

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 900

Short Title: No School Employee Political Action.

(Public)

Sponsors: Representatives Allred; Buchanan and W. Brown.

Referred to: Public Employees.

April 12, 1995

A BILL TO BE ENTITLED

AN ACT TO REQUIRE PUBLIC SCHOOL EMPLOYEES TO REFRAIN FROM
INAPPROPRIATE POLITICAL ACTIVITY.

Whereas, the General Assembly believes public school employees while on duty should not take advantage of their authority by engaging in political activities or by influencing the political opinions of students, parents, or other employees of their local school administrative units; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. Article 20 of Chapter 115C of the General Statutes is amended by adding a new section to read:

"§ 115C-307.1. Inappropriate political activity.

(a) The following definitions apply in this section:

(1) Employee. – An individual appointed or employed by a local board of education, and a student teacher and voluntary teacher when given authority over some part of the school program or over any students by a principal or a supervising teacher.

(2) Governmental action. – The preparation, research, drafting, introduction, consideration, modification, amendment, approval, passage, enactment, tabling, postponement, defeat, or rejection of a bill, resolution, amendment, motion, report, nomination, appointment, or

1 other matter by a unit of State or local government or by a member or
2 employee of a unit of State or local government acting or purporting to
3 act in an official manner.

4 (b) While on duty or within any period of time during which an employee is
5 expected to perform services for State or local compensation, no employee shall:

6 (1) Take any active part in managing a political campaign;

7 (2) Campaign for political office;

8 (3) Encourage or coerce students, parents, or employees of the local school
9 administrative unit to support or to oppose any governmental action; or

10 (4) Otherwise engage in political activity.

11 (c) No employee shall at any time use State or local governmental funds, supplies,
12 equipment, or vehicles to:

13 (1) Secure support for or oppose any candidate, party, or issue in an
14 election or referendum, or affect the results thereof; or

15 (2) Encourage or coerce students, parents, or employees of the local school
16 administrative unit to support or to oppose any governmental action.

17 (d) G.S. 115C-307.1(b)(3) and G.S. 115C-307.1(c) shall not apply to an impartial
18 activity when it is part of the approved curriculum or part of an organized learning
19 experience for students specifically authorized by the principal. However, at no time
20 shall an employee use State or local governmental funds, supplies, equipment, or vehicles
21 to influence the opinion of students, parents, or employees in the local school
22 administrative unit concerning a governmental action that may result in a benefit to the
23 local school administrative unit or its employees.

24 (e) Nothing in this section shall be construed to prohibit the superintendent or the
25 superintendent's designees from participating in the preparation, negotiation, and
26 approval of the budget under Article 31 of this Chapter so long as they comply with
27 Article 33C of Chapter 143 of the General Statutes.

28 (f) As an individual, each employee retains all the rights and obligations of
29 citizenship provided in the Constitution and laws of the United States and in the
30 Constitution and laws of North Carolina. No local board of education, superintendent, or
31 principal shall make, issue, or enforce any rule or policy, the effect of which is to
32 interfere with the right of any employee as an individual to engage in political activity
33 while not on duty or at times during which the employee is not performing services for
34 which he or she receives compensation from the State or a unit of local government.

35 (g) The willful violation of this section shall be a misdemeanor punishable by a
36 fine not less than five hundred dollars (\$500.00) nor more than one thousand dollars
37 (\$1,000)."

38 Sec. 2. This act becomes effective December 1, 1995.