

ANALYSIS OF HB 449 – An Act to Prohibit School Personnel from Engaging in Political Activity, Including Contacting Legislators, on School Time or Property

Prohibits school board members, superintendents, administrators, teachers, and staff from lobbying the Legislature for policy change or attempting to influence the outcome of any candidate, political party, or issue during an election; any violation of this act will result in a misdemeanor offense with a fine of up to \$10,000.

Definitions

Political activity – any efforts to support or oppose any political party, philosophy, or issue in an election, campaigning on behalf of a specific candidate or issue, or lobbying the Legislature for policy change.

School facilities – any buildings and grounds owned, operated, controlled, or maintained by the school board, including, but not limited to, schools, ancillary facilities, athletic facilities, and office complexes.

Political events – any and all meetings, fundraisers, gatherings, or other events organized or conducted for the purpose of supporting or opposing any candidate for public office, any issue which is or may be scheduled to appear on an election ballot, or any political party or organization.

Prohibitions

School board members, superintendents, administrators, teachers, and staff members are prohibited from:

- Using school district time, property, equipment, supplies, or personnel to
 - produce, distribute, or communicate information in support or opposition of any political party, philosophy, or issue in an election or to attempt to affect the outcome of such
 - campaign on behalf of a specific candidate or issue
 - lobby the Legislature for policy change
- Using his or her official position to
 - influence or attempt to influence district personnel to support or oppose any political party, philosophy, or issue in an election
 - campaign on behalf of a specific candidate or issue
 - lobby the Legislature for policy change
 - conduct any form of advocacy or opposition in a classroom or school setting, or school related employment relationship
- Soliciting or attempting to solicit funds from school district personnel on behalf of a candidate, party or issue, or campaign or lobbying effort

The following forms of political activity are prohibited at all times on school property:

- Distribution of campaign materials
- Display of political signs (the prohibition excludes advertising on clothing and items permanently affixed to vehicles)
- Solicitation of students or employees to become engaged in political activity

Further Prohibitions for Superintendents and School Board Members

School superintendents and school board members are prohibited, whether or not they are acting in an official or personal capacity or on school or personal property, from publicly supporting or opposing any political party, philosophy, or issue in an election, campaigning on behalf of a specific candidate (other than his or her own campaign) or issue, or lobbying the Legislature for policy change.

Rights and Obligations of Citizenship

School board members, superintendents, administrators, teachers, and staff members retain their rights and obligations as citizens, except those prohibited in the act.

Employees (excluding superintendents and board members) of school districts retain their rights to actively participate in political activities on behalf of any candidate, political party, or issue outside of scheduled hours of school operations or during authorized personal or vacation leave and without using school property, equipment, supplies, or personnel; these rights do not extend to soliciting funds from or attempting to coerce other school district personnel on behalf of any candidate, political party, or issue.

Punishment for Violations

Any person who violates any terms of the act shall be guilty of a misdemeanor, and upon conviction, shall be fined up to \$10,000. A second conviction within two years will result in revocation of professional license and certification by the State Board of Education.

Source

Mississippi Legislature (<http://billstatus.ls.state.ms.us/2015/pdf/history/HB/HB0449.xml>)

Note from The Parents' Campaign Research and Education Fund – the Education Leadership Policy Standards, as adopted by the National Policy Board for Education Administration and the Mississippi Board of Education, include as Standard #6:

An education leader promotes the success of every student by understanding, responding to, and influencing the political, social, economic, legal, and cultural context.

- A. Advocate for children, families, and caregivers
- B. Act to influence local, district, state, and national decisions affecting student learning
- C. Assess, analyze, and anticipate emerging trends and initiatives in order to adapt leadership strategies

Source

Council of Chief State School Officers