

SAN DIEGO CITY SCHOOL WEBSITE

USE FOR POLITICAL PURPOSES IS UNAUTHORIZED

SUMMARY

The 2012-2013 San Diego County Grand Jury (Grand Jury) investigated alleged violations by the San Diego Unified School District (SDUSD) of California law and district policies regarding use of school-owned websites. California law prohibits the use of school-owned or district-owned websites for political purposes. SDUSD policy prohibits the use of district supplies, equipment and services for personal gain. Violations of California law and district policy were found. School websites are not monitored closely enough to ensure compliance with California law and district policy.

The Grand Jury recommends that SDUSD comply with all laws, policies and procedures regarding appropriate content on their school and district websites.

INTRODUCTION

The Grand Jury received a citizen complaint alleging the unlawful use of the SDUSD website. The complaint alleges that the website contains illegal political promotions pertaining to the November 2012 election. In response to this complaint, the Grand Jury initiated an investigation into the policies and procedures of SDUSD regarding use of school-owned websites. In particular, our investigation focused on allowing the website to be used as a resource for political purposes.

In reviewing the SDUSD website, the Grand Jury found it did contain content that could potentially sway public opinion about legislation issues. For example, the SDUSD website contained downloadable sample letters with links to elected officials. We also found articles on the SDUSD website promoting specific political agendas. The SDUSD website, Education Issues Action Center (EIAC), contained a report in support of Assembly Bill AB2434 introduced by Assemblyman Marty Block. The EIAC also supported California Propositions 30 and 38 on the November 2012 election ballot. This website had also been used to distribute petitions for signatures in support of or opposition to other proposed California legislation.

BACKGROUND

In the Grand Jury's investigation regarding the use of district-owned internet websites, the California Education Code – 7054(a) was reviewed. It states, "No school district funds, services, supplies, or equipment shall be used for the purpose of urging the support or defeat of any ballot measure or candidate."

In the San Diego Unified School District Policy Manual, section I-1210:

- General Staff Ethics-H, it states, "No district employee shall use district equipment, supplies or services for personal gains (i.e. technology, internet, or email)."

- Under General-Community/Political Activities, section I-1255, “Political activities during assigned hours of duty are prohibited. Proposed legislation affecting the school program shall not be discussed with students with the intent of influencing parents’ support for, or opposition to, a particular measure.”
- Under Advertising in the School, Section K-6500(b), “Staff cannot distribute or display material of a political nature.”

In the SDUSD Administrative Procedure Manual, #7039, Staff Use of District Data Communications Networks/Prohibited Use, page 4 (3). “No advertisement, solicitations, commercial ventures or political lobbying.”

In an *Administrative Circular #55* from the Office of the Superintendent, dated January 8, 2004, to all Principals; Division and Department heads; Child Development Center Administrators; Governance Team Chairpersons, and Chairs of School Site Councils; the General Legal Counsel of SDUSD advised district staff of the California Education Code – 7054(a).

In a letter posted by SDUSD, dated June 24, 2012, it stated, “The SDUSD Board President requested that the SDUSD Superintendent seek further information from the State Department of Finance about future K-12 funding projections should the Governor’s November Tax Initiative, Proposition 30 pass.” SDUSD then posted charts and wording supporting the passage of the initiatives.

In a *U-T San Diego* article titled *School President’s Email Pushes Tax Measures* dated Wednesday, October 17, 2012, it stated the SDUSD Board President had been using his District email to coordinate a news conference with the region’s school board presidents to advocate for the passage of two statewide tax increases. The Board President wrote, “I would like school board presidents from the largest districts across the county to stand together in support of the ballot propositions pertaining to our school budgets.” The Board President said he is free to advocate using District communications. Officials with the San Diego Taxpayers Association said the Board President’s effort amounts to advocacy.

In the same *U-T* article, the senior Associate General Counsel of San Diego and College Legal Services of California, which provides legal services for the State’s community colleges, said, “I probably would have advised my clients to not do it the way they did it. Districts have to err on the side of caution to not give the impression they are using public dollars or time to advocate for one side or the other.”

No evidence was found to suggest that any of the other San Diego County school districts were using their websites in violation of state and district-allowed purposes.

DISCUSSION

The SDUSD website link titled, San Diego School District Education Issues Action Center, is urging support for AB2434, introduced by Assembly Member Marty Block on

February 24, 2012. This group's job is to keep SDUSD informed on legislation issues in Sacramento and Washington, D.C. regarding schools.

On the same website, California parents and taxpayers were urged to sign a petition and send it to all State legislators. In this letter it stated, "Please add my name to the list of millions of California parents and taxpayers who urge you to make funding of public education a priority."

In an interview with a SDUSD communication official, the Grand Jury was told the school district does not have sufficient personnel to control and review all information that is put on the SDUSD district-owned or local school-owned websites. The Communications Department has a staff of four full-time and one part-time employee.

The Grand Jury found that approximately 4,320 individuals have access to various sections of the SDUSD website and can post and change information on it. Individual schools have their own website servers with content supposedly monitored by the school principal.

FACTS AND FINDINGS

Fact: State laws and SDUSD policies and procedures specify what cannot be put on a school district website.

Finding 01: As recently as November 2012, SDUSD employees put politically oriented messages on school-owned internet websites.

Finding 02: SDUSD is not monitoring all information and postings put on SDUSD and local school websites.

Finding 03: The SDUSD and local school websites do not generally have an overseer who is familiar with the law or one who is willing or able to block unsuitable content.

Finding 04: Lack of SDUSD resources does not justify violating California Education Code 7054(a) and SDUSD policies.

RECOMMENDATIONS

The 2012-2013 San Diego County Grand Jury recommends that the Superintendent of San Diego Unified School District ensure that the following actions/policy changes be made by December 31, 2013:

13-22: Comply with California Education Code 7054(a), which states, "No school district funds, services, or equipment shall be used for the purpose of urging the support or defeat of any ballot measure or candidate."

13-23: Ensure there is closer monitoring of all school-owned websites to prevent posting of unauthorized political activities.

- 13-24: Ensure that there is closer monitoring of The Education Issues Action Center, which is designed to sway public opinion about legislation issues.**
- 13-25: Develop a more robust monitoring system to ensure that district employees are not allowed to use school resources, paid employment hours, or any school funds in the promotion of political views or election activities.**
- 13-26: Develop a plan to restrict access to the SDUSD and individual school websites that limits additions/changes to a webmaster/gatekeeper.**

REQUIREMENTS AND INSTRUCTIONS

The California Penal Code §933(c) requires any public agency which the Grand Jury has reviewed, and about which it has issued a final report, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the agency. Such comment shall be made *no later than 90 days* after the Grand Jury publishes its report (filed with the Clerk of the Court); except that in the case of a report containing findings and recommendations pertaining to a department or agency headed by an elected County official (e.g. District Attorney, Sheriff, etc.), such comment shall be made *within 60 days* to the Presiding Judge with an information copy sent to the Board of Supervisors.

Furthermore, California Penal Code §933.05(a), (b), (c), details, as follows, the manner in which such comment(s) are to be made:

- (a) As to each grand jury finding, the responding person or entity shall indicate one of the following:
 - (1) The respondent agrees with the finding
 - (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
- (b) As to each grand jury recommendation, the responding person or entity shall report one of the following actions:
 - (1) The recommendation has been implemented, with a summary regarding the implemented action.
 - (2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
 - (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the grand jury report.

(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

(c) If a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the Board of Supervisors shall respond if requested by the grand jury, but the response of the Board of Supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

Comments to the Presiding Judge of the Superior Court in compliance with the Penal Code §933.05 are required from the:

<u>Responding Agency</u>	<u>Recommendations</u>	<u>Date</u>
Superintendent, San Diego Unified School District	13-22 through 13-26	8/5/13