

Grant Joint Union High School District's Inappropriate Use of Public Funds

Issue

The Grand Jury received a complaint alleging Grant Joint Union High School District (GJUHSD) was using its newspaper, Grant Today, to advocate one side of a political issue. Since the newspaper is supported by public funds, the Grand Jury looked into whether or not this use of funds was appropriate.

Method of Investigation

Reviewed:

- Eight issues of Grant Today from April 2003 through February 2004.
- The GJUHSD Mission Statement, "Communications Plan" of February 2002.
- "Grant Select Commission Final Report," July 15, 1998.
- Sections of GJUHSD's board policies, Community Relations, BP 1112, adopted February 6, 2002, and Personnel - Political Activities of Employees, AR 4119.25, adopted August 21, 2002.
- Similar school newspapers from other districts within Sacramento County, including Sacramento City Unified School District's The Connection, Galt Joint Union High School District's Reflections, and the San Juan Unified School District's San Juan Scene.
- The school board policies regarding advocacy in political campaigns of Elk Grove Unified School District and Sacramento City Unified District and others from around the state, such as El Segundo Unified School District, El Dorado Union High School District, and New Haven Unified School District.
- 73 Ops. Cal. Atty. Gen. 255 (1990).
- California State Education Code section 7054.
- The publication of the California School Boards Association, titled Political Activities of School Districts, November 2001.

Conferred with:

- The District Attorney of Sacramento County.
- The State Attorney General's Office.

Interviewed:

- The Director of Communications/Community Relations for GJUHSD.
- GJUHSD Legal Counsel.
- Directors of Information or Communication/Public Relations from Sacramento City Unified School District, Elk Grove Unified School District and San Juan Unified School District.

Background and Facts

The organizational structure of many school districts in Sacramento County has been a continuing issue. Presently, the Grant Joint Union High School District (grades 7-12) is fed by five elementary school districts: Elverta Joint, Rio Linda Union, Robla, Del Paso Heights, and North Sacramento.

Concerned parents and citizens recently formed a coalition, *Families for Better Education*, to reorganize the GJUHSD into two separate 7-12 districts. One of the proposed districts would serve the Elverta Joint, Rio Linda Union, and Robla school districts. The other would serve Del Paso Heights and North Sacramento school districts.

In 2003, the coalition organized a petition effort to put its proposed plan before the Sacramento County Board of Education, and ultimately before the California State Board of Education. The role of the State Board is to review proposed plans and decide whether a referendum is placed on a ballot for a vote by the citizens in the designated districts. At the time of this Grand Jury report, the State Board of Education is reviewing a plan for reorganization.

The GJUHSD board has publicly opposed splitting the district. In a monthly newsletter, Grant Today, articles appeared which strongly opposed the reorganization plan put forth by the coalition. Partiality and bias were observed in several articles headlined, “We cannot live with what they’re proposing” (Vol. 3, No. 5, August 2003), and “Who really benefits from the reorganization of Grant District?” (Vol. 3, No. 7, October 2003). The articles contained no attempt to present a balanced, fair or objective viewpoint. The newsletter articles reflected only opposition to the proposed reorganization plan.

Grant Today is an official district publication, supported by public funds, and is mailed to 55,000 residents within the boundaries of the Grant Joint Union High School District. District officials reported the cost of publishing 11 issues of Grant Today in 2002 was in excess of \$100,000.

Most school districts have published policies governing political activities that are readily available to the public and employees. The Grand Jury asked GJUHSD to provide policies governing the publication of the Grant Today newsletter. Written documents provided included the “Grant Select Commission Final Report,” the Mission Statement of the “Communication Plan,” and the board policy dealing with community relations. None of these documents made mention of policies governing political activity. However, in further

research, the Grand Jury found that GJUHSD policies relating to this report were on its web site.

The GJUHSD policy in part states, ...“district employees shall not use district funds, services, supplies or equipment to urge the passage or defeat of any ballot measure or candidate; or use district time to urge the passage or defeat of any ballot measure or candidate.”

The California School Boards Association (CSBA), in its handbook, Political Activities of School Districts, recommends the following:

“The district may disseminate information about a ballot measure as long as it provides the public with a ‘fair and impartial presentation of relevant information’ that is neutral in tone. This information may include an objective analysis of how a ballot measure impacts the district.”

The GJUHSD’s Legal Counsel stated that he had reviewed school policies and laws governing political activities by a school district and concluded that the proposed articles in Grant Today did not technically violate state law because an election had not been scheduled for the initiative.

The Grand Jury reviewed legal references suggested by CSBA in an attempt to clarify how political activity by school districts should be conducted. In reviewing 73 Ops. Cal. Atty. Gen. 255 (1990), this opinion states that public funds of a city, county, or district may lawfully be used to **draft** an initiative or referendum measure but concludes that such funds cannot be used to **promote** such measures. The use of public funds by a school district to advocate or present only one side of a political issue in a district newsletter constitutes improper campaign activity.

Findings and Recommendations

Finding 1. Grant Joint Union High School District has used public monies inappropriately by advocating against the redistricting plan of *Families for Better Education* in articles published in its monthly publication, Grant Today. The articles did not include any information about the opposing point of view.

Recommendation 1. Officially disseminated information from a school district regarding a contested issue should be fair, impartial and balanced.

Finding 2. Grant Joint Union High School District has specific written policies regarding the use of district resources for advocating political issues and activities, but these policies were not followed in several articles published in Grant Today.

Recommendation 2. Grant Joint Union High School District should make its employees aware of these policies and ensure all personnel understand and interpret these guidelines as

intended by state law and case law. Employees should refer to publications by the California School Boards Association to give them direction.

Finding 3. In the August 2003 newsletter of Grant Today, GJUHSD's Legal Counsel was a visible advocate opposing the coalition's reorganization plan.

Recommendation 3. The District Legal Counsel should not advocate for a political issue or activity that affects the District. Legal Counsel should ensure that a political issue discussed in district public communications be fair and balanced.

Response Required

Penal Code Section 933.05 requires that specific responses to both the findings and recommendations contained in this report be submitted to the Presiding Judge of the Sacramento Superior Court by September 30, 2004 from:

- **Board of Education, Grant Joint Union High School District**