

Douglas County School District
Learn Today, Lead Tomorrow

Fair Campaign Practices Act

How FCPA affects supporting a MLO and Bond

Agenda

- What is FCPA?
- DCSD Dos and Don’ts
- What can PTOs/Booster Clubs do?
- Campaign Committee vs. District
- Resources
- Questions

Alison Rausch
DCSD Director of Parent, Community and Civic Engagement
arausch@dcsdk12.org
303-345-5512

Fair Campaign Practice Act

Colorado's Fair Campaign Practices Act (FCPA) prohibits the use of public resources to support or oppose a candidate or ballot issue. Understanding how this law impacts employee conduct during work hours is vitally important to all district personnel/volunteers in the upcoming election period.

Fair Campaign Practice Act

DCSD's Campaign Dos & Don'ts



Campaign "Dos & Don'ts"

Colorado's Fair Campaign Practices Act (FCPA) prohibits the use of public resources to support or oppose a candidate or ballot issue. Understanding how this law impacts employee conduct during work hours is vitally important to all district personnel/volunteers in the upcoming election period. We hope that the following provides basic answers to frequently asked questions regarding district employees and elections.

FACTUAL SUMMARY:

Allowed

A school district is allowed to spend public funds to prepare and dispense a "factual summary" which includes arguments both for and against proposals on any issue of "official concern" on the ballot.

Not Allowed

A school district is not allowed to state a conclusion or opinion in favor of or against any particular issue addressed by the factual summary.

SCHOOL FACILITIES & EQUIPMENT:

Allowed

School Facilities are allowed to be used by any group to promote or defeat an issue only if the current Facility Use Policy is applied in a nonbiased fashion to both sides of the issue. You are only obligated to provide equal facilities to the opposition if requested to do so.

School facilities are allowed to provide a temporary table or location for the *community* to place campaign and election materials on as long as it does not impact the regular operation of the school and is open to all ballot issues and/or candidates. On Election Day, materials related to any issue may not be made available to the public in a school used as a polling place.

Not Allowed

Facilities may not be used for campaign activities during school hours.

Campaign committees are not allowed to use or rent district copy machines, telephones, faxes, or other equipment.

Campaign materials may not be placed in staff mailboxes, staff lounges, work areas, or offices.

SCHOOL MATERIALS:

Not Allowed

Employees are not under any circumstances allowed to use district-owned equipment, district email, or supplies of any kind to develop or disseminate an opinion about, or to urge the passage or defeat of, any candidate or ballot issue.

Employees are not allowed to use a school's bulk mail permit to send out materials related to a campaign. This includes an item such as a PTO newsletter, even if the PTO later reimburses the school for the use of its permit.

FLIERS:

Allowed

Employees are allowed to use their own time to distribute fliers off district property in support of or against any issue. No district facilities, supplies or equipment may be used to prepare these fliers.

Members of employee organizations are allowed to deliver materials in favor of or against an issue to their members, provided it is not during regular work hours, does not use district mailboxes, and no district supplies or equipment are used to prepare those materials.

Not Allowed

Employees are not allowed to use the district email or mail service to promote or defeat an issue or candidate.

SCHOOL NEWSLETTERS:

Allowed

Employees are allowed to distribute voter registration information.

Not Allowed

Employees are not allowed to use school newsletters in any way to urge people to vote in favor of or against any issue or candidate.

Fair Campaign Practice Act

DCSD's Campaign Dos & Don'ts

BULLETIN BOARDS:

Allowed

Employees are allowed to post factual information regarding ballot issues on a bulletin board.

Not Allowed

Employees are not allowed to post any campaign materials which are intended to promote or defeat an issue or candidate on the bulletin boards or walls of school facilities.

PHONE CALLS:

Allowed

Employees are allowed to factually respond to questions about an issue or candidate if they have not been solicited.

Employees are allowed to use their personal phone on their own time to urge people to vote for or against an issue or candidate.

Not Allowed

Employees are not allowed to use any regular work hours or district communication equipment or materials or supplies to promote or defeat an issue or candidate.

TALKING TO PARENTS:

Allowed

Employees are allowed to factually respond to questions about any issue, provided that they have not solicited the questions.

Employees are allowed to use their own time to talk with whomever they please, either in favor of or against an issue or candidate.

Employees are allowed to encourage parents to register to vote and give them information on registration, absentee voting, and polling locations.

Not Allowed

Employees are not allowed to use any regular work hours or district communication equipment or materials or supplies to promote or defeat an issue or candidate.

Employees are not allowed to use their regular work hours to urge parents to vote for or against an issue or candidate.

INTERACTING WITH STUDENTS:

Not Allowed

Employees are not allowed to wear campaign buttons or other campaign apparel to promote the passage or defeat of any issue or candidate with students during their working hours and/or during their duty time.

Employees are not allowed to distribute to students any materials which promote the passage or defeat of any issue or candidate at school and/or during their duty time.

Employees are not allowed to send campaign materials home with students or solicit the services of students to work on a campaign.

CAMPAIGN PARTICIPATION:

Allowed

Employees are allowed to use their personal time to urge electors to vote for or against an election issue or candidate, or to make contributions of their own money.

Employees should keep records substantiating that any time campaigning for or against the election issue or candidate was on their personal, unpaid time, which must be time outside of working hours or their vacation time.

Not Allowed

Employees are not allowed to use any regular work hours or district communication equipment or materials or supplies to promote or defeat an issue or candidate.

PTO MEMBERS / PARENT VOLUNTEERS:

Allowed

The Fair Campaign Practices Act does not apply to PTO members or parent volunteers because they are not employees of the district. They are allowed to use the school facilities to promote or defeat an issue if the current Facility Use Policy is applied in a nonbiased fashion to both sides of the issue.

PTO members/parent volunteers are allowed, as interested patrons, to participate in a campaign committee. This campaign committee, or "issue committee," can actively seek contributions and promote a position about an election issue.

Not Allowed

Because of limitations on the school district under the Fair Campaign Practices Act, PTO members or parent volunteers are not allowed to use district communication equipment (telephones or email), district mail service, supplies or equipment, (e.g. copy machines) to promote or defeat the passage of any ballot issue or candidate in the election.

Parent/school volunteers may not work to promote or defeat a candidate or a ballot issue during duty time.

Questions regarding the application of these Colorado Fair Campaign Practices Act guidelines in specific circumstances should be directed to the DCSD's Legal Services Department at dcsdlegaldepartment@dcsdk12.org or 303-387-0070.

Douglas County School District
Learn Today, Lead Tomorrow

PTO MEMBERS / PARENT VOLUNTEERS:

Allowed

The Fair Campaign Practices Act does not apply to PTO members or parent volunteers because they are not employees of the district. They are allowed to use the school facilities to promote or defeat an issue if the current Facility Use Policy is applied in a nonbiased fashion to both sides of the issue.

PTO members/parent volunteers are allowed, as interested patrons, to participate in a campaign committee. This campaign committee, or "issue committee," can actively seek contributions and promote a position about an election issue.

Not Allowed

Because of limitations on the school district under the Fair Campaign Practices Act, PTO members or parent volunteers are not allowed to use district communication equipment (telephones or email), district mail service, supplies or equipment, (e.g. copy machines) to promote or defeat the passage of any ballot issue or candidate in the election.

Parent/school volunteers may not work to promote or defeat a candidate or a ballot issue during duty time.

What can PTOs/Booster Clubs/Parent Volunteers do?

Campaign Committee vs. District

The campaign committee, Invest In DCSD , is formed. They can ***advocate*** for the funding. DCSD staff cannot advocate during work hours, only ***educate***. DCSD resources cannot be used to ***advocate***.

Schools may allow volunteers to place literature/posters advocating for funding, as long as they allow any opposing group to place their literature, as well.

Resources

- https://www.dcsdk12.org/funding
    - myDCSD Funding Facts Poster
    - MLO/Bond Plan
    - Brochures
- Dos & Don’ts FAQ sent to staff
    - Car Painting
- Let me know if you need anything else educational

Thoughts on continuing to meet…

Questions?

