Politics in the Classroom and Workplace

By John W. Bowen, School Board Attorney

During the last gubernatorial election there were reports of classroom teachers wearing T-shirts during class and around the school that supported their particular candidate for office. Employees wore campaign buttons to work supporting their candidate. More recently, complaints were raised about teachers advocating in their classes their support for the war effort in Iraq, or urging opposition to it, instead of teaching the curriculum.

These and similar activities are political in nature and contrary to School Board policy. School Board Policy 8.07(3)(d), Political Activities, provides that "employees engaging in political activities ... shall not use time, facilities, or personnel of the school system to engage in such activities." Employees can engage in political activities but not while on duty or using School Board property or personnel. While political activity is a protected First Amendment right, it is subject to reasonable time, place and manner restrictions.

One teacher sued the School Board for violating her First Amendment rights, claiming her contract was non-
The phrase “must be present to win” is never truer than when dealing with a student’s education. With this in mind, what would you do in the following situations?

A family says that they plan to home-school their 8 year-old daughter, who has a history of absenteeism. Do you:

a) Wait for awhile and see what happens;

b) Withdraw the student, “whereabouts unknown,” or

c) Check with the home-school office to see if the child is enrolled?

A high school student has had a poor attendance record. The student has now missed 10 consecutive days from school, during which time he has celebrated his 16th birthday. Do you:

a) Send him a birthday card;

b) Withdraw him because he is over compulsory attendance age; or

c) Contact the family and continue interventions to improve attendance? *

If you answered “b” on either of these situations, your answer is not only incorrect, but illegal! Section 1003.21, Florida Statutes (2002), requires that all children who are either six years of age, who will be six years old by February 1 of any school year, or who are older than six years of age but who have not attained the age of 16 years must attend school regularly during the entire school term.

A student between 16 and 18 years of age is not subject to compulsory attendance if the student completes a formal declaration of intent to terminate school enrollment. The declaration must acknowledge that leaving school will likely reduce the student’s earning potential and must be signed by the student and the parent. According to section 1003.21(1)(c), Florida Statutes (2002), the school district must notify the child’s parent or legal guardian that it has received the student’s declaration of intent to leave school.

Under School Board Policy 4.03, Attendance, paragraph (3), the school may withdraw a student who is over age 16 for non-attendance only if, after having made diligent inquiry, it has been unable to contact the parent(s)/guardian or the student. The school should document its unsuccessful attempts to establish contact with the family, to show that diligent effort. We understand that working with non-attending students can be frustrating. However, truancy is sometimes symptomatic of underlying issues of the student and family. Please keep in mind that your recognition of the student’s truant behavior is often the catalyst that brings much-needed help and services to the student and family. Every school has a child study team (CST), the purpose of which is to intervene in cases of non-attendance.

What does your signature mean? A lot when it is your name and you are signing it on a district form or document.

Our employees sign a variety of documents and forms in this district, including their employment applications; certificates of absence; TDE requests; Individualized Education Programs (IEPs) for students; accident, injury and incident reports; evaluations; expense authorizations; travel vouchers; time sheets; asset transfer forms; inventory reports and purchase orders.

Sometimes signing a form has limited meaning. For example, signing your evaluation means you are acknowledging its receipt; it does not signify agreement with the evaluation.

At other times your signature on a form is your representation to the district that the information you provided on the form is true and correct. When you sign a certificate of absence form designating that you took sick time, your signature is your representation to the district that you actually met the requirements for using sick time. When you sign an IEP, you are acknowledging your presence and input at the IEP meeting. It is always important to make sure that you carefully review the information you are submitting on any form that you sign, especially if it is a form with which you are unfamiliar.

Why? Pursuant to School Board Policy 8.25(1)(i) Disciplinary Guidelines for Employees, the falsification or alteration of employment paperwork, district forms, documents or certification is a basis for employee discipline. Further, because the School Board is a government entity, some violations can rise to a criminal level. So, the next time you sign your name, take the time to carefully read what you are signing.
The Flame Burns On

Brian Chepren, Supervisor Central Printing Services

Almost every company or institution has a visual identity and promotes that identity through the materials it produces. An effective visual symbol, also called a “logo,” is one that people easily recognize and associate with that organization. Think of McDonald’s “golden arches,” US Postal Service’s “eagle” or Nike’s “swoosh.”

In 1990, a School Board committee, composed of marketing and public relations professionals from the community and school system representatives, started a project to create a new visual mark for the school system. With the help of a professional design firm, the committee surveyed people within and outside the school system and used that information to develop the new design. The result was the familiar torch and flame design, shown above, that our School Board adopted as the logo for this district.

The torch and flame design is a registered service mark with the Florida Secretary of State’s office. The logo is used on the district’s letterhead, brochures, public announcements, curriculum guides and other official communications. It is also shown on signs, vehicles and buildings. A color version is used for some print applications, and for TV and other media, the website and the Intranet. To see the color logo visit our website at: www.pinellas.k12.fl.us/attorney, then go to the Legally Speaking page and click on: Volume III, Issue 4, School Year End, page 3.

Wherever the logo is shown, the circle surrounds the torch and flame, and the words “Pinellas County Schools” appear below on two lines. For the non-color version, the circle is black and the torch and flame are the color of the surrounding background. The color and non-color designs are the only authorized versions of the logo.

School district personnel may use the torch and flame logo in official communications from the district. Any other organization may use the logo only with permission for specific applications. Any questions about use of the district's logo should be made through the central printing office.

Look for the flame/torch logo -- it's the official and exclusive mark of our school district!

Dear John ...

Q. I noticed in Policy 8.25, Disciplinary Guidelines for Employees, one of the grounds for disciplinary action against an employee is the "misuse of corporal punishment." Does that mean that as long as the employee does not "misuse" corporal punishment that there is some use of corporal punishment that is permissible?

A. The quick answer is “no.” Corporal punishment, defined in section 1003.01(7), Florida Statutes (2002) as “the moderate use of physical force or physical contact by a teacher or principal as may be necessary to maintain discipline or to enforce school rule,” is not allowed in Pinellas County.

In the past the Legislature prohibited school boards from outlawing corporal punishment. The Legislature reconsidered and now allows school boards the discretion to decide whether to allow corporal punishment. The statutes require that if corporal punishment is going to be used, it will be administered by the principal or teacher in the presence of another adult who is informed beforehand in the student's presence of the reason for the punishment. The parents are entitled, upon request, to receive a written explanation of the reason for the punishment and the name of the other adult who was present.

Both sections contain one additional very important requirement. They both require that corporal punishment be administered in accordance with school board policies. The Pinellas County School Board has not adopted any policies authorizing the use of corporal punishment. Therefore, any use of corporal punishment in Pinellas County would be contrary to the statutes. Any use would be a "misuse" of corporal punishment and grounds for discipline of the employee who uses corporal punishment.
renewed because of her political activities. She had discussions with her class about the reasons for political picketing at her school. She even allowed her class to leave the classroom to observe the picketing. That may have been appropriate if it had been an American government class. However, she was teaching math. Although her nonrenewal was based in part on her political activities at school, the School Board prevailed because her conduct was inappropriate and contrary to School Board policy. Freedom of speech is not an absolute right.

The reasons for the policy should be obvious. First, it is inappropriate for a teacher to use his or her position of authority to attempt to persuade a captive audience of students to convert to the teacher's political position. The wearing of political T-shirts or campaign buttons in classes clearly is an attempt to do this. Second, it is doubtful there is any job description of any employee of the district that includes "trying to convince others to vote for a particular candidate or adopt a particular political position." No employee in the school district is being paid to conduct such activities.

Failure to comply with School Board policies has a penalty range from caution to dismissal from employment under Policy 8.25, Disciplinary Guidelines for Employees. To avoid problems, keep political activities outside the classroom and workplace.