

GOVERNMENTAL RELATIONS

SECTION 8
ACSA POLICIES & PROCEDURES

Section 8 — Governmental Relations

A. Legislation

Policies:

8.1 Operation of the Governmental Relations Department

The association will set policies and procedures that govern the operation of the governmental relations department and the Legislative Policy Committee.

8.1.1 A governmental relations department shall be maintained to present ACSA's position on issues before governmental agencies.

8.2 Responsibilities of the Legislative Policy Committee

The legislative program will be the primary responsibility of the Legislative Policy Committee. Committee appointments and other operations will be governed by the policies & procedures — Section 5 — Committees and the bylaws.

8.2.1 Within the scope of responsibilities, authority of the Legislative Policy Committee shall be plenary, subject only to such restrictions as are provided for in these regulations or any of the above.

8.2.2 The Legislative Policy Committee shall be responsible for developing positions on legislation to be carried out by the staff of the governmental relations department.

8.3 Veto of a Decision of the Legislative Policy Committee

The board of directors may veto a decision of the Legislative Policy Committee or may cause the implementation of the decision to be delayed for a stated period of time when, in the opinion of the board:

8.3.1 The Legislative Policy Committee's decision violates an established written policy of ACSA.

8.3.2 The Legislative Policy Committee's decision is contrary to or inconsistent with actions taken by another ACSA committee or council.

8.3.3 The Legislative Policy Committee's decision is inconsistent with the strategic plan.

(Revised: February 2014 Board)

8.4 Transmission of Decisions of the Legislative Policy Committee

The chair shall cause all decisions of the Legislative Policy Committee to be promptly transmitted to the executive director, board of directors, committee chairs and council presidents.

(Revised: February 2014 Board)

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8.5 The Legislative Policy Committee as Agent for Implementing the Legislative Program

The Legislative Policy Committee is the leadership assembly's agent for implementing the legislative program of ACSA. The ratification of a legislative platform by the leadership assembly shall not preclude the Legislative Policy Committee from sponsoring or taking a position on legislation not included within ACSA's legislative program.

8.6 Regular or Special Members of the Legislative Policy Committee

Other organizations concerned with public school legislation may be invited to become regular or special members of the Legislative Policy Committee. Regular membership on the committee must be approved by ACSA's board of directors upon recommendation of the committee.

8.7 The Legislative Coordinating Council

The Legislative Coordinating Council shall be composed of the president of ACSA, the executive director, the chair of the Legislative Policy Committee, the state vice president for legislative action, the assistant executive director of governmental relations, the chair of any committee or president of any council directly involved with the specific issue under consideration, and the ACSA staff member assigned to serve as liaison to such committee/council. The president of the association or the executive director shall convene and serve as chair of the council.

8.7.1 The president or the board of directors may convene the council if a conflict arises between a position taken by the Legislative Policy Committee and other committees, staff members or others. The council may recommend that the president call a special meeting of appropriate groups to assist in resolving differences. An alert to the Legislative Coordinating Council will normally originate with the Legislative Policy Committee chair or the assistant executive director of governmental relations. The issue can be raised, however, by any staff member, any committee chair, council president, or an officer of ACSA.

8.7.2 The Legislative Coordinating Council may adopt a position on any issue not considered by the Legislative Policy Committee, during interim periods between meetings, when time is of the essence.

8.7.3 Minutes reporting the actions taken by the Legislative Coordinating Council shall be forwarded to all members of the Legislative Policy Committee.

(Revised: February 2014 Board)

8.8 Executive Committee's Responsibility

When changes in proposed legislation are made which require a response on short notice the Executive Committee of the association is empowered to act in accordance with policy.

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Procedures:

8.9 Implementation of the Legislative Program

The Legislative Policy Committee shall implement the ACSA legislative program. This shall include:

- 1) Advising the leadership assembly on legislative matters
- 2) Developing specific legislation to be sponsored by ACSA
- 3) Developing positions on state or federal legislation sponsored by others
- 4) Cooperating with the legislative action and other committees to develop a legislator contact plan to influence legislators via their constituents
- 5) Developing, in cooperation with the governmental relations department and other concerned ACSA staff members, adequate means whereby the membership will be kept informed of the association's legislative program.

8.10 Developing and Sponsoring Specific Measures

The Legislative Policy Committee may develop and sponsor specific measures to carry out the legislative program of ACSA; and may develop and sponsor measures recommended by committee members, ACSA standing or special committees, ACSA region legislative committees, officers and members of ACSA and other organizations and individuals which are not in conflict with ACSA and committee guidelines.

8.11 Determining Positions on Legislative Bills

The Legislative Policy Committee will determine a position on all legislative bills submitted to it in accordance with the following committee positions:

- 8.11.1 Sponsor - The committee will cause a bill to be prepared, secure an author, have it introduced and support it through the Legislature.
- 8.11.2 Support - The committee will strongly back any bill which receives this endorsement.
- 8.11.3 Support if Amended - The committee will support the bill only if it is amended to address the committee's concerns.
- 8.11.4 Support and Seek Amendments - The committee supports the bill and wants staff to pursue amendments to improve it.
- 8.11.5 Approve - The committee is in favor of the bill, but does not wish to lend the time and energy required to support.

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- 8.11.6 Watch - This is a "no position" attitude, but the governmental relations staff will watch to see if the bill is amended. A change in the committee's position may be required at a later date.
- 8.11.7 Seek to Amend - The committee approves the bill in principle, but has objections to a specific part or parts which it will seek to amend.
- 8.11.8 Disapprove - The committee is opposed to the bill, but not so strongly as to wish to expend time and energy in opposing it.
- 8.11.9 Oppose - Strong, full-scale opposition.
- 8.11.10 Oppose Unless Amended – The committee opposes the bill and will seek defeat of the measure unless it is amended to address committee concerns.
- 8.11.11 Neutral - The committee neither supports nor opposes the measure.
- 8.12 Responsibilities of the Vice-Chair of the Legislative Policy Committee**
The Vice-Chair of the Legislative Policy Committee shall:
- 8.12.1 When requested, assist the chair to fulfill his responsibilities.
- 8.12.2 Preside at meetings of the committee in the chair's absence.
- 8.13 Legislative, State Board or Commission Testimony**
- 8.13.1 If a committee member is requested to testify, advise the president or the executive director, determine ACSA's position and discuss the position to be represented with the assistant executive director of governmental relations and the state vice president for legislative action. If testifying in support of an ACSA position be identified as a representative of the X committee of ACSA. Expenses may be covered by the committee's budget.
- 8.13.2 If a committee member is contacted by an official regarding ACSA's position or the committee's position, respond as accurately as possible. Afterwards, advise the president or executive director of the conversation.
- 8.13.3 If a committee member testifies on any issue on which ACSA has no position, testify as an individual, not as an ACSA representative. No expenses will be reimbursed.
- 8.13.4 If a committee member testifies against an ACSA position, it must be done as an individual, not as an ACSA representative or ACSA committee representative. No expenses will be reimbursed. Earlier in this section the process for resolving differences between a committee position and an ACSA Legislative Policy Committee position is specified.

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B. Legislative Action

Policies:

8.14 Establishment of Statewide Legislative Action Vice Presidents

ACSA's board of directors has established statewide legislative action vice presidents, an elected representative from each region, chaired by the state vice president of legislative action, to assist the assistant executive director of governmental relations in implementation of legislative action strategies. The vice presidents of legislative action shall coordinate its work with that of the Legislative Policy Committee and is not empowered to advocate positions on legislation independent of those established by the Legislative Policy Committee or the board of directors.

Procedures:

8.15 Fostering an Understanding of the Legislative Process

The vice presidents of legislative action should encourage and foster an understanding of the legislative process among ACSA members, particularly the process for the State Legislature.

8.16 Developing a Network for Contacting Members

The vice presidents of legislative action should develop a system or "network" for contacting members of the state Legislature regarding legislation on education.

8.17 Candidate Endorsements

The vice presidents of legislative action should ensure that regions provide recommendations regarding candidate endorsements to the board of directors.

8.18 Planning Strategies and Providing Leadership

The vice presidents of legislative action should devise, plan strategies and provide leadership for accomplishing the above in all ACSA regions.

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C. Political Action

NOTE: This section is required to be in the policies & procedures manual for the following major reasons:

- ACSA Articles of Incorporation
- Federal and State Non-profit exempt tax status
- Postal rate requirements

Policies:

8.19 Authorized Political Action

ACSA shall define authorized political action by ACSA, ACSA agents and agencies and ACSA members on other than state and federal legislation in this section.

Because of very significant legal ramifications, a set of definitions precedes these procedures.

Definitions:

For the purposes of the procedures the following definitions shall apply:

ACSA means the statewide association, a non-profit corporation, administered by ACSA's board of directors and subject to corporate and other appropriate laws.

ACSA agency means any authorized sub-unit of ACSA and includes regions, charters, and standing or special committees.

Political action means all manner of implementation of political positions and includes political education and political activities, as defined below.

Political position means a position or an action taken respecting an educational issue.

Example: support or non-support by ACSA or an ACSA agency of a proposition or initiative.

Political education means:

- 1) All in-house information and education of ACSA members on political matters, including communication of ACSA or ACSA agency leadership political positions to members.
- 2) Information and education of non-ACSA members on political matters, provided such information and education is conducted in an unbiased manner.
Examples: informing the public of desirable qualities that board members should possess, explaining issues in a bond election and presenting the effects of passage or non-passage of a proposition or initiative by means of workshops or publications.

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Political activities means all political activities other than political education as defined above.

Example: activity designed to influence non-ACSA members to a particular political position.

Individual member political action means any political action undertaken by an individual ACSA member in his/her capacity as an individual citizen as opposed to in his/her capacity as a member of ACSA or an ACSA agency.

Political Action Plan means a plan or strategy adopted by ACSA or by an ACSA agency to implement an authorized political position by means of political action.

Examples: a charter workshop to inform the public of desirable qualities that a school board member should possess or a plan to influence voters on a proposition.

State educational issue means a significant and relevant educational issue presented on a statewide level.

Examples: state propositions and initiatives.

Federal educational issue means a significant and relevant educational issue presented on a national level.

Local educational issue means an educational issue presented on a local level.

Examples: city and county propositions and school district bond and tax elections.

Individual candidate campaign means any campaign of any individual candidate for or to retain public office or for any board of education, including a recall election.

Monetary contributions means contributions to any political campaign in the form of money.

Non-monetary contributions means all non-monetary contributions to any political campaign.

Examples: volunteer time and use of equipment, such as soliciting, collecting and forwarding monetary contributions of individual members or others to campaign committees.

Advocacy Dues means funds collected (in addition to ACSA regular dues)

from districts/county offices of education, that pay ACSA dues for their administrators, to increase ACSA's lobbying and public information efforts.

There is no difference between legal use of regular ACSA dues and advocacy dues.

Advocacy dues will not be used for PAC purposes. (Revised: January 2000 Board of Directors)

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Note: Because of the legal ramifications of this section on political action to the operation of ACSA as a non-profit tax exempt corporation, an excerpt from Section 3 — Board of Directors is quoted for informational purposes:

3.15 **Actions of Agents/Agencies**

The association is legally responsible and liable for actions of agents or agencies of the association acting within the scope of ACSA business. The board is responsible for the governance of the association, and has delegated certain function to other agents and agencies of the association. On behalf of the board of directors, the president or the president's designee has the authority to direct any agent or agencies to take actions consistent with, or to refrain from taking actions inconsistent with, the interest, purposes, policies and procedures of the association. Should any questions arise regarding the scope of authority of such agents and agencies, the board of directors shall resolve the questions.

3.15.1 Continued recognition and funding of agents or agencies is contingent upon actions consistent with the articles of incorporation, bylaws and policies & procedures

Procedures:

8.20 **Members Acting as Private Citizens**

ACSA encourages members, acting as individual private citizens, to be active participants in political action.

8.21 **Political Action on Educational Issues**

ACSA shall encourage appropriate political action (political activities and information) on educational issues by its members and by ACSA and ACSA agencies.

8.22 **State Educational Issues**

8.22.1 Any ACSA agency may recommend that ACSA take a political position on a state educational issue by submitting such recommendation to the executive director. The executive director shall be responsible for transmitting the request to the board of directors and for expediting a response.

8.22.2 In those cases where ACSA has established a political position on a state educational issue and has established a political action plan, the assistant executive director of governmental relations shall be responsible for informing ACSA members of the position and for implementing the political action plan through ACSA and ACSA agencies as appropriate.

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8.22.3 In those cases where ACSA has established a political position on a state educational issue but has not established a political action plan on such issue, the assistant executive director of governmental relations shall be responsible for the development and implementation of a political action plan. In discharging this responsibility, the assistant executive director of governmental relations may utilize the vice presidents of legislative action.

8.22.4 In discharging the informational duties specified above, the assistant executive director of governmental relations may utilize *EDCAL* or work with the media relations staff to inform association members through other publications, and the ACSA website.

8.23 Local Issues

8.23.1 ACSA agencies may only take political positions on local educational issues that are consistent with ACSA political positions or these policies and procedures.

8.23.2 ACSA agencies may establish political action plans to implement authorized political positions on local educational issues.

8.23.3 ACSA agencies may expend local ACSA funds or contributions to implement authorized political action plans.

8.23.4 ACSA agents may expend local funds for political education of members and non-members.

8.24 Funds for Political Education

ACSA agencies may expend funds for political education. Example: region pamphlet describing desirable attributes for members of boards of education.

8.25 Funds for Advocacy and Public Information Activities

Districts that pay all or part of their administrators' dues would be given the option of paying an additional amount in advocacy dues. Advocacy dues will be equivalent to the annual PAC dues amount.

8.25.1 The decision on whether a particular district would pay advocacy dues would be given to the superintendent rather than to individual members.

8.25.2 Revenue from advocacy dues will be spent to increase ACSA's efforts on a number of issues, as determined by the Board of Directors

8.25.3 Revenue from advocacy dues will be put into a separate account to ensure that they are not used for political purposes (candidate endorsement or ballot measure support/opposition).

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(New: January 2000 Board of Directors)

8.26 Contributions in Support of ACSA Sponsored PACS

ACSA shall sponsor state political action committees for purposes as determined by the board of directors. ACSA and ACSA agencies can make monetary and non-monetary contributions in support of any ACSA sponsored political action committee.

8.27 Sources of Funding for ACSA PAC

Historical note: In order to provide a stable base of funds in ACSA PAC, region rebates have been reduced from 16% to 15%, with the difference matched dollar for dollar by ACSA and the entire amount deposited in the PAC. In addition:

- 8.27.1 ACSA shall maintain a reverse dues check off system to generate PAC revenues. Every member shall be given an opportunity to decline, but if they do not decline, additional amounts shall be collected with their annual dues, equal to \$36.00 in 1992-93 and adjusted each succeeding year to reflect the impact of inflation.
- 8.27.2 Individual members may make additional payroll deduction or cash contributions to the PAC.

8.28 Political Activities

To encourage and improve the skills of members in undertaking authorized political action, ACSA shall:

- 8.28.1 Take positions on state educational issues.
- 8.28.2 Take positions on relevant state or federal legislation.
- 8.28.3 Inform the members of ACSA positions.
- 8.28.4 Conduct political education programs.
- 8.28.5 Participate with and/or establish coalitions of groups interested in achieving goals similar to those of ACSA.
- 8.28.6 Maintain a governmental relations office, committee and staff whose primary concern shall be legislative issues.
- 8.28.7 Maintain vice presidents of legislative action to assist the association in achieving its legislative goals and positions.
- 8.28.8 Maintain a process to identify potential future legislative issues and to develop position papers for consideration.

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- 8.28.9 Maintain on a current basis all adopted position papers and resolutions in the executive director's office.
- 8.28.10 Periodically, review all adopted position papers and resolutions to determine their current relevance and appropriateness.
- 8.28.11 Encourage and assist ACSA agencies in the establishment of political action and communication networks.
- 8.28.12 Take other specific actions as appropriate to effect strong participation in relevant political activities.
- 8.28.13 Maintain a process whereby the vice-president for legislative action in each region makes recommendations to the state board of directors regarding candidate endorsements.

8.29 Individual Candidates

- 8.29.1 ACSA may, upon approval of the board of directors or the Executive Committee, endorse candidates for the legislature, or for statewide constitutional offices. In so doing, the board may consider the following:
 - a) The candidate's educational platform compared to the educational platforms of the other candidates in the race.
 - b) The candidate's position on ACSA's legislative platform.
 - c) The candidate's general platform as compared to the general platforms of the other candidates in the race.
 - d) The recommendations from the vice presidents for legislative action in the affected region(s).
 - e) ACSA staff analysis of and recommendation concerning the race, including the candidate's viability.
 - f) Any motion to approve an endorsement of a candidate for state constitutional office must be approved by at least 3/5 of the board members voting on the motion.
- 8.29.2 ACSA regions or charters shall not endorse any candidate for public office, but may recommend to the board of directors candidates for endorsement in state legislative races.

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- 8.29.3 ACSA regions or charters shall neither endorse nor make monetary or non-monetary contributions to a school board member's campaign committee. (Revised: May 2019 Board of Directors)
- 8.29.4 ACSA regions or charters may solicit donations or conduct fund raising activities to give to ACSA's political action committee. If they do they should not commingle funds with ACSA monies, but should transmit such contributions directly to ACSA's PAC.
- 8.29.5 ACSA regions and charters cannot expend funds for or make non-monetary contributions to individual candidate campaigns except upon approval of the state board of directors.
- NEW 8.29.6 Any ACSA region or charter may petition the ACSA PAC board of
5/22 directors for approval to recommend endorsements in local elections, as follows:
- a. The petition must specify the local election race in which the region or charter wishes to recommend an endorsement. The petition may not recommend the endorsement of a candidate running for superintendent, school district or county school board. (revised BOD May, 2022)
 - b. The petition should not reference any monetary or non-monetary contribution. No ACSA PAC funds will be used in support of local candidates or issues. (revised BOD May, 2019)
 - c. The petition should describe the local process for establishing the region or charter endorsement recommendation, including the vote threshold and the governing body that would approve the local recommendation. (revised BOD May, 2019)
 - d. The petition's completeness must be verified by the signature of the region and charter president. If the petition originates in a charter, the charter president must verify the petition's completeness, and that charter's region president must verify the petition's completeness as well. If the petition originates in a region, the region president must verify the completeness of the petition. (revised BOD May, 2019)
 - e. Endorsements outside of education (city council, county supervisor, etc.) are prohibited.
 - f. Any region or charter may submit to the ACSA PAC board a recommendation for a specific endorsement. The final decision on any such endorsement shall be made by the ACSA PAC board of directors. (revised BOD May, 2019)

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8.30 Procedures for Notifying Endorsed Candidates

8.30.1 Legislative Candidates

After endorsement by the board of directors, the vice-president(s) for legislative action for the region(s) which made the endorsement recommendation will be notified by phone within three days by the governmental relations department staff. They will be encouraged to make a personal contact with the endorsed candidate, informing them of the endorsement.

Within two weeks of the endorsement by the board of directors, ACSA governmental relations staff will prepare a letter from the ACSA president to the candidate informing them of the endorsement. If a campaign contribution is to be made at that time, the appropriate request form will be completed, approval signatures secured, and the endorsement letter and check request sent to the financial services department. That department will mail the endorsement letter with the check.

8.30.2 Statewide Office Candidates

After endorsement by the board of directors, the board president, or his/her designee, will telephone the candidate(s) to inform them of the endorsement. The president will also telephone the competing candidate(s) to inform them that they were not endorsed. These telephone calls should be made as soon as possible with a follow-up letter. The board members and staff should keep confidential the action until those contacts are made.

If a campaign contribution is to be made, governmental relations staff will prepare the necessary check request form, secure the approval signatures, prepare a cover letter, and forward the package to the financial services department which will mail it with the check.

(December 1994 Board of Directors)

8.31 Individual Member Political Action

ACSA encourages members, acting as individual private citizens, to be active participants in political action.

Note: ACSA and its agencies may be asked or required to provide information on monetary or non-monetary contributions under provisions of Chapter 10 of the Political Reform Act of 1974. The Act also provides for public disclosure of all receipts and expenditures by state candidates and committees.