

## EDUCATION: PUBLIC EDUCATION OFFICIALS USING SCHOOL RESOURCES TO CAMPAIGN FOR TAX AND BOND MEASURES

Public schools are prohibited by law from using school resources to promote or oppose ballot measures, but that hasn't stopped several school districts from doing so this year.

In the Folsom Cordova Unified School District, Superintendent Deborah Bettencourt distributed a letter to parents and staff with this statement: "I want to acknowledge the **extra time and effort put forth by all employees** as a result of budget cuts. Our employees have sacrificed in two ways: first, greater workloads and higher class sizes because of the layoff of many fine employees, and second, through the absorption of furlough days over the past three years. And, **if the Governor's Proposition 30 doesn't pass in November, we will again be faced with the reduction of the instructional year by up to six additional furlough days, a loss of learning time that will impact current students and their performance.** ... As you may know, our funding level is directly tied to state revenues and Proposition 30. If Proposition 30 doesn't pass in November, our revenue will be reduced by \$8 million, or another 6%, effective January of this school year." (Bold font included in original.)

Ms. Bettencourt's letter was written on school district letterhead and is posted on the school district's taxpayer-funded website, in three languages. The superintendent also used her official school Twitter account to distribute a link to this letter.

In the Sacramento City Unified School District, School Board Member Patrick Kennedy addressed a mandatory meeting for parents at Leonardo da Vinci K-8 School on September 12, and used his entire presentation to urge support for Proposition 30 and two local school bonds. He did not mention Molly Munger's tax initiative, Proposition 38, which is focused on directing more money to schools, nor did he discuss how the local bond proposals (Measure Q and Measure R) would increase taxes for property owners in the district. The school's September 4 newsletter, distributed by the school to all parents, also included a message urging support for the two bond measures, with no details to educate parents about the proposals.

The Los Angeles Unified School District also has lobbied parents to support the governor's tax increase and Ms. Munger's tax measure, Proposition 38. In an official school district press release, the district wrote: "It is a disgrace that our state funds education at lower rates than 46 other states. Proposition 38 will prioritize education funding, create jobs and brighten California's future. ... Passing Proposition 30 will prevent us from making further cuts to public education in California, which would be devastating to our children."

In 2009, the California Supreme Court ruled (in *San Leandro Teachers Association v. Governing Board of San Leandro Unified School District*) that a teachers' union was prohibited by state law from using school district mail facilities such as faculty mailboxes to distribute materials that contain political endorsements.

The court cited Education Code Section 7054, which states:

"(a) No school district or community college district funds, services, supplies, or equipment shall be used for the purpose of urging the support or defeat of any ballot measure or candidate, including, but not limited to, any candidate for election to the governing board of the district.

"(b) Nothing in this section shall prohibit the use of any of the public resources described in subdivision (a) to provide information to the public about the possible effects of any bond issue or other ballot measure if both of the following conditions are met:

"(1) The informational activities are otherwise authorized by the Constitution or laws of this state.

"(2) The information provided constitutes a fair and impartial presentation of relevant facts to aid the electorate in reaching an informed judgment regarding the bond issue or ballot measure.

"(c) A violation of this section shall be a misdemeanor or felony punishable by imprisonment in a county jail not exceeding one year or by a fine not exceeding one thousand dollars (\$1,000), or by both, or imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for 16 months, or two or three years."

Section 7054.1 of the Education Code adds that school board members and others may appear at any time "before a citizens' group that requests the appearance of the officer or board member for purposes of discussing the reasons why the governing board of the district called an election to submit to the voters of the district a proposition for the issuance of bonds and for purposes of responding to inquiries from the citizens' group."

School districts listed as supporters of Proposition 30 on the campaign's website include: Bonita Unified School District, Kernville Union School District, Mariposa Unified School District, Modesto City Schools, Norwalk-La Mirada Unified School District, San Diego Unified School District, Santa Barbara Unified School District, Santa Monica-Malibu Unified School District, and the Stockton Unified School District.