

**VOLUNTEERING FOR THE PARCEL TAX CAMPAIGN**  
***Important information for AUSD employees***

As the District prepares to place a new parcel tax measure on the ballot, District employees need to keep in mind that California law prohibits a school district from using public funds, services, supplies or equipment to urge support or defeat of any ballot measure. However, the District may give information to voters that is relevant to the measure so long as the information is a fair and impartial presentation of relevant facts.<sup>1</sup> Board Policy 1160 sets forth the District's policy on this issue and is attached for your reference.

In practical terms, this means:

- ✓ **District equipment**, such as telephones, copiers or paper, may not be used for campaign purposes. This includes the use of District supplies to make flyers or posters which advocate support or defeat of the measure.
- ✓ **District email may not be used** for campaign activities, including to recruit or organize supporters.
- ✓ **District time may not be used** to advocate for the tax measure and District communications must be neutral in content and tone. For example, terms such as "vote for;" "support;" "cast your ballot;" and "sign petitions for" constitute express advocacy.<sup>2</sup>
- ✓ **District communication channels - email, mail boxes, and website - may not be used to disseminate campaign materials.** This is true regardless of the source of the materials.
- ✓ **District facilities may not be used for campaign meetings** or for campaign purposes unless the campaign has complied with the Civic Center Act and the District's Civic Center Act policies.

Legally permissible activities include:

- ✓ **Using your personal computer, telephone and email on your personal time** to disseminate campaign information and urge support of the parcel tax.
- ✓ **Fund raising for the campaign on your personal time.**
- ✓ **Campaigning for or against the measure on your personal time.**

**Note for classroom teachers:** based on our experience in other parcel tax campaigns, we expect that students may wish discuss the parcel tax in class. You should treat the parcel tax as you would any other political topic - where it is appropriate to discuss in the context of your curriculum, fairly present both sides of the issue in a neutral and factual manner.

It is important to note that no employee is *required* to donate money or time to campaign for the parcel tax.

If you are planning an event or activity and have questions as to whether it is permissible under California law and Board Policy, please contact the Chief Human Resources Office at [terwin@alamedaunified.org](mailto:terwin@alamedaunified.org) for assistance.

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<sup>1</sup> This memo does not address activities which are fairly characterized as "pre-election planning." Pre-election planning are activities such as: researching the need for a measure; formulating, drafting and considering various proposals for the measure; hiring consultants to conduct surveys or other forms of planning; and establishing focus groups to assess the potential support or opposition to a measure. Pre-election planning activities are legal and appropriate uses of public funds.

<sup>2</sup> Cal. Code Regs., tit. 2, section 18225; Fair Political Practices Commission.

# **Alameda City USD**

## **Board Policy**

### **Political Processes**

BP 1160

### **Community Relations**

The Board of Education has a responsibility to actively advocate fiscal and public policy that supports the district's schools and the children in the community. To the extent possible, the Board shall be proactive in defining the district's advocacy agenda based on the needs of the district and the direction set forth in the district's vision and goals.

The Board may establish reasonable regulations related to Board members and employees engaging in political activity during working hours and on district premises. (Education Code 7055)

### **Legislation**

The Board's responsibility as an advocate for the district may include lobbying at the state and national levels.

Because local governments also make decisions which impact the district's schools, the Board and the Superintendent or designee shall work to establish ongoing relationships with city and county officials and agencies, and shall inform them of the potential effect of local issues on the schools.

The Board shall 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 shall establish a coordinated plan for carrying out the advocacy agenda, including specific activities, target groups or individuals, staff responsibilities and timelines.

In order to strengthen legislative advocacy efforts, the district may work with organizations and coalitions and may join associations whose representatives lobby on behalf of their members.

As necessary, the Superintendent or designee may draft legislative proposals which serve the district's interests.

The Board may provide fair and impartial information about legislative issues affecting schools and children and shall inform the community about its legislative advocacy activities. However, the Board shall not urge the public to lobby the legislature on behalf of the district.

### **Ballot Measures/Candidates**

The Board may study the potential effect of ballot measures on the district's schools. Any Board discussion of the effect of such measures shall include an opportunity for Board members, staff and members of the public to speak on all sides of the issue. Following such study, the Board may adopt positions in support of or in

opposition to ballot measures of importance to education.

The Board's positions shall be publicized only through normal district procedures for reporting Board actions and in a manner that does not attempt to influence voters.

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

District resources shall not be used to disseminate campaign literature or to purchase advertisements, bumper stickers, posters or similar promotional items that advocate an election result.

The Superintendent or designee may use district resources to provide students, parents/guardians and community members with fair and impartial information related to ballot measures, including information about the impact of ballot measures on the district. (Education Code 7054)

In preparing or distributing such information, the Superintendent or designee shall ensure that the totality of the circumstances, including language, style, tenor and timing, does not expressly advocate passage or defeat of a measure or candidate.

The Superintendent or designee may research, draft and prepare a bond measure or other initiative for the ballot, but shall not use district resources to secure signatures in order to qualify the measure for the ballot.

Upon request, Board members and district administrators may appear at any time before a citizens' group to explain why the Board called for an election on a bond measure and to answer questions. (Education Code 7054.1)

If the presentation occurs during working hours, the district representative shall not urge a citizens' group to vote for or against the bond measure.

For informational purposes, the Superintendent or designee may conduct a poll related to a ballot issue. Such a poll shall not advocate a particular position on the issue.

#### Legal Advocacy

The Board recognizes that some issues are more appropriately addressed judicially rather than legislatively. When a legal issue is likely to set a state or national precedent, the district may join with other districts or parties in order to challenge the issue through litigation or other appropriate means.

#### Political Forums

Forums on political issues may be held in district facilities as long as the forum is made available to all sides of the issue on an equitable basis. (Education Code 7058)

Legal Reference:

**EDUCATION CODE**

7054 Use of district property

7054.1 Requested appearance

7055 Local rules

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

**COURT DECISIONS**

Stanson v. Mott, (1976) 17 Cal. 3d 206

Miller v. Miller, (1978) 87 Cal.App.3d 762

League of Women Voters v. Countywide Criminal Justice Coordination Committee, (1988) 203 Cal.App.3d 529, 250 Cal. Rptr. 161, rev.den.

Choice-in-Education League et al v. Los Angeles Unified School District, (1993) 17 Cal.App.4th 415

Yes on Measure A v. City of Lake Forest, (1997) 60 Cal.App.4th 620

Scherer v. Buchanan, First Appellate District, Civil No. A076648

**ATTORNEY GENERAL OPINIONS**

73 Ops.Cal.Atty.Gen. 255 (1990)

Management Resources:

**OFFICE OF LEGISLATIVE COUNSEL**

Advice letter #7837, March 18, 1996 (use of public funds to publicize board positions)

**FAIR POLITICAL PRACTICES COMMISSION**

FPPC No. 93/345 (1996)

**CSBA PUBLICATIONS**

Political Activities of School Districts: Legal Issues, 1998

Maximizing School Board Leadership: Community Leadership, 1996

Policy **ALAMEDA UNIFIED SCHOOL DISTRICT**

adopted: August 25, 1998 Alameda, California

revised: August 25, 2009