

Board Workshop Meeting
Monday, August 25, 2025 6:00 PM

District Administrative Offices Board Room
2 Friendship Plaza
Addison, Illinois 60101

Agenda

1. Call To Order
2. Roll Call

3. **Petitions and Hearings**

It is the practice of this Board of Education to provide a place on the agenda for and welcome comments and suggestions from the public. Board Policy 2:230: The School Board will allocate a maximum of 60 minutes during each regular and special open meeting of the Board, any person may comment to or ask questions of the School Board (public participation), subject to the reasonable constraints established and recorded in this policy's guidelines. The time limit for public participation at a meeting may be extended upon the majority vote of the Board members at the regular or special meeting. The Board listens to comments or questions during public participation; responses to comments to or questions of the Board are most often managed through policy 3:30, Chain of Command. Any person appearing before the Board is expected to conduct themselves with respect and civility for others and otherwise abide by Board policy 8:30 Visitors to and Conduct on School Property.

4. Discussion Item - Legal workshop related to facilities funding

REFERENDUM ACTIVITIES

DUPAGE HIGH SCHOOL DISTRICT 88

PRESENTED BY:
DANIEL BOYLE
NICOLE O' DONNELL

**PETRARCA, GLEASON,
BOYLE & IZZO, LLC**
ATTORNEYS AT LAW

Relevant Statutes

Election Code (10 ILCS 5)

- Article 2A – Time of Holding Elections
- Article 9 – Disclosure and Regulation of Campaign Contributions and Expenditures
- Article 28 – Submitting Public Questions

School Code (105 ILCS 5)

- Article 9 – Elections
- Article 10 – School Board
- Article 17 – Increases in authorized tax rates
- Article 18 – Common School Fund
- Article 19 – Building Bonds
- Article 20 – Working Cash Fund Bonds

State Officials and Employee Ethics Act (5 ILCS 430)

- Article 1 – General Provisions
- Article 5 – Ethical Conduct

Local Government Employees Political Rights (50 ILCS 135)

- Article 1 – Political Rights
- Article 10 – Political Rights Protected

<u>PURPOSE</u>	<u>BALLOT INITIATION</u>	<u>PRIMARY LIMITATION</u>
1. Building Bonds	Board vote	District debt limit
2. Working Cash Bonds	Voter Petition (backdoor)	85% of (Ed levy & CPPRT & EBF)
3. Funding Bonds	Voter petition (backdoor)	Amount of outstanding claims
4. Alternative Revenue Bonds	Voter petition (backdoor)	1.25 x pledge revenue source
5. PTELL-Debt Service Extension Base Increase	Board vote	Only extends credit; not new revenue source alone
6. PTELL-Limiting Rate Increase and/or new tax rate	Board vote	Re-sets tax cap (or allows new levy) as specified on ballot
7. PTELL-Extension Limitation Increase	Board vote	Re-sets tax cap percentage only for year(s) specified on ballot
8. Build New School (regardless of financing)	Board vote	Unnecessary if financing Voter-approved
9. Advisory	Board vote or voter petition	Non-binding

Referenda Types Relating to Finance

Building Bonds

Any school district...may borrow money for the purpose of building, equipping, altering or repairing school buildings or purchasing or improving school sites, or acquiring and equipping playgrounds, recreation grounds, athletic fields, and other buildings or land used or useful for school purposes or for the purpose of purchasing a site.

No such bonds shall be issued unless the proposition to issue them is submitted to the voters of the district at a referendum held at a regularly scheduled election after the board has certified the proposition to the proper election authorities in accordance with the general election law, a majority of all the votes cast on the proposition is in favor of the proposition, and notice of such bond referendum has been given.

105 ILCS 5/19-3

Citizens' Referendum Committee

A citizen committee that accepts contributions or makes expenditures during any 12-month period in an aggregate amount exceeding \$5,000 in support of or in opposition to any question of public policy to be submitted to the electors. 10 ILCS 5/9-1.8.

The chairman of such committee should not be a board member, superintendent, or a school employee.

Election Interference

Prohibits:

- Use of public funds to urge voting for or against candidates or referendum.
- The Board may not use public funds to distribute a booklet advocating for a school bond issue. “It is the expenditure of public funds in support of one side only in a manner which gives the dissenters no opportunity to present their side which is outside the pale.” *Citizens to Protect Public Funds v. Board of Education of Parsippany-Troy Hills*, 13 N.J. 172, 182 (1953).

Does Not Prohibit:

- Use of public funds to disseminate factual information about referendum issues.
- Public officials (i.e. Board Members) taking public positions on referendum – in some but not all circumstances.
- Use of public funds to advocate position on public issues not (yet) on the ballot.

Penalty:

Class B misdemeanor, or Class A for subsequent offense.

10 ILCS 5/9–25.1

Publicize a Referendum?

- The District may spend money to publicize a referendum
- The District can use brochures, web postings, and other communications that describe the proposition
- Communications must be factual – enrollment projections, comparisons with other districts, status of facilities or programs and the district's financial condition.
- **These communications cannot urge a yes or no vote**

Electioneering

“Electioneering communication” means any broadcast, cable, or satellite communication, including radio, television, or Internet communication, that:

1. refers to (i) a clearly identified candidate or candidates who will appear on the ballot for nomination for election, election, or retention, (ii) a clearly identified political party, or (iii) a clearly identified question of public policy that will appear on the ballot,
2. is made within (i) 60 days before a general election or consolidated election or (ii) 30 days before a primary election,
3. is targeted to the relevant electorate, and
4. is susceptible to no reasonable interpretation other than as an appeal to vote for or against a clearly identified candidate for nomination for election, election, or retention, a political party, or a question of public policy.

10 ILCS 5/9-1.14

Communications funded by the District to publicize a referendum but not urge votes for or against the referendum do not constitute “electioneering communications.”

Political Rights

Political rights include the following political activities: to petition, to make public speeches, to campaign for or against political candidates, to speak out on questions of public policy, to distribute political literature, to make campaign contributions, and to seek public office. 50 ILCS 135/5.

- a) No unit of local government or school district may make or enforce any rule or ordinance that in any way inhibits or prohibits any of its employees from exercising the employee's political rights.
- b) No employee of a unit of local government or school district may (i) use his or her official position of employment to coerce or inhibit others in the free exercise of their political rights or (ii) engage in political activities while at work or on duty.

50 ILCS 135/10

Board Policy 2–105

Policy 2:105 Ethics and Gift Ban

Prohibited Political Activity

The following precepts govern political activities being conducted by District employees and School Board members:

1. No employee shall intentionally perform any political activity during any compensated time, as those terms are defined herein.
2. No Board member or employee shall intentionally **use** any District property or resources in connection with any political activity.

Board Policy 2–105

3. At no time shall any Board member or employee intentionally require any other Board member or employee to perform any political activity: (a) as part of that Board member's or employee's duties, (b) as a condition of employment, or (c) during any compensated time off, such as, holidays, vacation, or personal time off.

4. No Board member or employee shall be required at any time to participate in any political activity in consideration for that Board member or employee being awarded additional compensation or any benefit, whether in the form of a salary adjustment, bonus, compensatory time off, continued employment or otherwise; nor shall any Board member or employee be awarded additional compensation or any benefit in consideration for his or her participation in any political activity.

A Board member or employee may engage in any activity that: (1) is otherwise appropriate as part of his or her official duties, or (2) is undertaken by the individual on a voluntary basis that is not prohibited by this policy.

When are referendum–related activities prohibited for Board Members and Employees?

It depends on whether the actor is a board member or a school employee and the context of the activity.

Political Activity Prohibitions:

- Employees may not intentionally perform any prohibited political activity during compensated time or intentionally misappropriate district property by engaging in any prohibited political activity for the benefit of any campaign.
- Board members and employees may not intentionally misappropriate the services of another governmental employee to perform any prohibited political activity (i) as part of that employee’s duties, (ii) as a condition of government employment, or (iii) during any compensated time off.
- Board members and employees may not require another governmental employee to participate at any time in any prohibited political activity in consideration for being awarded compensation or benefits.
- Board members and employees may not award another governmental employee additional compensation or benefits in consideration for participation in prohibited activities

A Board member or employee may engage in any activity that: (1) is otherwise appropriate as part of his or her official duties, or (2) is undertaken by the individual on a voluntary basis that is not prohibited by this policy.

5 ILCS 430/5–15, Board Policy 2:105

Enforcement of Prohibited Political Activity

Board Policy 2:105:

- Complaint may be filed
- Board may refer matter to State's Attorney
- Board may consider disciplinary action for an employee

Criminal Statute 720 ILCS 5/33-3:

- Forfeit office
- Class 3 felony

Can a Board Member or School Employee support a referendum?

It depends on the facts and context of the activity.

15 main prohibited political activities include:

1. Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.
2. Soliciting contributions.
3. Soliciting, planning the solicitation of, or preparing any document or report regarding any thing of value intended as a campaign contribution.
4. Planning, conducting, or participating in a public opinion poll in connection with a campaign for political purposes or for or against any referendum questions.
5. Surveying or gathering information from votes to determine probable vote outcome for political purposes or for or against any referendum questions.

Can a Board Member or School Employee support a referendum?

6. Assisting at the polls on election day...for or against any referendum question.
7. Soliciting votes...for or against any referendum questions or helping in an effort to get voters to the polls.
8. Initiating for circulation, preparing, circulating, reviewing, or filing a petition...for or against any referendum questions.
9. Making contributions on behalf of any candidate for elective office or in connection with a campaign for elective office.
10. Preparing or reviewing responses to candidate questionnaires with a campaign or on behalf of a political organization for political purposes.
11. Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material...for or against any referendum question.

Can a Board Member or School Employee support a referendum?

12. Campaigning...for or against any referendum question.
13. Managing or working on a campaign...for or against any referendum question.
14. Serving as a delegate, alternate, or proxy to a political party convention.
15. Participating in any recount or challenge to the outcome of any election.

5 ILCS 430/1-5

What political activities are school employees prohibited from conducting?

Employees may not engage in political activities related to a referendum during compensated time or at work/on duty.

Compensated time means “any time worked by or credited to a State employee that counts toward any minimum work time requirement imposed as a condition of employment with a State agency, but does not include any designated State holidays or any period when the employee is on a leave of absence.” 5 ILCS 430/1-5.

During compensated time or at work/on duty, a school employee should not:

- Wear a button pro- or anti-referendum
- Distribute pro- or anti-referendum brochures
- Ask others how they plan to vote
- Distribute pencils or other favors with advocacy messages
- Engage in any other activity in support of or opposition to the referendum

Applying the Law to Practical Questions

Practical Questions

Can private funds be used to advocate for or against a referendum?

Yes. The Election Code prohibits the use of *public funds* to urge voting.

Organizations of a privately funded citizens' committee may spend money to advocate for or against a referendum.

Practical Questions

When can a school employee support or oppose their school referendum?

During non-compensated time, off the clock, and away from school property, employees can engage in referendum-related activities if they don't use district resources.

- ✓ Post yard signs
- ✓ Wear advocacy buttons
- ✓ Distribute literature
- ✓ Urge yes votes
- ✓ Attend referendum committee meetings
- ✓ Contribute to citizens' referendum committees

Practical Questions

Are there times during the school day which are not considered “compensated time”, and employees may support or oppose a referendum?

- Employees may not actively campaign in the classroom, while supervising corridors, during parent-teacher conferences, or at any other school-related function when they have duties to perform.

Practical Questions

Can employees discuss the referendum at school?

- Casual conversation among employees about the referendum at work or on duty is not prohibited.
- But employees may not advocate a position in support or against a referendum.

Practical Questions

Can administrators publish articles on the District website or in a newsletter describing the referendum rationale?

How can administrators express their views when being interviewed by the media?

- Yes, but it must avoid advocacy.
- When acting in an administrators' official capacity, expression of views regarding a referendum should be as factual as possible.

Practical Questions

Can administrators support a referendum at meetings of non-district sponsored clubs or groups?

- Communications should be factual and not advocate a position.
- If articulating a position, an administrator must make it clear that he or she is giving their personal opinion, that they are not speaking in their official capacity, and are not speaking on compensated time
- DO NOT PARTICIPATE:
 - While on school grounds
 - During normal work/office hours
 - At a school function

Practical Questions

When can Board Members support a referendum?

Same limitations apply to Board Members regarding the use of District resources

- May not misappropriate or use District property or resources to support a referendum
- During school meetings or on school property, Board Members should express their views as factual as possible
- Don't use the District website, letterhead, computers, or office equipment for referendum-related activities

Practical Questions

What does “compensated time” mean to Board Members?

- “Compensated time” does not apply to Board Members
- Board Members have more latitude to support a referendum
- Off School District property, Board Members may individually engage in referendum-related activities

Practical Questions

In what capacity may Board Members act in public?

- Board Members are urged to speak in their individual capacities when speaking or taking other actions in public.
- Outside of District property, Board Members may individually engage in referendum-related activities.

Practical Questions

Can outside groups use school facilities to support or oppose a referendum?

- Yes. The District may make their facilities available to outside groups regardless of their viewpoint.
- But a fee can be charged for the use of school facilities. Board Policy 8:20.
- The Superintendent may grant the use of appropriate facilities, without rental charge, to organizations closely related to school activities. Board Policy 8:20.
- No individual or entity may advertise or promote its interests by using the names or pictures of the District, any District school or facility, or students except as authorized by and consistent with administrative procedures and approved by the Board. Board Policy 8:25.

Practical Questions

Can I be punished or rewarded for working on a campaign?

- No employee or Board member should be rewarded or disciplined for their campaign activities which are not otherwise in violation of District rules.
- For instance, no employee should be given any extra time off to do campaigning.

5. Upcoming Agenda Items
6. **Public Comments** It is the practice of this Board of Education to provide a place on the agenda for and welcome comments and suggestions from the public. Board Policy 2:230: The School Board will allocate a maximum of 60 minutes during each regular and special open meeting of the Board, any person may comment to or ask questions of the School Board (public participation), subject to the reasonable constraints established and recorded in this policy's guidelines. The time limit for public participation at a meeting may be extended upon the majority vote of the Board members at the regular or special meeting. The Board listens to comments or questions during public participation; responses to comments to or questions of the Board are most often managed through policy 3:30, Chain of Command. Any person appearing before the Board is expected to conduct themselves with respect and civility for others and otherwise abide by Board policy 8:30 Visitors to and Conduct on School Property.
7. Adjournment