

POLITICAL PROCESSES

State and Federal Legislation

The Governing Board has a responsibility to actively advocate fiscal and public policy that supports the district's schools and the children in the community. This responsibility may include that of lobbying at the state and national levels. The Board shall inform members of the community about these activities.

The Board may identify issues that will affect its schools and the children in its community, establish goals and priorities for legislative advocacy, solicit community input, and adopt legislative positions. The Superintendent or designee may establish a coordinated plan for carrying out the advocacy agenda, including specific activities, target groups or individuals, staff responsibilities, and timelines.

The Board may provide members of the community with fair and impartial information which may help them communicate with their legislators about educational and children's issues.

*(cf. 1020 - Youth Services)*

Ballot Measures

Note: SB 82 (Ch. 879, Statutes of 1995) repealed Education Code 35174, which formerly authorized the Board or its members, in their capacity as Board members, to speak or prepare and disseminate information urging the passage or defeat of local school measures. SB 82 also amended Education Code 7054, making it a misdemeanor or felony, punishable as specified, to use district funds, services, supplies or equipment to urge the support or defeat of any ballot measure or candidate, including any candidate for election to the Board. As amended, Education Code 7054 reinforces the California Supreme Court's decision in Stanson v. Mott (1976, 17 Cal. 3d 206) by still allowing the use of district resources to provide information to the public as long as the information is a fair and impartial presentation of relevant facts. Such communications must in no way demonstrate that their purpose is to influence voters to vote in a particular way.

The Second Appellate District Court has ruled that a school Board can decide, in the course of a regular open meeting, to go on record in support of or in opposition to issues of importance to education without entailing an improper expenditure of public funds. (Choice-in-Education League et al v. Los Angeles Unified School District, 1993, 17 Cal.App.4th 415) Media coverage of the position a Board takes at its public meeting is governed by Government Code 54953.5 and 54953.6. Dissemination of the Board's position by the district, other than by normal procedures for reporting Board actions, may be considered to be an unlawful attempt to sway voters.

POLITICAL PROCESSES (continued)

Uncodified Section 1 of SB 82 states that the Legislature in no way intends to prohibit Board members from speaking out or disseminating information about local school measures in circumstances that do not involve the use of public funds. Board members also have the right to establish and participate in political action committees; such committees must register and report campaign expenditures in accordance with the Political Reform Act, Government Code 81000-91015. Furthermore, as individuals, Board members still have the right to campaign for or against any ballot measure.

The Board may determine how ballot measures may affect the schools. Any Board discussion of the effect such measures would have on the district shall include an opportunity for Board members and members of the public to speak on all sides of the issue. The Board may also adopt positions in support of or in opposition to ballot measures of importance to education.

*(cf. 9323 - Meeting Conduct)*

No district funds, services, equipment or supplies shall be used to urge the support or defeat of any ballot measure or candidate. (Education Code 7054)

The Superintendent or designee may use district funds to furnish students, parents/guardians and community members with fair and impartial information about the impact of ballot measures on the district.

*(cf. 1325 - Advertising and Promotion)*

District facilities may be used for the conduct of forums about ballot measures as long as the forum is made available to all sides of the issue on an equitable basis. (Education Code 7058)

*(cf. 1330 - Use of School Facilities)*

Upon request, Board members and district administrators may appear before a citizens' group to discuss reasons that the Board called an election for the issuance of bonds and to answer questions. (Education Code 7054.1)

*(cf. 4119.25/4219.25/4319.25 - Political Activities of Employees)*

*(cf. 9000 - Role of the Board)*

*(cf. 9010 - Public Statements)*

*Legal Reference: (see next page)*

POLITICAL PROCESSES (continued)

Legal Reference:

EDUCATION CODE

- 7054 Use of district property
- 7054.1 Requested appearance
- 7056 Soliciting or receiving political funds
- 7058 Use of forum
- 35160 Authority of governing boards
- 35172 Promotional activities

GOVERNMENT CODE

- 50023 Attending legislature to support or oppose legislation
- 53060.5 Attendance at legislative body; expenses
- 54953.5 Right to record proceedings
- 54953.6 Broadcasts of proceedings
- 81000-91015 Political Reform Act
- Choice-in-Education League et al v. Los Angeles Unified School District (1993) 17 Cal.App.4th 415
- Stanson v. Mott (1976) 17 Cal. 3d 206
- League of Women Voters v. Countywide Criminal Justice Coordination Committee (1988) 203 Cal.App.3d 529, 250 Cal. Rptr. 161, rev.den. 73 Ops.Cal.Atty.Gen. 255 (1990)