



ADMINISTRATIVE PROCEDURE

SAN DIEGO UNIFIED SCHOOL DISTRICT

NO: 0705

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CATEGORY: Board of Education, Legislation

EFFECTIVE: 6-06-75

SUBJECT: Lobbying

REVISED: 11-16-99

A. PURPOSE AND SCOPE

1. To ensure compliance with the requirements of the Political Reform Act of 1974 by the district or by any of its employees engaged, directly or indirectly in "lobbying" activities as defined in C.2.
2. This procedure applies to all lobbying activity within the State of California.
3. **Related procedures:**
 District legislative services 0700

B. LEGAL AND POLICY BASIS

1. The purpose of all lobbying activities in connection with the district is to carry forward the legislative policy of the district as defined by the district's Legislative Policy Statement *and the annual Legislative Priorities*. Procedure 0700 details the district's process for the adoption of positions on specific legislation and describes the development and approval of the Legislative Policy Statement and Legislative Priorities of the district.
2. **References:** Board Policy: B-7000, F-2110, I-1000, K-1500; Political Reform Act of 1974, Government Code Sections 86100 *et seq*, Title IX, Chapter 6; Government Code Section 82039.2; Fair Political Practices Commission Regulations of 1987 Title 2, California Code of Regulations Sections 18600 *et seq*; Title 2, California Code of Regulations Section 18239.

C. GENERAL

1. **Originating Office.** Suggestions or questions concerning this procedure should be directed to the Administrative and Legislative Services Office, Office of the Superintendent.
2. **Definitions (per California state law)**
 - a. **Lobbyist employer:** Any person or organization (including a school district), other than a lobbying firm who either employs one or more lobbyists or contracts for the services of a lobbying firm, for economic consideration, other than reimbursement for reasonable travel expenses, for the purpose of influencing legislative or administrative action.

- b. **Lobbyist:** Any person who spends one-third or more of the time in any calendar month, for which he/she receives compensation only from his/her employer for engaging in direct communication, other than administrative testimony, with one or more qualifying officials for the purpose of influencing legislative or administrative action. (Government Code Section 82039.2, California Code of Regulations Section 18239.) Exempted from this definition are elected public officials, including school board members, and any employee of the State of California (but not a school district) acting within the scope of his/her employment.
- c. **Qualifying Official:** Any elected state officer, any legislative official, or any appointed, elected or statutory member or director of any state agency. "Qualifying official" also means any staff member of any state agency who makes direct recommendations to any appointed, elected, or statutory member or director of any state agency, or who has decision-making authority concerning such recommendations (Title 2, California Code of Regulations Section 18239).
- d. **Reasonable travel expenses:** Transportation and per diem.
- e. **Direct Communication:** To talk, (either in person or by telephone) correspond, provide answers or information to any qualifying official unless accompanied by the district's retained lobbyist. Providing purely technical information does not constitute "direct communication."
- f. **Influencing legislative or administrative action:** Any activity the principal purpose of which is to promote, support, influence, modify, oppose, or delay any legislative or administrative action, including, but not limited to, the provision or use of information, statistics, studies, or analyses.

Research (i.e., the preparation of materials) does not constitute "influencing legislative or administrative action," regardless of its purpose. "Research," as used in this section, includes the preparation of legal pleadings, briefs, and memoranda, and analysis of bills and proposed regulations, *but does not include* direct and immediate preparation of testimony or presentations to be used before a legislative or administrative agency.

If a person is employed or contracts for economic consideration, other than reimbursement for reasonable travel expenses, to communicate directly or through his/her agents with any elected state official, agency official, or legislative official for the purpose of influencing legislative or administrative action, then any communication by the person directly or through his/her agents with any such official is deemed to be for the purpose of "influencing legislative or administrative action."

3. **Direction and Action in Relation to Legislative Activities**

- a. **School district as a lobbyist employer.** As a registered lobbyist employer, the school district must submit a quarterly report to the state listing lobbying-related activities of any employee who is acting on behalf of a school district program. The report must include not only payments to lobbyists and other payments made by the district to influence legislative or administrative action, but also any benefit afforded legislators by any employee acting on behalf of the district.
- b. **Administrative and Legislative Services Office.** The Administrative and Legislative Services Program Manager is responsible to the superintendent for all district activity in conjunction with the state legislature, U.S. Congress, state and federal executive, administrative, and regulatory offices, and elected officials.
- c. **Other employees** of the San Diego Unified School District may be authorized to present or testify to members, committees, and staffs of the state legislature, the Congress, and local, regional, or state governmental decision-making bodies. These contacts shall be coordinated with the Administrative and Legislative Services Program Manager in advance and specific authorization obtained from the employees' immediate supervisor.
- d. **Other district offices.** All management employees are responsible to bring this procedure and its requirements to the attention of employees reporting to them and to emphasize (1) the importance of keeping track of all activities related to lobbying, and (2) the need for timely communication with the Administrative and Legislative Services Office concerning any such lobbying-related activities.

4. Accountability of Lobbyists

- a. Anyone assigned to district lobbying or anyone acting as a lobbyist shall follow state law according to the Fair Political Practices Commission regulations. This includes registering with and obtaining certification from the state, maintaining detailed records of lobbying activities, and filing quarterly lobbyist and district reports.
- b. Any employee who becomes a lobbyist by meeting the activity requirements of C. 2.b. shall report the following information to the Administrative and Legislative Services Office, according to the Fair Political Practices Commission regulations:
 - (1) All activities or contacts, including telephone calls and letters, with legislators, legislative staff, or state officials;
 - (2) Travel expense for attendance at legislative or administrative hearings; and
 - (3) All payments to or for the benefit of legislators, their staff members, and other state officials (e.g., consultant fees, expense reimbursement).

Note: If not certain whether to report an activity or expenditure, report it.

- c. **Time schedule for reporting.** All reports related to lobbying shall be completed and submitted by the Administrative and Legislative Services Office in accordance with the schedule established in the Fair Political Practices Commission regulations.

D. IMPLEMENTATION (See guidelines in C.)

E. FORMS AND AUXILIARY REFERENCES

- 1. Available from the Administrative and Legislative Services Office:
 - a. Lobbyist Certification Statement, Form 605
 - b. Lobbyist Report, Form 615

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- c. Amendment to Lobbying Disclosure Report, Form 690
 - d. Lobbyist Employer Registration Statement, Form 603
 - e. Amendment to Registration, Form 605
 - f. Report of Lobbyist Employer, Form 635
2. Request for Absence without Expenses, Stock Item 22-R-2343
 3. Business and Travel Expense Request/Claim, Stock Item 22-R-2341

F. REPORTS AND RECORDS

1. Fair Political Practices Commission Quarterly Report

G. APPROVED BY



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For the Superintendent of Public Education