the state seal, office supplies or other state resources for private business purposes or political campaigning. The term "business" includes non-profit organizations.</p>
Idaho	No	<p>Statement: “School district employees are just that: district, rather than state, employees. It may be that individual districts have policies on appropriate political activity, but we would have no way of knowing.”</p>
Illinois	Yes	<p>Law: http://www.legis.state.il.us/legislation/ilcs/ilcs3.asp?ActID=170&ChapterAct=10%26nbsp%3BILCS%26nbsp%3B5%2F&ChapterID=3&ChapterName=ELECTIONS&ActName=Election+Code%2E 10 ILCS 5/9-25.1 (from Ch. 46, par. 925.1; formerly Ch. 46, pars. 102, 103 and 104)</p> <p><i>Excerpt:</i> Sec. 925.1. Election interference. (a) As used in this Section, "public funds" means any funds appropriated by the Illinois General Assembly or by any political subdivision of the State of Illinois. (b) No public funds shall be used to urge any elector to vote for or against any candidate or proposition, or be appropriated for political or campaign purposes to any candidate or political organization. This Section shall not prohibit the use of public funds for dissemination of factual information relative to any proposition appearing on an election ballot, or for dissemination of information and arguments published and distributed under law in connection with a proposition to amend the Constitution of the State of Illinois.... (Source: P.A. 871052.)</p> <p>Law: http://www.legis.state.il.us/legislation/ilcs/ilcs3.asp?ActID=696&ChapterAct=50%26nbsp%3BILCS%26nbsp%3B135%2F&ChapterID=11&ChapterName=LOCAL+GOVERNMENT&ActName=Local+Governmental+Employees+Political+Rights+Act%2E 50 ILCS 135/10 (from Ch. 85, par. 7610) Sec. 10. Political rights protected. (a) No unit of local government or school district may make or enforce any rule or ordinance that in any way inhibits or prohibits any of its employees from exercising the employee's political rights. (b) No employee of a unit of local government or school district may (i) use his or her official position of employment to coerce or inhibit others in the free exercise of their political rights or (ii) engage in political activities while at work or on duty. (Source: P.A. 87385.)</p>
Iowa	Yes	<p>Law:</p>

		<p>Iowa Code section 68A.515 (former 56.12A):</p> <p>"The state and the governing body of a county, city, or other political subdivision of the state shall not expend or permit the expenditure of public moneys for political purposes, including expressly advocating the passage or defeat of a ballot issue. This section shall not be construed to limit the freedom of speech of officials or employees of the state or of officials or employees of a governing body of a county, city, or other political subdivision of the state. This section also shall not be construed to prohibit the state or a governing body of a political subdivision of the state from expressing an opinion on a ballot issue through the passage of a resolution or proclamation."</p> <p>Advisory Opinion: "Campaigning Using Government Property/Resources: Local Government Ethics" http://www.state.ia.us/government/iecdb/legal/adv_opn/topic-campaigning_using_governmental_property_local_ethics/Topic-CampaigningUsingGovernmentalPropertyLocalEthics.html</p>
Kansas	No	<p>Statement: "The established law in Kansas regarding the authority of local school boards is not to ask whether action is prohibited by law, but rather to ask whether the action is authorized by law...In Kansas, school employees may not use school resources for political purposes. The local board of education may provide factual information on school-related bond issues but may not use school resources for emails, printing, equipment, mailboxes, etc. for political purposes...The premise for this interpretation is that school funds may be expended on school purposes only."</p>
Kentucky	No	<p>Statement: "Neither Kentucky statute nor administrative regulations directly address [this issue]. At the same time, there is a state policy that may be of interest. Kentucky requires each district to adopt 'acceptable use' policies guiding access to information in electronic media, to information technology, and to networks. It doesn't directly relate, but it could depending upon the district's acceptable use policy as the state guidelines could apply to distribution of political material. For example, if a district adopts an acceptable use policy including items 3 and 4 from the state guidelines below, it would prohibit sending political material."</p> <p>Guidance: Acceptable Use Policy Guidelines: http://www.education.ky.gov/KDE/Administrative+Resources/Technology/Additional+Technology+Resources/Acceptable+Use+Policy+Guidelines+and+State+Requirements+for+Student+and+Staff+Access+to+Electronic+I.htm</p> <p><i>Excerpt:</i> Board policy on the use of electronic mail should draw from standards for student and staff communication which already exist. For instance:</p> <ul style="list-style-type: none"> • Do not send or attach documents containing pornographic, obscene, or sexually explicit material, • Do not transmit obscene, abusive or sexually explicit language, • Do not use electronic mail for communications which are not directly related to instruction, sanctioned school activities, or a person's job,

		<ul style="list-style-type: none"> Do not use electronic mail, for instance, for private business or personal, non-work related communications, Do not access, copy or transmit another's messages without permission.
Louisiana	Yes	<p>Law: Louisiana Constitution, Article XI, Section 4 http://senate.legis.state.la.us/Documents/Constitution/Article11.htm#§4. Prohibited%20Use%20of%20Public%20Funds</p> <p><i>Excerpt:</i> No public funds shall be used to urge any elector to vote for or against any candidate or proposition, or be appropriated to a candidate or political organization. This provision shall not prohibit the use of public funds for dissemination of factual information relative to a proposition appearing on an election ballot.</p> <p>Attorney General Opinion no. 90-126A www.ag.state.la.us/ShowDoc.asp?DocID=11919</p> <p><i>Excerpt:</i> Public funds generally may be used for public information to provide citizenry with factual information about government: use of public funds to manipulate public opinion is ultra vires and unconstitutional, unless expressly authorized by legislature.....[Article XI, Section 4] has been held to be self-operative, without need of enabling legislation... The use of public funds to finance public relations techniques to manipulate public opinion on public issues to create a body of public opinion favorable to a public official or entity is ultra vires...[Article XI, Section 4] is designed to prevent public officials from using public funds to support or oppose candidates, parties, or propositions...</p>
Massachusetts	Yes	<p>Opinion: Office of Campaign and Political Finance Advisory http://www.mass.gov/ocpf/publicres.htm</p> <p><i>Excerpt:</i> Cities and towns may not...use public resources to persuade voters to support or oppose a question put to voters in an election. In addition, the state Constitution prohibits the publicly funded distribution of any information to voters concerning a ballot question without express statutory authority. Public resources includes anything that is paid for through public funds (taxes or fees), such as paper, postage, staff time, equipment and property.</p> <p>Interpretive Bulletin: http://www.mass.gov/ocpf/ao/IB-91-01.pdf Office of Campaign and Political Finance OCPF-IB-91-01</p> <p><i>Excerpt:</i> Even the occasional, minor use of governmental resources for a political purpose is inconsistent with state law and should be avoided.</p> <p>Interpretive Bulletin: http://www.mass.gov/ocpf/ao/IB-92-02.pdf</p>

		Office of Campaign and Political Finance OCPF-IB-92-02 <i>Excerpt:</i> ...Governmental entities many not contribute or expend anything of value in support or opposition to a ballot question.
Michigan		Law: http://www.michiganlegislature.org/documents/mcl/pdf/mcl-act-388-of-1976.pdf Michigan Campaign Finance Act <i>Excerpts:</i> 169.257(1) A public body or an individual acting for a public body shall not use or authorize the use of funds, personnel, office space, computer hardware or software, property, stationery, postage, vehicles, equipment, supplies, or other public resources to make a contribution or expenditure or provide volunteer personal services... 169.206(1): "Expenditure" means a payment, donation, loan, or promise of payment of money or anything of ascertainable monetary value for goods, materials, services, or facilities in assistance of, or in opposition to, the nomination or election of a candidate, or the qualification, passage, or defeat of a ballot question.
Minnesota		Law: http://www.revisor.leg.state.mn.us/stats/43A/32.html 43A.32 Political activities. Subdivision 1. Prohibition. No employee shall, directly or indirectly, during hours of employment solicit or receive funds for political purposes, or use official authority or influence to compel an employee in the classified service to apply for membership in or become a member of any political organization, to pay or promise to pay any assessment, subscription, or contribution or to take part in any political activity. http://www.revisor.leg.state.mn.us/stats/211B/09.html 211B.09 Prohibited public employee activities. An employee or official of the state or of a political subdivision may not use official authority or influence to compel a person to apply for membership in or become a member of a political organization, to pay or promise to pay a political contribution, or to take part in political activity. A political subdivision may not impose or enforce additional limitations on the political activities of its employees. http://www.revisor.leg.state.mn.us/stats/43A/38.html 43A.38 Code of ethics for employees in the executive branch . Subd. 4. Use of state property. (a) An employee shall not use or allow the use of state time, supplies or state-owned or leased property and equipment for the employee's private interests or any other use not in the interest of the state, except as provided by law. (b) An employee may use state time, property, or equipment to communicate electronically with other persons including, but not

		<p>limited to, elected officials, the employer, or an exclusive bargaining representative under chapter 179A, provided this use, including the value of the time spent, results in no incremental cost to the state or results in an incremental cost that is so small as to make accounting for it unreasonable or administratively impracticable.</p> <p>(c) The commissioners of administration and employee relations shall issue a statewide policy on the use of electronic mail and other forms of electronic communications by executive branch state employees. The policy is not subject to the provisions of chapter 14 or 179A. Appointing authorities in the legislative and judicial branches shall issue policies on these issues for their employees. The policies shall permit state employees to make reasonable use of state time, property, and equipment for personal communications and shall address issues of privacy, content of communications, and the definition of reasonable use as well as other issues the commissioners and appointing authorities identify as necessary and relevant.</p> <p>Administrative procedure (neither rule nor law): http://www.doer.state.mn.us/cmr%2Dadpr/images/pdf-file/32.pdf. Department of Employee Relations, Administrative Procedure 32, provision B(3), pages 2-3.</p> <p><i>Excerpts:</i></p> <p>A. Prohibited Political Activity: An employee is prohibited during hours of employment from:</p> <ol style="list-style-type: none"> 1. directly or indirectly, soliciting or receiving funds for political purposes; or 2. using his/her official authority or influence to compel a classified employee to: <ol style="list-style-type: none"> a. apply for membership in or become a member of any political organization, or b. pay or promise to pay any assessment, subscription or contribution to any political organization, or c. take part in any political activity. 3. using his/her official authority or influence for the purpose of interfering with or affecting the results of an election or nomination for office. <p>B. Permitted Political Activity: An employee may:</p> <ol style="list-style-type: none"> 1. be a candidate for public office. (See Note 1) 2. express opinions on political subjects and candidates (e.g., wear badges or buttons, or display stickers or posters on his/her car or house). Employees may not display political items on state property, such as desks or walls. <p>(NOTE 1: The Hatch Act varies from M.S. § 43A.32 in this regard. Under federal law and State of Minnesota v. Merit Systems Protection Board October 4, 1988, Eighth Circuit Court of Appeals, no state employee is exempted from the coverage of the Hatch Act. The federal law preempts § 43A.32 insofar as there may be a conflict between the state and federal law.)</p> <ol style="list-style-type: none"> 3. take an active part in political management and political campaigns, but not on state time or premises (e.g., do volunteer work
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		<p>for a partisan candidate, campaign committee or political party; attend political meetings or rallies; originate, circulate and/or sign petitions for candidates). State time does not include vacation leave or compensatory time off. Employees engaging in these activities do so as private citizens and are not to use their official job titles or the fact that they are employed by a given state agency when working for or endorsing candidates. Employees may not campaign in state uniform.</p> <p>4. be a candidate for a political party office even where such office is voted on in a partisan election, e.g., committee member or convention delegate.</p> <p>5. make financial contributions to a political party or organization and solicit and collect voluntary political contributions so long as he/she does not coerce, command or advise another state employee to make such contributions and as long as such solicitations are not made during state hours of employment.</p>
Mississippi	Yes	<p>Attorney General Opinion: August 8, 2003: “The Mississippi Supreme Court has stated that there is nothing in our statutory or common law that would authorize a public entity’s use of public funds to actively campaign for a favored position on a bond issue; in other words, a purely informational function is permissible, but a full-scale campaign to influence the outcome is not.”</p>
Nebraska	Yes	<p>Law: http://statutes.unicam.state.ne.us/Corpus/statutes/chap49/R491410102.html 49-14,101.02 Public official or public employee; use of resources or funds; prohibited acts; exceptions.</p> <p><i>Excerpts:</i></p> <p>(1) Except as otherwise provided in this section, a public official or public employee shall not use or authorize the use of personnel, property, resources, or funds under his or her official care and control for the purpose of campaigning for or against the nomination or election of a candidate or the qualification, passage, or defeat of a ballot question.</p> <p>(2) This section does not prohibit a public official or public employee from making government facilities available to a person for campaign purposes if the identity of the candidate or the support for or opposition to the ballot question is not a factor in making the government facility available or a factor in determining the cost or conditions of use.</p> <p>(4) This section does not prohibit a public official from responding to specific inquiries by the press or the public as to his or her opinion regarding a ballot question or from providing information in response to a request for information.</p> <p>(6) This section does not prohibit a public employee from engaging in campaign activity except during his or her government work time or when otherwise engaged in his or her official duties.</p> <p>Law: http://statutes.unicam.state.ne.us/Corpus/statutes/chap20/R2001060.html 20-160</p> <p><i>Excerpt:</i></p>

		<p>Unless specifically restricted by a federal law or any other state law, no employee of the state or any political subdivision thereof, as defined in subdivision (2) of section 13-702, shall be prohibited from participating in political activities except during office hours or when otherwise engaged in the performance of his or her official duties.</p> <p>Rule: http://www.nde.state.ne.us/LEGAL/RULE27FINAL.pdf Title 92: Nebraska Department of Education; Chapter 27: Professional Practices Criteria, Section 004.04</p> <p><i>Excerpt:</i> In fulfillment of the obligation to the public, the educator: 004.04B Shall not use institutional privileges for private gain or to promote political candidates, political issues, or partisan political activities.</p>
New York	Yes	<p>Statement: “New York state law governing political activities in schools derives from the New York Constitution but all the details are in dozens of judicial decisions and commissioner's decisions... There is no specific prohibition against the use of public funds for elections. This issue comes under the broad prohibition against using public funds as gifts.”</p>
Oregon	Yes	<p>Law: http://www.leg.state.or.us/ors/260.html</p> <p><i>Excerpt:</i> 260.432 Solicitation of public employees; activities of public employees during working hours. (1) No person shall attempt to, or actually, coerce, command or require a public employee to influence or give money, service or other thing of value to promote or oppose any political committee or to promote or oppose the nomination or election of a candidate, the gathering of signatures on an initiative, referendum or recall petition, the adoption of a measure or the recall of a public office holder.</p> <p>(2) No public employee shall solicit any money, influence, service or other thing of value or otherwise promote or oppose any political committee or promote or oppose the nomination or election of a candidate, the gathering of signatures on an initiative, referendum or recall petition, the adoption of a measure or the recall of a public office holder while on the job during working hours. However, this section does not restrict the right of a public employee to express personal political views.</p> <p>Guidance/Rule: http://www.sos.state.or.us/elections/Publications/restrictions.pdf “2004: Restrictions on Political Campaigning by Public Employees” <i>(Note: This 26 page document covers a number of topics, including Examples of Restrictions on Public Employees, Examples of Allowable Activities for Public Employees, Determining Whether Material is Campaign Advocacy - Factors to Consider, Visits by a Candidate, Websites and Email, and Examples of Inadvisable Language.)</i></p> <p><i>Excerpts:</i></p>

		The overriding principle is that public employees may not use their work time to support or oppose measures, candidates, or petitions.
Tennessee	No	N/A
Texas	Yes	<p>Law: §255.003 http://www.capitol.state.tx.us/cgi-bin/cqcgi</p> <p><i>Excerpt:</i> An officer or employee of a political subdivision may not spend or authorize the spending of public funds for political advertising.</p> <p>§255.0031. http://www.capitol.state.tx.us/cgi-bin/cqcgi <i>Excerpt:</i> An officer or employee of a state agency or political subdivision may not knowingly use or authorize the use of an internal mail system for the distribution of political advertising.</p> <p>§251.001 Definition of "political advertising" http://www.capitol.state.tx.us/statutes/el.toc.htm <i>Excerpt:</i> "Political advertising" means a communication supporting or opposing a candidate for nomination or election to a public office or office of a political party, a political party, a public officer, or a measure that: (A) in return for consideration, is published in a newspaper, magazine, or other periodical or is broadcast by radio or television; or (B) appears: (i) in a pamphlet, circular, flier, billboard or other sign, bumper sticker, or similar form of written communication; or (ii) on an Internet website.</p> <p>Guidance: “A Short Guide To the Prohibition Against Using School District Resources For Political Advertising in Connection with an Election” http://www.ethics.state.tx.us/filinginfo/padpubs.htm.</p>
Virginia	No	N/A
West Virginia	Yes	<p>Law: http://129.71.164.29/WVCODE/wvcode_VOpenFile.cfm?serverFilePath=D%3A%5Cinetpub%5Cwwwroot%5CWVCODE%5C06b%5CWVC%20%206%20B%2D%20%202%20%20%2D%20%20%20%20%2Ehtm §6B-2-5. Ethical standards for elected and appointed officials and public employees.</p> <p><i>Excerpts:</i> (a) <i>Persons subject to section.</i> The provisions of this section apply to all elected and appointed public officials and public employees, whether full or part time, in state, county, municipal governments and their respective boards, agencies, departments and commissions and in any other regional or local governmental agency, including county school boards. (b) <i>Use of public office for private gain.</i>- (1) A public official or public employee may not knowingly and intentionally use his or her office or the prestige of his or her office for his or her own private gain or that of another person. The performance of usual and customary duties associated with the office or position or the</p>

		<p>advancement of public policy goals or constituent services, without compensation, does not constitute the use of prestige of office for private gain.</p> <p>Law: http://129.71.164.29/WVCODE/wvacode_VOpenFile.cfm?serverFilePath=D%3A%5Cinetpub%5Cwwwroot%5CWVCODE%5C03%5CWVC%20%203%20%20%2D%20%208%20%20%2D%20%2012%20%20%2Ehtm §3-8-12. Additional acts forbidden <i>Excerpts:</i></p> <p>(c) No person may, in any room or building occupied for the discharge of official duties by any officer or employee of the state or a political subdivision of the state, solicit orally or by written communication delivered within the room or building, or in any other manner, any contribution of money or other thing of value for any party or political purpose, from any postmaster or any other officer or employee of the federal government, or officer or employee of the state, or a political subdivision of the state. No officer, agent, clerk or employee of the federal government, or of this state, or any political subdivision of the state, who may have charge or control of any building, office or room, occupied for any official purpose, may knowingly permit any person to enter any building, office or room, occupied for any official purpose for the purpose of soliciting or receiving any political assessments from, or delivering or giving written solicitations for, or any notice of, any political assessments to, any officer or employee of the state, or a political subdivision of the state.</p>
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Appendix B

State Laws, Rules, Regulations and Guidelines on the Use of Publicly Funded Computer and Internet Systems for Political Purposes

Note: Information specific to computer and Internet use was not explicitly requested from each state, although prohibitions against using publicly funded computer and Internet systems for political purposes might be implied in some instances. However, some general state usage policies did address this issue specifically, so a compilation of this information has been started below and will be updated as new information is received.

This document was last updated November 19, 2004. It will be modified online at www.amexp.org as states report new and/or updated information.

State	State Law, Rule, or Legal Opinion	State law, guideline/rule, and/or statement
Hawaii	Yes	<p>Legal Opinion: January 12, 2001 Memorandum from Daniel Mollway, Executive Director and General Counsel: Use of State E-Mail for Campaign Purposes http://www.hawaii.gov/ethics/noindex/emailuse.htm</p> <p><i>Excerpts:</i> ...state resources must be used for state purposes and not unfairly to promote one candidate over another. Thus, e-mail accounts that are provided by the State and supported by the State may not be used for political campaigning. On behalf of the State Ethics Commission, I would like to ask you to circulate this memorandum or otherwise inform the state employees and officials in your department that the use of a state e-mail account for political campaigning violates the State Ethics Code...</p> <p>Guidance: "Ethics Checklist" http://www.hawaii.gov/ethics/noindex/checklst.htm</p> <p><i>Excerpts:</i> State Resources: Do not use state time, equipment (computers, e-mail, etc.), facilities, personnel, the state seal, office supplies or other state resources for private business purposes or political campaigning. The term "business" includes non-profit organizations.</p>
Massachusetts	Yes	<p>Interpretive Bulletin: Office of Campaign and Political Finance OCPF-IB-92-02 http://www.mass.gov/ocpf/ao/IB-92-02.pdf</p> <p><i>Excerpt:</i> Section G: ...use of the governmental website or the Internet for a more political purpose, such as unsolicited e-mails to voters asking for their support, should be avoided.</p>
Michigan	Yes	<p>Law: http://www.michiganlegislature.org/documents/mcl/pdf/mcl-act-388-of-1976.pdf Michigan Campaign Finance Act</p> <p><i>Excerpts:</i></p>

		<p>169.257(1) A public body or an individual acting for a public body shall not use or authorize the use of funds, personnel, office space, computer hardware or software, property, stationery, postage, vehicles, equipment, supplies, or other public resources to make a contribution or expenditure or provide volunteer personal services...</p> <p>169.206(1): "Expenditure" means a payment, donation, loan, or promise of payment of money or anything of ascertainable monetary value for goods, materials, services, or facilities in assistance of, or in opposition to, the nomination or election of a candidate, or the qualification, passage, or defeat of a ballot question.</p>
Minnesota	Only prohibited for the executive branch	<p>http://www.revisor.leg.state.mn.us/stats/43A/38.html 43A.38 Code of ethics for employees in the executive branch.</p> <p>(c) The commissioners of administration and employee relations shall issue a statewide policy on the use of electronic mail and other forms of electronic communications by executive branch state employees. The policy is not subject to the provisions of chapter 14 or 179A. Appointing authorities in the legislative and judicial branches shall issue policies on these issues for their employees. The policies shall permit state employees to make reasonable use of state time, property, and equipment for personal communications and shall address issues of privacy, content of communications, and the definition of reasonable use as well as other issues the commissioners and appointing authorities identify as necessary and relevant.</p>
Oregon	Yes	<p>Guidance/Rule: "2004: Restrictions on Political Campaigning by Public Employees" http://www.sos.state.or.us/elections/Publications/restrictions.pdf</p> <p><i>Excerpt:</i> Each agency must make it a priority to insure that all personnel are apprised of the restrictions on political campaigning by public employees. Public agencies should advise their employees of the proper and improper use of websites and e-mail in regards to political activity. An e-mail that is supporting or opposing a petition, candidate or measure that is sent on a public employees' work time to a group of other employees of an agency or others would be a violation of election law by the public employee who wrote and sent it. Any public employee who uses work time to produce a website that is political advocacy would be in violation of election law. Whoever is ultimately responsible for the website would also be responsible for its content. The agency must also be cautious about the links that are included in the website...If a link is provided to any political group on one side of the issue, links should also be provided to any other known political group of the opposite view.</p>
Texas	Yes	<p>Law: http://www.capitol.state.tx.us/statutes/el.toc.htm <i>Excerpt:</i> § 255.0031. Unlawful use of Internal Mail System for Political Advertising. (a) An officer or employee of a state agency or political subdivision may not knowingly use or authorize the use of an internal mail system for the distribution of political advertising.</p>

West Virginia	No (See note)	<p><i>(Note: Although there is a legislative rule addressing Internet policy, it contains no explicit prohibitions against political use or advocacy.)</i></p> <p>Legislative Rule http://wvde.state.wv.us/policies/p2460.html Policy 2460-Safety and Acceptable Use of the Internet by Students and Educators</p> <p><i>Excerpts</i> 3.2.1. The use of the Internet as part of an educational program is a privilege, not a right, and inappropriate or unauthorized use or safety violations could result in revocation or suspension of that privilege...</p>
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Appendix C

State Laws, Rules, Regulations, and Guidelines on the Use of Public School Students for Political Purposes

*This document was last updated November 19, 2004. It will be modified online at
www.amexp.org as states report new and/or updated information.*

State	State Law, Rule, or Legal Opinion	State law, guideline/rule, and/or statement
Arizona	Yes	Law: http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/ars/15/00511.htm&Title=15&DocType=ARS <i>Excerpt:</i> An employee of a school district or charter school who is acting as an agent of or working in an official capacity for the school district or charter school may not give pupils written materials to influence the outcome of an election or to advocate support for or opposition to pending or proposed legislation.
Connecticut	No	Statement: “Local policies would generally control what information is allowed to be distributed through students in public schools.”
Delaware	No	N/A
Georgia	No	N/A
Hawaii	No	N/A
Idaho	No	N/A
Illinois	No	Statement: “We found no statutory regulations or rules explicitly mentioning the use of students as carriers. We feel that [our law] would restrict the use of students as carriers of political information, because it would be utilizing school resources (instructor time) to distribute the materials. If the materials were factual information presenting the pros & cons of an issue on the ballot, then we feel it would be within the schools’ privileges to distribute the material using the students as a carrier to their parents.”
Iowa	No	N/A
Kansas	No	Statement: “The established law in Kansas regarding the authority of local school boards is not to ask whether action is prohibited by law, but rather to ask whether the action is authorized by law...In Kansas, you may not use students for the distribution of any type of political campaign issues whether national, state, or local....The premise for this interpretation is that school funds may be expended on school purposes only.”
Kentucky	No	Statement: “Neither Kentucky statute nor administrative regulations directly address [this issue].”
Louisiana	No	N/A
Michigan	No	N/A
Minnesota	No	N/A

Mississippi	No	N/A
Nebraska	No (See note.)	<p><i>Note: the following language might be interpreted to prohibit the sending home of political material with students:</i></p> <p>Rule: http://www.nde.state.ne.us/LEGAL/RULE27FINAL.pdf Title 92: Nebraska Department of Education; Chapter 27: Professional Practices Criteria, Section 004.04B</p> <p><i>Excerpt:</i> In fulfillment of the obligation to the public, the educator...shall not use institutional privileges for private gain or to promote political candidates, political issues, or partisan political activities.</p>
New York	No	<p>Statement: “There's no statute or regulation specifically prohibiting the use of students to disseminate political information.”</p>
Oregon	No	N/A
Tennessee	No	N/A
Texas	No	N/A
Virginia	Yes	<p>Law: http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+22.1-79.3 § 22.1-79.3. Policies regarding certain activities:</p> <p>A. No later than January 1, 2001, local school boards shall develop and implement policies to ensure that public school students are not required to convey or deliver any materials that (i) advocate the election or defeat of any candidate for elective office, (ii) advocate the passage or defeat of any referendum question, or (iii) advocate the passage or defeat of any matter pending before a local school board, local governing body or the General Assembly of Virginia or the Congress of the United States.</p> <p>This section shall not be construed to prohibit the discussion or use of political or issue-oriented materials as part of classroom discussions or projects or to prohibit the delivery of informational materials.</p> <p>B. Local school boards shall develop and implement policies to prohibit the administration of questionnaires or surveys to public school students during the regular school day or at school-sponsored events without written, informed parental consent for the student's participation when participation in such questionnaire or survey may subsequently result in the sale for commercial purposes of personal information regarding the individual student.</p> <p>No local school board providing access and opportunity to use school facilities or to distribute literature may deny equal access or fair opportunity to use such school facilities or to distribute literature, or otherwise discriminate against the Boy Scouts of America or the Girl Scouts of the USA.</p> <p>Nothing in this subsection shall be construed to require any school or school division to sponsor the Boy Scouts of America or the Girl Scouts of the USA, or to exempt any such groups from school board policies governing access to and use of school facilities and distribution of literature.</p>

Appendix D

State Laws, Rules, Regulations, and Guidelines on the Use of Public School Class Time for Political Purposes

Note: Information specific to Use of Public School Class Time for Political Purposes was not explicitly requested from each state. However, some general state policies did address this issue specifically, so a compilation of this information has been started below and will be updated as new information is received.

This document was last updated November 19, 2004. It will be modified online at www.amexp.org as states report new and/or updated information.

State	State Law, Rule, or Legal Opinion	State law, guideline/rule, and/or statement
Delaware	No <i>(Except for volunteer credit)</i>	<p>Law: http://www.delcode.state.de.us/title14/c089a/index.htm#TopOfPage Title 14, section 8901A</p> <p><i>Excerpt:</i> A student in grades 9-12 who performs voluntary community service for at least 45 hours per semester for 2 semesters shall receive 1 Delaware Volunteer credit. The credit may count as an elective for graduation requirements if approved by, and conducted under the supervision of, the school principal. Volunteer community service shall not be of a political or advocacy nature.</p>
Hawaii	Yes	<p>Law: http://lilinode.k12.hi.us/PUBLIC/ADMINR1.NSF/85255a0a0010ae82852555340060479d/03cd350128fae56c0a25676e00070f48?OpenDocument</p> <p><i>Excerpts:</i> §8-49-3 Political party policies. Representatives of all recognized political parties, in equal numbers, who may or may not be candidates for political office, may be invited to schools to discuss their party, its policies, principles and platform. [Eff. MAY 02, 1983] (Auth: HRS §302A-1112) (Imp: HRS §302A-1112)</p> <p>§8-49-6 Rewarding students for supporting a single candidate or party; prohibition and penalties. No teacher, officer or other employee of the department shall reward any student by the granting of credit, grade, or other forms of recognition as the result of such student supporting a single candidate or party by request of or encouragement from a teacher, officer or other employee of the department. Any teacher, officer, or other employee of the department who violates this section may be disciplined in accordance with the regulations and procedures of the department. [Eff. MAY 02, 1983] (Auth: HRS §302A-1112) (Imp: HRS §302A-1112)</p>

		<p>Board of Education Policy: http://lilinode.k12.hi.us/STATE/BOE/POL1.NSF/85255a0a0010ae82852555340060479d/3a6e20dc8542115c0a2566a300056959?OpenDocument</p> <p>Controversial Issues Policy: Student discussion of issues which generate opposing points of view shall be considered a normal part of the learning process in every area of the school program. The depth of the discussion shall be determined by the maturity of the students. Teachers shall refer students to resources reflecting all points of view. Discussions, including contributions made by the teacher or resource person, shall be maintained on an objective, factual basis. Stress shall be placed on learning how to make judgments based on facts.</p>
Iowa	Yes	<p>Formal Advisory Opinion: Iowa Ethics & Campaign Disclosure Board http://www.state.ia.us/ethics/legal/adv_opn/2000/00fao24.html Posting of campaign literature in classrooms IECDB AO 2000-24</p> <p><i>Excerpt:</i> It is our opinion that in such situations campaign literature for state and local candidates may be posted so long as literature from all major candidates in the election is posted. While literature may be posted in these situations, public officials and employees would be prohibited from "expressly advocating" the election or defeat of a clearly identified candidate. "Expressly advocating" means words that "in context can have no other reasonable meaning than to urge the election or defeat of one or more clearly identified candidates".</p> <p>Formal Advisory Opinion: Iowa Ethics & Campaign Disclosure Board http://www.state.ia.us/ethics/legal/adv_opn/2000/00fao23.html Candidates speaking in school classrooms IECDB AO 2000-23</p> <p><i>Excerpt:</i> It is our opinion that candidates may come in and speak about their campaigns, their positions and other issues so long as the candidates do not use words of "express advocacy" as defined in Iowa Code section 56.2(14)"b" and rule 351 IAC 4.100(1) "a". Therefore, candidates would be prohibited from using terms such as "vote for", "elect", "defeat" or other words that "in context can have no other reasonable meaning than to urge the election or defeat of one or more clearly identified candidates". Otherwise, the statute would not prohibit candidates from speaking to students in school classrooms so long as terms of "express advocacy" were avoided.</p>
Minnesota	No	N/A
Nebraska	Yes	<p>Rule: http://www.nde.state.ne.us/LEGAL/RULE27FINAL.pdf</p> <p><i>Excerpts:</i> Title 92: Nebraska Department of Education; Chapter 27: Professional Practices Criteria, Section 004.03 In fulfillment of the obligation to the student, the educator: 004.03A Shall permit the student to pursue reasonable independent</p>

		<p>scholastic effort, and shall permit the student access to varying points of view.</p> <p>004.03B Shall not deliberately suppress or distort subject matter for which the educator is responsible.</p> <p>Title 92: Nebraska Department of Education; Chapter 27: Professional Practices Criteria, Section 004.04</p> <p><i>Excerpt:</i></p> <p>In fulfillment of the obligation to the public, the educator:</p> <p>004.04B Shall not use institutional privileges for private gain or to promote political candidates, political issues, or partisan political activities.</p>
Oregon	Yes	<p>Guidance:</p> <p>http://www.sos.state.or.us/elections/Publications/restrictions.pdf.</p> <p>2004: Restrictions on Political Campaigning by Public Employees, ORS 260.432, page 5</p> <p><i>Excerpt:</i></p> <p>...The political process is a subject that might reasonably be discussed in a high school social studies class. In this context, the focus on a specific election for illustrative purposes is not inappropriate as long as the employee's presentation of the material does not support or oppose any political committee or any particular candidate, petition or ballot measure. Instructional material must provide a balanced review of both sides of an issue.</p> <p>However, a student's work may express political advocacy. If credit is offered to students who voluntarily participate in a political campaign (must be voluntary), this would not be in violation of election law unless students were instructed or urged by the public employee to support or oppose a political committee or specific candidate, petition or ballot measure.</p>

Endnotes

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 - ² Policy D-160(II)(D) in "Access to Employee Mailboxes and School District Internal Mail Systems," Lakeville School Board Policy Document D-160. Available online at: www.isd194.k12.mn.us/policy/D-160.doc.
 - ³ *Ibid.*, Policy D-160(II)(C).
 - ⁴ Reents, Stephanie. (June 20, 1995). "Teachers urged to stop posting election choices: Union circulated campaign materials in school mailboxes," *Idaho Falls Post Register*.
 - ⁵ Magee, Maureen. (October 23, 2002). "School district warns teachers union on campaign mailings," *San Diego Union-Tribune*.
 - ⁶ White, Tanika. (May 12, 2004). "Two BTU candidates question process: They say election isn't fair, favors incumbent teachers," *The Baltimore Sun*.
 - ⁷ See Hawaii's "Ethics Checklist" available online at <http://www.hawaii.gov/ethics/noindex/checklst.htm>.
 - ⁸ See Iowa Code section 68A.515 (former 56.12A).
 - ⁹ See Oregon law section 260.432(2) available online at <http://www.leg.state.or.us/ors/260.html>.
 - ¹⁰ Policy A-100(II)(A) in "Political Campaigns and Activities," Lakeville School Board Policy Document A-100. Available online at www.isd194.k12.mn.us/policy/A-100.doc.
 - ¹¹ *Ibid.*, A-100(IV)(A).
 - ¹² *Ibid.*, A-100(IV)(C).
 - ¹³ Robbinsdale School Board policies, page P-21. (This policy was adopted in 1994.)
 - ¹⁴ Associated Press. (October 18, 2004). "Reno band barred from presidential visit seeks changes."
 - ¹⁵ Varina, B. (October 30, 2004). "School says no to Bush request," *St. Petersburg Times*.
 - ¹⁶ See the Crookston school district web site online at http://www.crookston.k12.mn.us/our_district/referendum.htm.
 - ¹⁷ Rinehart, Elisa. (November 11, 2004). "Good news, not so good timing: Crookston's improved budget forecast reaches board after referendum," *Grand Forks Herald*; Editorial. (November 11, 2004). "Two problems with district's budget boost," *Crookston Daily Times*.
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 - ¹⁹ Kalin, Lois Anne. (November 18, 2004). "Letters to the Editor: Feeling betrayed by school district," *Crookston Daily Times*.
 - ²⁰ SF 435 was introduced by Senators Bachmann, Hann, Olson and Ortman on February 20, 2004, available online at http://www.revisor.leg.state.mn.us/cgi-bin/getbill.pl?version=latest&session=ls83&session_number=0&session_year=Regu&number=sf435. HF 1348 was introduced by Representatives Hoppe and Otremba on March 31, 2003. Available online at http://www.revisor.leg.state.mn.us/cgi-bin/getbill.pl?session=ls83&version=latest&number=HF1348&session_number=&session_year=2003.
 - ²¹ Nelson, Kathy. (November 4, 2004). "Republican officials question EPEA mailing," *Eden Prairie Bulletin*. See also letter dated October 27, 2004 from Corey Miltimore, Executive Director, Republican Party of Minnesota, to Michael M. Holm, Eden Prairie Education Association President.
 - ²² Yang, Eleanor. (January 18, 2002). "Ramona schools sued over bond work: District time, resources said used in campaign," *San Diego Union-Tribune*.
 - ²³ Ordonez, Franco. (June 20, 2004). "Parents complain about school politics educators deny using children on pro-tax issues," *The Boston Globe*.
 - ²⁴ Louisiana Attorney General Opinion no. 90-126A available online at <http://www.ag.state.la.us/ShowDoc.asp?DocID=11919>.
 - ²⁵ "2004: Restrictions on Political Campaigning by Public Employees," Oregon Secretary of State publication, page 23, available online at <http://www.sos.state.or.us/elections/Publications/restrictions.pdf>
 - ²⁶ "A Short Guide To the Prohibition Against Using School District Resources For Political Advertising in Connection with an Election," Texas Ethics Committee, available online at <http://www.ethics.state.tx.us/filinginfo/padpubs.htm>
 - ²⁷ Legal opinion, Massachusetts Office of Campaign and Political Finance Advisory, available online at <http://www.mass.gov/ocpf/publicres.htm>.
 - ²⁸ Minneapolis: Multiple postings were made from IP address 205.215.134.20. Not only is this a computer registered to Minneapolis Public Schools, but many of the postings were made during the school day. A search on

the American Registry for Internet Numbers at arin.net produces the following information: OrgName: Minneapolis Public Schools; OrgID: MPS-31; Address: 807 NE Broadway; City: Minneapolis; StateProv: MN; PostalCode: 55413; Country: US; NetRange: [205.215.128.0 - 205.215.191.255](#); CIDR: 205.215.128.0/18; NetName: MPLS-SCHOOLS; NetHandle: [NET-205-215-128-0-1](#); Parent: [NET-205-0-0-0-0](#); NetType: Direct Assignment; NameServer: NS.MPLS.K12.MN.US; NameServer: NS.VISI.COM. Edina: There was also at least one posting from IP address 199.199.233.230. A search on the American Registry for Internet Numbers at arin.net produces the following WHOIS registration information: Minnesota Regional Network MRNET-C-BLOCK4 ([NET-199-199-0-0-1](#)) [199.199.0.0 - 199.199.255.255](#); Edina Public Schools EDINAPUBSCHL-1 ([NET-199-199-233-0-1](#)) [199.199.233.0 - 199.199.233.255](#).

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- ³⁰ Shanahan, Deborah. (September 30, 1994). "Lawmakers say school mailings targeted them: Policies on political activities," *Omaha World-Herald*.
- ³¹ Editorial. (February 7, 2004). "Community Service flim-flam," *The Washington Times*.
- ³² Policy D-160(III)(G) in "Access to Employee Mailboxes and School District Internal Mail Systems," Lakeville School Board Policy Document D-160. Available online at: www.isd194.k12.mn.us/policy/D-160.doc.
- ³³ *Ibid.*, Policy D-160(II)(D).
- ³⁴ "2004: Restrictions on Political Campaigning by Public Employees," Oregon Secretary of State publication, January 2004, page 18. Available on line at: <http://www.sos.state.or.us/elections/Publications/restrictions.pdf>.
- ³⁵ January 12, 2001 Memorandum from Daniel Mollway, Executive Director and General Counsel, State of Hawaii Ethics Commission: "Use of State E-Mail for Campaign Purposes," available online at: <http://www.hawaii.gov/ethics/noindex/emailuse.htm>
- ³⁶ Minnesota Statutes, section 43A.32: Political activities. Subdivision 1, available online at <http://www.revisor.leg.state.mn.us/stats/43A/32.html>.
- ³⁷ Department of Employee Relations, Administrative Procedure 32, provision B(3), page 2, available online at <http://www.doer.state.mn.us/cmr%2Dadpr/images/pdf-file/32.pdf>.
- ³⁸ As of October 2004, there were 370,000 public employees in Minnesota: (1) 93,000 state employees, including executive branch (including MNSCU), 50,000; legislative branch, 600; judicial branch, 3,400; higher education (non-MNSCU), 39,000, and (2) 277,000 local government employees (including school district employees). Statistics received via email, November 29, 2004, from the Department of Employee Relations.
- ³⁹ Minnesota Statutes, Chapter 211B: Fair Campaign Practices, 211B.09 Prohibited public employee activities, available online at <http://www.revisor.leg.state.mn.us/stats/211B/09.html>.
- ⁴⁰ See Minnesota Statutes 43A.38 Code of ethics for employees in the executive branch, available online at <http://www.revisor.leg.state.mn.us/stats/43A/38.html>.
- ⁴¹ As of October 2004, there were 370,000 public employees in Minnesota: (1) 50,000 executive branch employees (including MNSCU); and (2) 330,000 others, including the legislative branch, 600; judicial branch, 3,400; higher education (non-MNSCU), 39,000, and local government employees (including school district employees), 277,000. Statistics received via email, November 29, 2004, from the Department of Employee Relations.
- ⁴² See Minnesota Statutes 43A.38, Code of ethics for employees in the *executive branch*, section (c), available online at <http://www.revisor.leg.state.mn.us/stats/43A/38.html>.
- ⁴³ See endnote 20.
- ⁴⁴ Scott, Steve. (October 26, 2004). "Political flier sent home from school," *St. Paul Pioneer Press*.
- ⁴⁵ United Press International. (October 18, 2004). "3rd graders bring home campaign literature," dateline Missoula, Montana.
- ⁴⁶ Yang, Eleanor. (January 18, 2002). "Ramona schools sued over bond work: District time, resources said used in campaign," *San Diego Union-Tribune*.
- ⁴⁷ Dinan, Stephen. (February 4, 2000). "Under bill, schools couldn't send political fliers home with pupils," *Washington Times*
- ⁴⁸ Letter from Virginia Attorney General Mark Earley dated January 20, 2000.
- ⁴⁹ Dinan, Stephen. (February 4, 2000). "Under bill, schools couldn't send political fliers home with pupils," *Washington Times*.
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- ⁵¹ Arizona statutes section 15-511, available online at <http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/ars/15/00511.htm&Title=15&DocType=ARS>
- ⁵² Virginia statutes section 22.1-79.3, available online at <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+22.1-79.3>.
- ⁵³ For example, see Young America's Foundation *Comedy and Tragedy 2004* online at <http://www.yaf.org/publications/c&t.html>; Accuracy in Academia's *Campus Report* online at <http://www.campusreportonline.net/main/index.php>; the online journal of the Center for the Study of Popular Culture, *FrontpageMag.com*, available online at <http://www.frontpagemag.com>; or Fund, John. (November 22, 2004). "High bias: It's time to bring some intellectual diversity to America's colleges and universities," *Wall Street Journal: Opinion Journal*, available online at <http://opinionjournal.com/diary/?id=110005928>.
- ⁵⁴ Dent, George. (March 25, 1999). "No free speech for politically incorrect," *The Plain Dealer*, Cleveland, Ohio.
- ⁵⁵ Hoekstra, Kara. (September 24, 2004). "Teachers preaching liberal ideas," *St. Paul Pioneer Press*.
- ⁵⁶ Editorial. (February 11, 2004). "Our say: Students shouldn't get school credit for demonstration," *The Capital*, Annapolis, Maryland.
- ⁵⁷ Kissinger, Meg. (October 26, 2004). "Voter drive using kids draws fire: Coalition says effort is non-partisan; Republicans cry foul," *Milwaukee Journal Sentinel*.
- ⁵⁸ Egan, Margery. (January 15, 2004). "Touchy school not afraid of play with private parts," *The Boston Herald*.
- ⁵⁹ "Students watch 'Fahrenheit 9/11' at school; parent upset." (October 9, 2004). *The Associated Press*.
- ⁶⁰ "Superintendent says film won't be shown again." (October 11, 2004). *The Associated Press*.
- ⁶¹ Ordonez, Franco. (June 20, 2004). "Parents complain about school politics; educators deny using children on pro-tax issues," *The Boston Globe*.
- ⁶² Wowk, Mike. (October 7, 2004). "Father irked by son's anti-Bush lesson; Fitzgerald parent plans to protest at school board meeting," *The Detroit News*.
- ⁶³ Editorial. (February 27, 2003). "Class time is wrong time for students' political advocacy: Critical thinking requires variety of viewpoints," *The News Tribune*, Tacoma, Washington.
- ⁶⁴ Hawaii statutes, section 8-49-3, available online at <http://lilinode.k12.hi.us/PUBLIC/ADMINR1.NSF/85255a0a0010ae8285255340060479d/03cd350128fae56c0a25676e00070f48?OpenDocument>.
- ⁶⁵ Formal Advisory Opinion: Iowa Ethics & Campaign Disclosure Board, Candidates speaking in school classrooms (IECDB AO 2000-23), available online at http://www.state.ia.us/ethics/legal/adv_opn/2000/00fao23.html.
- ⁶⁶ "2004: Restrictions on Political Campaigning by Public Employees, Oregon Attorney General," ORS 260.432, page 5, available online at <http://www.sos.state.or.us/elections/Publications/restrictions.pdf>.
- ⁶⁷ Title 92: Nebraska Department of Education; Chapter 27: Professional Practices Criteria, sections 004.03(A), 004.03(B), and 004.04(B), available online at <http://www.nde.state.ne.us/LEGAL/RULE27FINAL.pdf>
- ⁶⁸ Hawaii statutes, section 8-49-6, available online at <http://lilinode.k12.hi.us/PUBLIC/ADMINR1.NSF/85255a0a0010ae8285255340060479d/03cd350128fae56c0a25676e00070f48?OpenDocument>
- ⁶⁹ Minnesota Statutes: 43A.32 Political activities. Subdivision 1, available online at <http://www.revisor.leg.state.mn.us/stats/43A/32.html>.