

Community Relations
POLITICAL PROCESS

BP 1160 (a)

The Board of Trustees has a responsibility to actively advocate fiscal and public policy that supports the district's schools and the children in the community. The Board shall be proactive in defining the district's advocacy agenda based on the district's vision and goals and the needs of the district and community. The Board's advocacy efforts shall be conducted in accordance with legal requirements.

Ballot Measures/Candidates

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)

The Board may discuss and study the potential effect of proposed or qualified ballot measures on the district's schools at an open and agendaized Board meeting. The Board's discussion of the effect of such measures shall include an opportunity for staff and members of the public to speak on all sides of the issue. At that meeting, the Board may adopt a position or resolution in support of or in opposition to a ballot measure. The language in any resolution adopted by the Board shall not urge the public to take any action regarding the measure.

The Board's position on a ballot measure, including any resolution, shall be publicized only through normal district procedures and consistent with regular district practice for reporting Board actions. Such publicity shall be for informational purposes and shall not attempt to influence voters.

Individual School Board members may include their name in support of or opposition to a county, city, district, or school measure on a county ballot in accordance with Elections Code 9170.

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 informational material, the Superintendent or designee shall analyze the material to help ensure that it is an appropriate informational activity, provides a fair analysis of the issues, and does not advocate passage or defeat of a measure or candidate.

District resources, including email or computer systems, shall not be used to disseminate campaign literature. In addition, district resources shall not be used to purchase advertisements, bumper stickers, posters, or similar promotional items that advocate an election result or urge voters to take any action in support of or in opposition to a

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measure.

Political activity related to district bond measures shall, in addition to the above, be subject to the following conditions:

1. The Superintendent or designee may research, draft, and prepare a district bond measure or other initiative for the ballot, but shall not use district resources to influence voters or otherwise campaign for the measure.
2. 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 employee representing the district shall not urge a citizens' group to vote for or against the bond measure.

3. The Board or any individual Board member may file a written argument for the ballot that is either for or against any school measure. (Elections Code 9501)

Legislation

The Board's responsibility as an advocate for the district may include lobbying at the state, national and local levels. The Board and Superintendent or designee shall work to establish and maintain ongoing relationships with elected officials, community leaders, and the media in order to communicate district positions and concerns.

The Board and Superintendent shall develop an advocacy action plan to define expectations and responsibilities. This plan may include, but is not limited to, legislative priorities, strategies for outreach to the media and community, development of key messages and talking points, and adoption of positions on specific legislation, regulations, or budget proposals.

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 in accordance with Government Code 53060.5.

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

Legal Advocacy

The Board recognizes that some issues are more appropriately addressed judicially rather

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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 resolve the ~~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:

State

2 CCR 18600-18640: Lobbyists
2 CCR 18901.1: Campaign related mailings sent at public expense
Ed. Code 35160: Authority of governing boards
Ed. Code 35172: Promotional activities
Ed. Code 7050-7058: Political activities of school officers and employees
Ed. Code 7054: Use of district property
Ed. Code 7054.1: Requested appearance
Ed. Code 7056 : Soliciting or receiving political funds
Elec. Code 9170: Ballot label; support and opposition listings
Elec. Code 9501: School district elections; arguments for or against a measure
Gov. Code 53060.5: Attendance at legislative body; expenses
Gov. Code 54953.5: Audio or video recording of proceedings
Gov. Code 54953.6: Broadcasts of proceedings
Gov. Code 81000-91014: Political Reform Act
Gov. Code 82031: Definition of independent expenditure
Gov. Code 8314: Unlawful use of state resources

Management Resources

Attorney General Opinion: 73 Ops.Cal.Atty.Gen. 255 (1990)
Attorney General Opinion: 88 Ops.Cal.Atty.Gen. 46 (2005)
Court Decision: Choice-in-Education League et al v. Los Angeles Unified School District, (1993) 17 Cal.App.4th 415
Court Decision: League of Women Voters v. Countywide Criminal Justice Coordination Committee, (1988) 203 Cal.App.3d 529
Court Decision: Miller v. Miller, (1978) 87 Cal.App.3d 762
Court Decision: Santa Barbara County Coalition Against Automobile Subsidies v. Santa Barbara County Association of Governments, (2008) 167 Cal.App.4th 1229
Court Decision: Stanson v. Mott, (1976) 17 Cal. 3d 206
Court Decision: Vargas v. City of Salinas, (2009) 46 Cal. 4th 1
Court Decision: Yes on Measure A v. City of Lake Forest, (1997) 60 Cal.App.4th 620
CSBA Publication: Legal Guidelines for Lobbying Activity, Fact Sheet, February 2011
CSBA Publication: Legal Guidelines: Use of Public Resources for Ballot Measures and Candidates, Fact Sheet, February 2011
Institute for Local Government Publication: Legal Issues Associated with Use of Public Resources and Ballot Measure Activities, June 2010
Website: CSBA District and County Office of Education Legal Services
Website: Institute for Local Government
Website: Fair Political Practices Commission
Website: CSBA

Policy Adopted: 12/13/23

ORCUTT UNION SCHOOL DISTRICT
Orcutt, California