

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

TYLER MAXWELL,)
)
Plaintiff,)
)
v.)
)
SCHOOL DISTRICT OF VOLUSIA COUNTY;)
SCHOOL BOARD OF VOLUSIA COUNTY;)
IDA WRIGHT, LINDA CUTHBERT,)
CARL PERSIS, RUBEN COLÓN, and JAMIE)
HAYNES, each in his or her official capacity as)
a member of the School Board of Volusia County;)
CARMEN BALGOBIN, in her official capacity)
as Superintendent of the School District of)
Volusia County; TODD J. SPARGER, in his)
official capacity as Principal of Spruce Creek)
High School; and ALAN P. CANETTI, in his)
official capacity as an Assistant Principal of)
Spruce Creek High School,)
)
Defendants.)
)

CIV. ACT. NO. 6:20-cv-1954

**PLAINTIFF’S VERIFIED COMPLAINT FOR
DECLARATORY AND INJUNCTIVE RELIEF**

1. Tyler Maxwell is an 18-year-old high school senior who plans to vote for the first time in the 2020 election. To show his support for President Donald Trump, he placed a red, white, and blue statue of an elephant, with “TRUMP” painted on its side, in the bed of his pickup truck.
2. Soon after he parked his truck (with the elephant) in his school’s student parking lot, school officials told him that he had to remove the elephant or lose his parking privileges—even though school allows other political expression by students, including political expression on vehicles and on students’ apparel.

3. The school had no justification for banning Tyler Maxwell's political expression from the school parking lot. This lawsuit seeks to restore Maxwell's First Amendment right to freedom of speech.

JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331, 1343, 2201 and 2202, and 42 U.S.C. § 1983 because this action seeks to redress the Defendants' deprivation, under color of state law, of rights protected by the U.S. Constitution.

5. Venue lies in this Court under 28 U.S.C. § 1391 because the events and omissions giving rise to this action are harming Plaintiff in this District.

PARTIES

6. Plaintiff Tyler Maxwell is an 18-year-old resident of Volusia County, Florida, and a senior at Spruce Creek High School in Port Orange, Florida, which is part of the School District of Volusia County, Florida.

7. Defendant School District of Volusia County ("School District") is a school district in Volusia County, Florida and a political subdivision of the State of Florida.

8. Defendant School Board of Volusia County ("School Board") is the governing body of the School District of Volusia County and a political subdivision of the State of Florida. Through its members, the School Board operates, controls, supervises, and enacts and enforces policies that govern all schools in the School District.

9. Defendant Ida D. Wright is Chairman of the School Board and is sued in her official capacity.

10. Defendant Linda Cuthbert is Vice Chairman of the School Board and is sued in her official capacity.

11. Defendant Carl Persis is a member of the School Board of Volusia County and is sued in his official capacity.

12. Defendant Ruben Colón is a member of the School Board and is sued in his official capacity.

13. Defendant Jamie M. Haynes is a member of the School Board and is sued in her official capacity.

14. Defendant Carmen Balgobin, sued in her official capacity, is the Superintendent of the School District and in that position is responsible for enforcing all School Board policies and rules, and is otherwise responsible for administration of the School District.

15. Defendant Todd J. Sparger is Principal of Spruce Creek High School and is sued in his official capacity.

16. Defendant Alan P. Canetti is Assistant Principal of Spruce Creek High School and is sued in his official capacity.

FACTS

17. Plaintiff Tyler Maxwell is an 18-year-old senior at Spruce Creek High School.

18. As a student at Spruce Creek High School, he has paid for and obtained a parking decal from the school (for a \$55.00 fee) which authorizes him to park in the student parking lot adjacent to the school. The student parking lot is for the personal vehicles of students and some teachers; official school vehicles do not park there.

19. Plaintiff Maxwell plans to vote for the first time in the 2020 general election and supports the reelection of President Donald Trump.

20. To express his support, and encourage others to vote for Trump's reelection, Maxwell placed a statue of a red, white, and blue elephant bearing the name "TRUMP" in the bed of his pickup truck on Sunday, September 13, 2020.

21. The truck and elephant appear in the photograph attached here:



22. On Monday, September 14, 2020, Maxwell drove his pickup truck (including the elephant) to school and parked in the school's student parking lot.

23. Approximately 20 minutes into the school day, a school official asked Maxwell to leave class and took him to meet with an Assistant Principal, Defendant Canetti.

24. Canetti directed Maxwell to take the elephant home and told him he could only return to school without the elephant.

25. Later that day, Maxwell's father came to the school and asked Canetti for a written explanation from the School Board of why Maxwell was not allowed to have the elephant on school grounds. Neither Canetti nor the School Board provided one.

26. Still later that day, the school's Principal, Defendant Sparger, told Maxwell that he wished to contact Maxwell's father to resolve the issue of the elephant quickly.

27. The rest of the school day passed without incident; no one else raised the issue of the elephant, and, on information and belief, the elephant's presence caused no disruption of school activities.

28. After school that day, Sparger spoke to Maxwell's father and warned that he would revoke Maxwell's parking decal if Maxwell returned to school with the elephant the next day. Maxwell's father again asked for a written explanation of why Maxwell was not allowed to have the elephant on school grounds. Sparger did not provide one.

29. On the following day, Maxwell again drove to school with the elephant in the bed of his pickup truck.

30. As Maxwell approached the school in his truck, he found Sparger waiting for him outside the school grounds.

31. While Maxwell was still in the street's turning lane, before he could enter the school grounds, Sparger demanded that Maxwell relinquish his parking decal and told Maxwell he could not park at the school.

32. Maxwell then relinquished his parking decal to Sparger.

33. Without a parking decal, Maxwell is forbidden from parking his truck in the school's student parking lot during the school day.

34. On September 15, 2020, Maxwell's father sent an email to Sparger and several other school officials requesting that the school restore Maxwell's parking privileges.

35. In an email to Maxwell's father dated September 15, 2020, Sparger stated: "As soon as Tyler's vehicle is in compliance with this policy (structure removed from back of truck), we would be happy to consider reinstating his driving privileges. Until then, his driving privileges are revoked."

36. Maxwell is unwilling to remove the elephant because he wishes to display it, not only when parked at the school, but also while driving to and from school, and elsewhere. He is unwilling to surrender his First Amendment right to freedom of expression in exchange for permission to drive to school.

37. On September 23, 2020, an attorney retained by Maxwell wrote a letter to Sparger, the Superintendent of Schools, and other School District officials objecting to the revocation of Maxwell's parking decal. A true and accurate copy of that letter is attached as **Exhibit A**.

38. In a letter to Maxwell's attorney dated September 25, 2020 (a true and accurate copy of which is attached as **Exhibit B**), the School Board's general counsel stated the School Board's view that parking the truck with the elephant in the school parking lot violated the School's "Policy 805," a true and accurate copy of which is attached as **Exhibit C**.

39. Policy 805 regulates political activities of school employees and the use of school property for political activities (such as meetings and literature distribution) by non-employees. It does not address political expression on vehicles that are parked by students while they attend school.

40. Through their general counsel's letter, the School Board and the School District ratified Sparger's revocation of Maxwell's parking decal.

41. Spruce Creek High School does have rules, published on its website, that state the grounds for which a student's parking decal may be revoked. Those grounds include (verbatim):

1. Failure to maintain a 2.0 GPA
2. More than 2 referrals within a 9-week period or any major infraction on campus or while involved in any school/ county event.
3. Unexcused absences or excessive tardies.

4. Permitting another student to use your assigned decal or giving false information on parking decal application.
5. Leaving campus without authorization.
6. Taking an unauthorized student off campus.
7. Use or distribution of an unauthorized decal or duplicated decal
8. Reckless driving, or speeding in the parking lot or within the perimeter of the school (speed limit is 5 MPH)
9. Failure to serve detentions or in school suspensions
10. Excessive parking violations
11. Loud and/or profane music.
12. Failure to abide by school and/or district policies and procedures.

42. Maxwell did not engage in any of the activities on the school's list of grounds for revoking a student's parking decal.

43. On information and belief, Maxwell's elephant did not cause any disruption to any school activities (except for the disruption to Maxwell's education caused by school officials ordering him to remove the elephant).

44. On information and belief, Defendants had no basis to believe that Maxwell's elephant would substantially disrupt or materially interfere with school activities.

45. On information and belief, Spruce Creek High School has no recent history of violence, property damage, or other substantial disruption arising out of or related to political expression.

46. On information and belief, Defendants allow students to engage in other forms of political expression at school, on their vehicles and persons, including but not limited to bumper stickers supporting the Joe Biden for President campaign and apparel supporting the Black Lives Matter movement.

47. On information and belief, that permitted political speech has caused no disruption of school activities.

FIRST CLAIM FOR RELIEF

Defendants' revocation of Plaintiff's parking decal based on his political expression violates his First and Fourteenth Amendment right to freedom of speech.

48. Plaintiff incorporates and realleges all of the foregoing Paragraphs as if fully restated herein.

49. The "TRUMP" elephant in Plaintiff's pickup truck constitutes political expression protected by the First Amendment.

50. Under the First Amendment, a school may not censor a student's political expression or punish a student for political expression unless there are "facts which might reasonably have led school authorities to forecast" that the expression would cause "substantial disruption of or material interference with school activities." *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503, 514 (1969).

51. A school may not censor student political expression based on "the mere theoretical possibility of discord" or "simply because it gives rise to some slight, easily overlooked disruption," such as "hostile remarks" or "discussion outside of the classrooms." *Holloman ex rel. Holloman v. Harland*, 370 F.3d 1252, 1271-72 (11th Cir. 2004). To justify censorship of student expression, "there must be a real or substantial threat of actual disorder, as opposed to the mere possibility of one." *Id.* at 1273.

52. The Defendants bear the burden of showing the existence of "a real or substantial threat of disorder." *Gillman ex rel. Gillman v. Sch. Bd. for Homes Cnty.*, 567 F.Supp.2d 1359, 1369 (N.D. Fla. 2008).

53. On information and belief, Defendants' revocation of Plaintiff's parking decal because of the elephant in his truck was not based on facts that could reasonably have led them

to forecast that the elephant's presence would substantially disrupt, or materially interfere with, school activities.

54. Defendants' revocation of Plaintiff's parking decal based on his political expression therefore violated his First Amendment right to freedom of speech and continues to do so.

55. By revoking Plaintiff's parking decal and banning his political expression from school grounds, Defendants have penalized and are continuing to penalize Plaintiff for exercising his freedom of political speech as protected by the First Amendment, which inflicts irreparable injury upon him for purposes of injunctive relief. *KH Outdoor, LLC v. City of Trussville*, 458 F.3d 1261, 1271–72 (11th Cir. 2006).

56. If not enjoined by this Court, Defendants will continue to cause Plaintiff irreparable injuries by withholding Plaintiff's parking privileges, and/or preventing him from attending school in person, so long as he keeps the elephant in his truck.

57. By prohibiting Plaintiff's political expression, while allowing political speech by other students, including political expression inside the school and on vehicles parked in the student parking lot, Defendants are discriminating against Plaintiff's speech, and in favor of others' political speech, in violation of Plaintiff's First Amendment rights.

58. The Defendants, under color of state law, have deprived and are depriving Plaintiff of his right to freedom of speech in violation of the First and Fourteenth Amendments to the United States Constitution. Plaintiff therefore has been and continues to be injured in violation of 42 U.S.C. § 1983. Plaintiff is therefore entitled to declaratory and preliminary and permanent injunctive relief against the continued deprivation of his First Amendment rights.

REQUEST FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court enter judgment in their favor and:

- A. Declare that Defendants' revocation of Plaintiff's parking decal based on the political expression on his vehicle violated his First Amendment right to freedom of speech;
- B. Enter an injunction ordering Defendants to immediately restore Plaintiff's parking privileges, regardless of whether he removes the "TRUMP" elephant from his pickup truck;
- C. Order Defendants to pay Plaintiff nominal damages for their violations of his First Amendment rights;
- D. Award Plaintiff his attorney's fees and costs, pursuant to 42 U.S.C. § 1988; and
- E. Award Plaintiff such other and further relief as it deems just.

Dated: October 22, 2020

Respectfully submitted,

TYLER MAXWELL

/s/ Joseph S. Van de Bogart
Joseph S. Van de Bogart
Florida Bar No. 084764
Trial Counsel
VAN DE BOGART LAW, P.A.
2850 North Andrews Avenue
Fort Lauderdale, FL 33311
Telephone: (954) 567-6032
Facsimile: (954) 568-2152
joseph@vandebogartlaw.com

/s/ Jacob Huebert

Jacob Huebert (*pro hac vice* motion pending)

Martha Astor (*pro hac vice* motion pending)

Scharf-Norton Center for Constitutional Litigation

at the

GOLDWATER INSTITUTE

500 E. Coronado Road

Phoenix, AZ 85004

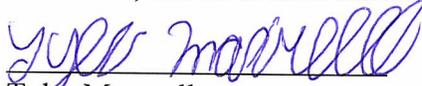
Telephone: (602) 462-5000

litigation@goldwaterinstitute.org

Attorneys for Plaintiff

VERIFICATION

I, Tyler Maxwell, declare under penalty of perjury that the allegations in this Complaint are true and correct to the best of my knowledge, except as to matters stated to be on information and belief, and as to such matters I certify that I verily believe the same to be true.


Tyler Maxwell

Dated: October 21, 2020

Exhibit A



September 23, 2020

Dr. Todd J. Sparger
Spruce Creek High School
801 Taylor Road
Port Orange, FL 32127
Sent via email to tjsparge@volusia.k12.fl.us

Dr. Ronald Fritz
Volusia County Schools, Superintendent of Schools
P.O. Box 2118
DeLand, FL 32721
Sent via email to rsfritz@volusia.k12.fl.us

Kevin W. Pendley
Volusia County Schools, General Counsel
P.O. Box 2118
DeLand, FL 32721
Sent via email to kwpendle@volusia.k12.fl.us

Linda Cuthbert
Volusia County School Board (District 2)
P.O. Box 2118
DeLand, FL 32721
Sent via email to llcuthbe@volusia.k12.fl.us

Theodore R. Doran
Attorney, Volusia County School Board
Doran Sims Wolfe Ciocchetti & Yoon
1020 W. International Speedway Blvd.
Suite 100
Daytona Beach, FL 32114
Sent via email to tdoran@doranlaw.com

Commissioner Richard Corcoran
Florida Department of Education
Turlington Building, Suite 1514
325 West Gaines Street
Tallahassee, FL 32399
Sent via email to commissioner@fldoe.org

RE: Tyler A. Maxwell

Dear Ladies and Gentlemen:

I represent Tyler Maxwell—a senior at Spruce Creek High (“Spruce Creek”). Mr. Maxwell has requested my intervention on his behalf with regard to a matter involving the infringement of his First Amendment rights.

Mr. Maxwell turned eighteen in August and, as such, will be able to vote for president in the coming election. He intends to enthusiastically vote for the incumbent this November, and has decided to enlist in the military after graduation. In short, he loves America. That is not a partisan statement intended to be mutually exclusive. My client literally believes that American is the greatest country ever imagined regardless of the party occupying the White House. He just happens to also support President Donald J. Trump in the coming 2020 election.

In today’s cancel culture, of the burning, looting, and rioting, my client is unafraid. He has chosen to exercise his right to free speech, political speech, to the world. Be damned the consequences. Little did he know, however, that the consequences would come from his own school.

On September 14, 2020, Mr. Maxwell arrived on campus as he normally does. The difference this time is that his Ford F150 was hauling in its bed an elephant decorated in red, white, and blue with the word “TRUMP” written on it. Before the first period of school that day, a Spruce Creek administrator ordered

my client to leave campus, remove the elephant, and then, only then, would he be allowed to return to campus for classes. No explanation was given. My client did not comply.

On Tuesday, September 15, 2020, my client returned to Spruce Creek and found Dr. Sparger waiting for him. His parking privileges had been revoked. He was ordered to leave campus and take his classes online. He was again told that he could return if the elephant was removed. Out of a position of principle that is mature beyond his years, my client elected to attend classes online as opposed to having his speech suppressed.

Keep in mind please that this is the same Spruce Creek that allows other forms of political speech. Yes, you can wear “I can’t breathe” masks without incident or administrative harassment. Yes, you can show allegiance to the Black Lives Matter “movement,” which is run by self-declared Marxists and is a major corporate donor to the Democrat fundraising behemoth ActBlue (*See* <https://secure.actblue.com/>). In short, students at Spruce Creek can be First Amendment champions of most any progressive, socialist, or Marxist ideal or cause. But there is a zero-tolerance policy against student support of the sitting president.

The First Amendment to the United States Constitution, in relevant part, protects, with limited exception, the right of citizens to engage in free speech. This right is applicable to the states by way of the 14th Amendment. Even so, Article I, Section 4 of the Florida Constitution further buttresses the right to free speech in America and to Florida citizens.

In 1969, during the heart of another time of civil unrest in America, the United States Supreme Court ruled in *Tinker v. Des Moines Independent Community School District*, 393 U.S. 503 (1969). The *Tinker* Court held that “First Amendment rights, applied in light of the special characteristics of the school environment, are available to teachers and students. It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.” *Id.* at 506. “[U]ndifferentiated fear or apprehension of disturbance is not enough to overcome the right to freedom of expression.” *Id.* at 508.

“In order for the State in the person of school officials to justify prohibition of a particular expression of opinion, it must be able to show that its action was caused by something more than a *mere desire to avoid the discomfort and unpleasantness* that always accompany an unpopular viewpoint.” *Id.* at 509 (emphasis added). “In our system, state-operated schools may not be enclaves of totalitarianism. School officials do not possess absolute authority over their students. Students in school as well as out of school are ‘persons’ under our Constitution. They are possessed of fundamental rights which the State must respect, just as they themselves must respect their obligations to the State. In our system, students may not be regarded as closed-circuit recipients of only that which the State chooses to communicate. They may not be confined to the expression of those sentiments that are officially approved. *In the absence of a specific showing of constitutionally valid reasons to regulate their speech, students are entitled to freedom of expression of their views.*” *Id.* at 512 (emphasis added).

Ladies and gentlemen, it is not my purpose here to raise political debate. I am sure some of you do not share my client’s enthusiasm and will be voting a different way in roughly 40 days. Some of you may be silent champions of my client’s bravery, but unfounded fear prevents your advocacy. The reality is, however, that we simply need to follow the law. I would write a similar letter to you if my client was banned from Spruce Creek for having a patriotic donkey riding in the bed of his truck with “BIDEN” written on it.

Aside from the law, which is clear, there is also no basis for my client’s parking privileges to have been revoked as a matter of school policy.

Spruce Creek's parking rules are as follows¹:

Revocation of on campus parking decal

A student's parking privilege may be revoked for one of the following reasons or if a school administrator or resource officer deems it necessary:

1. Failure to maintain a 2.0 GPA
2. More than 2 referrals within a 9-week period or any major infraction on campus or while involved in any school/ county event.
3. Unexcused absences or excessive tardies.
4. Permitting another student to use your assigned decal or giving false information on parking decal application.
5. Leaving campus without authorization.
6. Taking an unauthorized student of campus.
7. Use or distribution of an unauthorized decal or duplicated decal
8. Reckless driving, or speeding in the parking lot or within the perimeter of the school (speed limit is 5 MPH).
9. Failure to serve detentions or in school suspensions
10. Excessive parking violations
11. Loud and/or profane music.
12. Failure to abide by school and/or district policies and procedures.

Where is the authority to revoke parking privileges on First Amendment grounds? Such doesn't exist because it cannot.

Spruce Creek policy is clear. The law is clear. My client's First Amendment right to free speech is being suppressed without any basis in the law or school policy. Repeated attempts by Mr. Maxwell's father to informally remedy this matter have been rejected.

It is my expectation that Tyler Maxwell's parking privileges at Spruce Creek be reinstated without conditions. I expect such to be announced before the first bell on Monday, September 28, 2020. Alternatively, I will seek immediate declaratory and injunctive relief, as well as all other remedies available to my client in law or equity.

Respectfully,

THE SLOAN FIRM PLLC

Eric R. Sloan
Attorney for Tyler A. Maxwell

cc: Client (via email)
Dean "Dino" Maxwell (via email)
Republican National Committee (via USPS)
Republican Party of Florida (via USPS)
Volusia County Republican Party (via email to paul@pauldeering.com)
Rep. Thomas J. Leek (via email)
Rep. Anthony Sabatini (via email)

¹ See https://docs.google.com/forms/d/e/1FAIpQLSfHOH56HXQawIB7e_B6ZJGhpcBOSMYzWbjSTsqxxJplDrB-Zg/viewform (last visited September 22, 2020).

Exhibit B



School Board of Volusia County

Mrs. Ida D. Wright, Chairman
Mrs. Linda Cuthbert, Vice Chairman
Mr. Carl Persis
Mr. Ruben Colón
Ms. Jamie M. Haynes

Dr. Carmen Balgobin
Superintendent of Schools

September 25, 2020

Eric R. Sloan, Esquire
The Sloan Law Firm, PLLC
555 West Granada Boulevard
Unit B5
Ormond Beach, Florida 32174

Re: T.A. Maxwell; Spruce Creek High School

Dear Mr. Sloan:

Please consider this in response to your letter dated September 23, 2020, concerning the above-referenced matter. While the School Board of Volusia County, Florida ("School Board") appreciates your position and your client's political passion, the School Board disagrees with your assessment of the law and interpretation of School Board Policy 805. Because the School Board's policy reasonably regulates political activities in time, place, and manner of use while on School Board property, Mr. Maxwell's desire to park a pick-up truck with a large, white "Trump" elephant in the student parking lot is a violation of Policy 805. The School Board's regulation prohibiting political activity on its campus is patently not a violation of Mr. Maxwell's constitutional rights.

School Board Policy 805, "*Political Activities In or On School Board Property and at School Sponsored Events,*" is intended to preserve the use of School Board property for pedagogical purposes and to prevent the School Board from appearing to endorse any partisan political position or candidate. Policy 805 applies on its face to anyone, employees or non-employees including students, who wish to use School Board property for political purposes. The Policy generally prohibits the display of political campaign materials on school grounds and states:

General Provisions

District facilities shall be equally available for use by all political groups or organizations; however, any use of district facilities for political activities shall be subject to and in accordance with the provisions of the school board policy regarding facility usage.

P.O. BOX 2118
200 NORTH CLARA AVE
DELAND, FL 32720
(386) 734-7190 · (386) 255-6475

An Equal Opportunity Employer

Under no circumstances shall political posters, signs, banners, or any other writing which promotes a political issue, cause position or candidate, be permanently posted in or on school board property. Political posters, etc. may be displayed in or on school board property while the facility is actually being used by a political group. When such use is terminated, all political signage must be removed.

We note and are fully aware of the United States Supreme Court authority in *Tinker v. Des Moines Indep. Comm. Sch. Dist.*, 393 U.S. 503 (1969), and the oft cited legal proposition that students do not shed their constitutional rights at the school-house door. However, your analysis fails to recognize or address the later cases of *Hazelwood Sch Dist. v. Kuhlmeier*, 484 U.S. 260 (1988), and its progeny, including *Bannon v. Sch. Bd. of Palm Beach Cnty*, 387 F.3d 1208 (11th Cir. 2004). In essence these cases stand for the proposition that schools may properly regulate on-campus student speech that gives the imprimatur of public endorsement of a political or religious viewpoints, and so long as those regulations relate to a legitimate pedagogical reason and are content-neutral, courts will not disturb the schools' ability to regulate students' campus conduct.

Because the political activity in which Mr. Maxwell engaged occurred on school grounds, during school hours, and appears to give the imprimatur of public endorsement of partisan political positions or a particular candidate, such conduct is in violation of School Board Policy 805 and will not be permitted.

Should you have any questions or concerns, please contact me at your convenience.

Sincerely,



Kevin W. Pendley

Cc: Ida Wright, Chairman of the School Board
Linda Cuthbert, Vice Chairman of the School Board
Carl Persis, School Board Member
Ruben Colón, School Board Member
Jamie Haynes, School Board Member
Ted Doran, School Board Attorney
Carmen Balgobin, Superintendent, Ed.D
Dr. Todd Sparger, Principal
Republican National Committee
Republican Party of Florida
Volusia County Republican Party
Rep. Thomas J. Leek
Rep. Anthony Sabatini

Exhibit C

POLITICAL ACTIVITIES IN OR ON SCHOOL BOARD PROPERTY
AND AT SCHOOL SPONSORED EVENTS

INTENT

Although the school board encourages its employees to be aware of and involved in political causes and campaigns, and to exercise their right to vote, the school board finds that, in the interest of maintaining an orderly and disciplined environment in which students can learn and employees are able to perform their job duties in an efficient and effective manner, it is necessary to regulate the time, place and manner of political activities by employees and non-employees while in or on school board property or while attending school-sponsored events.

DEFINITIONS

"Political activities" shall mean every effort to promote a political cause or issue or to ensure the election of a qualified candidate for public office, including but not limited to: raising money; soliciting votes; the affixing of political bumper stickers, posters, signs or banners; rallies or meetings; and any other active service for the promotion of a political cause or campaign.

"Non-work time" is defined as time prior to the established employee sign-in time and after the established employee sign-out time, as well as during the established employee lunch or duty-free times.

"Non-work areas" are defined as the parking lots, teacher and employee lounges and teacher dining rooms.

GENERAL PROVISIONS

District facilities shall be equally available for use by all political groups or organizations; however, any use of district facilities for political activities shall be subject to and in accordance with the provisions of the school board policy regarding facility usage.

Under no circumstances shall political posters, signs, banners, or any other writing which promotes a political issue, cause, position or candidate, be permanently posted in or on school board property. Political posters, etc. may be displayed in or on school board property while the facility is actually being used by a political group. When such use is terminated, all political signage must be removed.

POLITICAL ACTIVITIES BY EMPLOYEES

The conduct of political activities by school board employees shall be limited to non-work time.

Employees may distribute political literature during non-work time in non-work areas. Distribution of political literature shall not include the placement of written or printed documents in non-work areas, nor shall it include "stuffing" teacher or departmental mailboxes with political literature,

SCHOOL-COMMUNITY RELATIONS POLICIES

NUMBER 805

since these activities tend to create a littering problem. Use of the district's internal mail system-is prohibited.

Employees may engage in political activities at work sites other than their own, but only during non-work times and in non-work areas, as defined above.

POLITICAL ACTIVITIES BY SCHOOL BOARD MEMBERS

A school board member shall refrain from engaging in political activities in or on school board property or at school-sponsored events while performing duties associated with the position of school board member.

POLITICAL ACTIVITIES BY NON-EMPLOYEES

Non-employees shall have the same rights of access to and use of district facilities for political activities. Non-employees may engage in political activities in or on school board property only during the employee's non-work time, and only in non-work areas.

Non-employees may distribute political literature to employees only during the employees' non-work time and only in non-work areas. Distribution of political literature shall not include the placement of written or printed documents in non-work areas nor shall it include "stuffing" teacher or departmental mailboxes since these activities tend to create a littering problem. Use of the district's internal mail system is prohibited.

CURRICULUM AND STUDENT ELECTIONS

This policy does not apply to school-sponsored student elections and campaigns nor to any activities, though political in nature, such as debates between local, state or national candidates, conducted in the classroom during the school day as part of the regular curriculum.

Legal Authority:

Sections 230.22(1)(2), 235.02, Florida Statutes

History:

(Adopted -- August 16, 1990)

(Effective Date -- August 16, 1990)