

POLITICAL PROCESSES

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

(cf. 0000 - Vision)

(cf. 0200 - Goals for SCCOE)

(cf. 9000 - Role of the Board)

(cf. 9010 - Public Statements)

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

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

Legislation

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

Because local governments also make decisions which impact the SCCOE schools, the County Board and the Santa Clara County Superintendent of Schools 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.

(cf. 1020 - Youth Services)

(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)

(cf. 7131 - Relations with Local Agencies)

The County 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 County 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 SCCOE may work with organizations and coalitions and may join associations whose representatives lobby on behalf of their members.

As necessary, the County Superintendent or designee may draft legislative proposals which serve the SCCOE's interests as recommended by the Joint Legislative Action Committee (JLAC).

POLITICAL PROCESSES (continued)

The County 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 County Board shall not urge the public to lobby the legislature on behalf of the SCCOE.

(cf. 1100 - Communication with the Public)

(cf. 1112 - Media Relations)

Ballot Measures/Candidates

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

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

(cf. 9323 - Meeting Conduct)

No SCCOE 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 County Board. (Education Code 7054)

SCCOE 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.

(cf. 1325 - Advertising and Promotion)

The County Superintendent or designee may use SCCOE 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 SCCOE. (Education Code 7054)

In preparing or distributing such information, the County 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 County Superintendent or designee may research, draft and prepare a bond measure or other initiative for the ballot, but shall not use SCCOE resources to secure signatures in order to qualify the measure for the ballot.

POLITICAL PROCESSES (continued)

Upon request, County Board members and SCCOE administrators may appear at any time before a citizens' group to explain why the County 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 SCCOE representative shall not urge a citizens' group to vote for or against the bond measure.

For informational purposes, the County 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 County 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 SCCOE may join with other COEs or parties in order to challenge the issue through litigation or other appropriate means.

(cf. 9124 - Attorney)

Political Forums

Forums on political issues may be held in SCCOE facilities 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)

Legal Reference: (see next page)

POLITICAL PROCESSES (continued)

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