



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

February 14, 2018

Kevin Dyes  
Superintendent  
Holliday Independent School District  
751 South College Avenue  
Holliday, TX 76366

**VIA CMRRR 7008 3230 0003 0489 9080**

Barry Hardin  
President, Board of Trustees  
Holliday Independent School District  
751 South College Avenue  
Holliday, TX 76366

**VIA CMRRR 7008 3230 0003 0489 9097**

**ALSO VIA REGULAR MAIL AND E-MAIL**

RE: Request to Cease and Desist Unlawful Electioneering

Superintendent Dyes and the Board of Trustees:

It has come to our attention that the Holliday Independent School District recently published statements and resolutions advocating for the election of candidates who hold particular political views of the Texas Legislature. Holliday ISD published partisan materials on its internet websites advocating for and against particular candidates for public office. *See, e.g.*, Holliday ISD Twitter Page, available at <https://twitter.com/HollidayISD> (encouraging citizens to “block vote” for certain candidates, praising a Texas Speaker Joe Straus, and then posting an article praising Straus’ endorsements).



Holliday ISD advocates that “Educators can gain respect & power by voting pro-pub ed in every election” and publishes a message that “Public Schools are under Serious Political Attack in Texas” with an article beginning: “The Texas public school system is under attack from elected officials at the state level . . .” *Id.* Holliday ISD further publishes its stance as to the political views of “true conservatives” and encourages people to vote for candidates with particular views about education and funding. *Id.* (“vote for pro-pub ed candidates! #txed”). Holliday ISD also encourages the public to “vote in support of” candidates with a particular view, quoting an organization both created and (at the time) run by a current candidate for public office, Scott Milder. *Id.* This evidence shows these communications were made on behalf of the School District as a government entity, acting in its official capacity, and using resources that belong to the taxpayers of Texas.

As you know, Texas law empowers local school districts to register students to vote, promote civic engagement, and allow high school students to serve as early voting clerks. *See, e.g.*, Tex. Elec. Code § 13.046; Tex. Educ. Code § 25.087. By creating such a statute, the Legislature recognized the vital role educators play in the functioning of a democracy.

However, like all other governmental authorities, Holliday ISD has limits on its participation in the political process using taxpayer resources meant for the education of Texas's youth. Like all state authorities, school districts "may not use state or local funds or other resources to electioneer for or against any candidate, measure, or political party." Tex. Educ. Code § 11.069; *see generally* Tex. Att'y Gen. Op. No. KP-0177 (2018). Furthermore, school districts and their employees "may not knowingly authorize the spending of public funds for political advertising," which includes "a communication supporting or opposing a candidate for nomination or election to a public office or office of a political party, a political party, a public officer, or a measure" that appears on an Internet website, among other things. Tex. Elec. Code §§ 255.003(a), 251.001(16). The Texas Legislature chose to undergird the importance of governmental entities, like Holliday ISD, not engaging in unlawful electioneering; it not only prohibits such actions, but classifies violations as a Class A misdemeanor. Tex. Elec. Code § 255.003(c).

As mentioned above, your district promulgated and published numerous communications directed for or against candidates and measures. *See* Enclosures. By advocating for change in political representation, Holliday ISD produced "a communication . . . opposing a candidate for nomination or election to a public office or office of a political party." This communication violates Texas law. *See* Tex. Elec. Code §§ 255.003(a), 251.001(16).

Accordingly, we ask you to withdraw the above noted communications, as well as any like communications, and cease from making any further communications designed to support or oppose certain political candidates, or which may otherwise run afoul of Texas law. We request that we hear from you, in writing, no later than the end of business on Friday, February 16, 2018.

Sincerely,



Cleve W. Doty  
Assistant Attorney General  
Administrative Law Division  
Cleve.Doty@oag.texas.gov

#### Enclosures

cc: Corey Lindeman, Board of Trustees  
Phillip Dowd, Board of Trustees  
Blake Jurecek, Board of Trustees  
Christy Koski, Board of Trustees  
Eric Morris, Board of Trustees



**Holliday ISD**  
@HollidayISD

Tweets  
**5,378**

Following  
**968**

Followers  
**860**

Likes  
**1,005**

Holliday ISD Retweeted



**Micky Shearon** 🙌❤️☕ @mgshearon · 24 Oct 2017

True conservatives believe in a strong public education system for all children.  
#txed @pastors4txkids @Texans4E @TxEdVote

3

29

59



**Holliday ISD**  
@HollidayISD

Tweets  
**5,378**

Following  
**968**

Followers  
**860**

Likes  
**1,005**

Follow

Holliday ISD Retweeted



**Jay Leeson** @jayleeson · Feb 9

Speaking of [#blowingthewhistle](#)— I have a great debt of gratitude for my rural [#txed](#) education, and I've got a question about the diminishing support for rural schools in today's [#txlege](#):



**What are the costs of losing rural schools?**  
[othersideoftexas.com](http://othersideoftexas.com)

1

30

50

Holliday ISD Retweeted



**TEGAC** @TEGACTX · 12 Oct 2017

"Straus supports candidates who share his views, including the need to pour more resources into public education"



**With GOP primary looming, Texas House Speaker Joe Straus wants...**  
McKINNEY -- Joe Straus received a hero's welcome in McKinney this week. Hundreds of business leaders from five North Texas chambers of  
[dallasnews.com](http://dallasnews.com)



Retweet 26

Like 42

Holliday ISD Retweeted



**Michelle Smith** @mishshel · 17 Nov 2017

Thanks to @SpeakerStraus for reminding folks that #txed is an important part of the Texas Miracle. #txlege @TEGACTX @CPPP\_TX @tasbo



**Brenda Allen** @ecochica11

Schools are the best economic development tool we have. Many of the best efforts are happening right here in @dallasschools @SpeakerStraus #VisitDallas



25

47

Holliday ISD Retweeted



**Joe Straus** @SpeakerStraus · 11 Nov 2017

On this #VeteransDay2017, please take time to remember and thank those who have served our country in uniform. #txlege



3

28

132

Holliday ISD Retweeted



**TX School Coalition** @TXSC\_org · 25 Oct 2017

Thank you @SpeakerStraus for your service to Texas and your support of public schools.

**Joe Straus** @SpeakerStraus

Please see this announcement about my future plans. #txlege  
[facebook.com/SpeakerJoeStraus](https://facebook.com/SpeakerJoeStraus)



Retweets 16

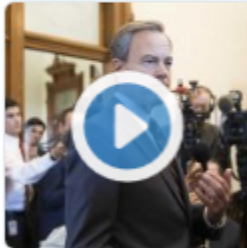
Likes 95

Holliday ISD Retweeted



**Evan Smith** @evanasmith · 25 Oct 2017

We're livestreaming @speakerstraus presser here:  
[texastribune.org/2017/10/25/tex...](https://texastribune.org/2017/10/25/tex...) #txlege



**Speaker Straus won't run for re-election. Watch hi...**

Texas House Speaker Joe Straus, a San Antonio Republican, is not running for re-election. Watch Straus address the media about his decision to not run again.

[texastribune.org](https://texastribune.org)



Retweets 4

Likes 3



@HollidayISD

Tweets Followers Following

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RT @TASBGR: Darby Tells San Angelo Chamber Public Schools are under Serious Political Attack in Texas <https://t.co/7DmRt8TXz7> via @San Ange...

3 0 0

18:07:18 September 15, 2017



 **Breaking:** 'Ticking Potato Gun' was Cause of Bomb Scare (/news/crime/2018-02-13/ticking-potato-gun-was-cause-bomb-scare)

(/)

   (/user/register)



Home (/) / News (/news) / Texas (/news/texas) / Darby Tells San Angelo Chamber Public Schools are under Serious Political Attack in Texas

## Darby Tells San Angelo Chamber Public Schools are under Serious Political Attack in Texas

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(http://sanangelolive.com/sites/default/files/field/image/drewdarbylegislaturepic.jpg)  
State Representative Drew Darby addressing the Texas House

By Yantis Green | Sep. 13, 2017 9:20 am

SAN ANGELO, TX —The Texas public school system is under attack from elected officials at the state level threatening Texas’ ability to provide a consistent educated workforce according to State Rep. Drew Darby (R), San Angelo.



Darby was the keynote speaker at Tuesday's monthly San Angelo Chamber of Commerce luncheon held in the ballroom of the Cactus Hotel. He spent most of his time discussing the successes and failures of the regular legislative session, the special session and the massive repercussions of hurricane Harvey.

Darby likened the legislature's work this year to the Clint Eastwood movie, "The Good, The Bad and the Ugly."

"We had a lot of conflict in the process." Darby said of the regular session.

"We gave homeowners a \$10,000 homestead exemption that cost the state about \$1.6 billion dollars. All those decisions have consequences."

The 'Good' was the regular legislative session. The 'bad' was the special session. Darby said they passed nine of Governor Abbott's 20 priorities for the special session.



"One of the things that came out of the special session is that we are going to have a commission to look at this issue school funding and that commission is going to be tasked with figuring out the best way to fund public schools."

Darby mentioned that the legislature was able to fund some higher education priorities including needs for Howard College and Angelo State University.

Darby said we had a pretty good regular session, but, "We didn't get it all right, so the Governor called us back."



According to the Governor's office, "Governor Abbott called the special session with 20 priorities Among them:

- Legislation to increase the average salary and benefits (including TRS-Care) of Texas teachers; and legislation to provide a more flexible and rewarding salary and benefits system for Texas teachers.

- Legislation establishing a statewide commission to study and recommend improvements to the current public school finance system; and other legislation relating to school finance, including Additional State Aid for Tax Reduction (ASATR).
- Legislation to empower parents of children with special needs or educational disadvantages to choose an educational provider that is best for their child.
- Legislation reforming the laws governing ad valorem property taxes.
- Legislation using population growth and inflation to establish a spending limit for state government.
- Legislation using population growth and inflation to establish a spending limit for political subdivisions.
- Legislation protecting the private property rights of landowners from political subdivision rules, regulations, or ordinances that interfere with, delay, or restrict private property owners' ability to use or enjoy their property.
- Legislation expediting the issuance of permits by political subdivisions and reforming the laws governing the issuance of permits by political subdivisions.
- Legislation preventing political subdivisions from imposing on private property additional or enhanced regulations that did not exist at the time the property was acquired.

Darby's response, "Quite frankly, we didn't agree on some of those issues in the regular session, and we didn't agree on them in the special session."

Darby said the legislature helped retired teachers keep their healthcare and added funding to the teacher retirement system.

Darby then discussed Hurricane Harvey response and its impact on Texas now and in the future. Darby says Harvey was a storm, "of biblical proportions."



"Let me tell you what the profound effect of Harvey is...Economist Ray Perryman says there's \$110 billion in real property loss in Texas due to hurricane Harvey."

"I'm no longer hearing that you can't touch that 'mattress fund' (Rainy Day Fund), We have \$11 billion in the rainy day fund." Darby said. "It's raining now."

I'm hearing from the Governor and Lt. Governor that, "By Gosh that time is here!"

Former Texas Commissioner of Agriculture Todd Staples was on hand at the San Angelo luncheon to present Darby with an award.

Staples is currently the President of the Texas Oil and Gas Association and a former Texas Agriculture Commissioner. He presented Darby with the 2017 Legislative Champion Award from the Texas Oil and Gas Association.



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#### About the Author



**Yantis Green** - Senior Reporter

Yantis Green earned a B.A. in Journalism from Angelo State University in 1989. He studied English in the M.A. program at ASU. He is a former County Commissioner, former School Board Trustee, former GOP national delegate and author.



School funding (/news/texas/2017-09-13/darby-tells-san-angelo-chamber-public-schools-are-under-serious-political#comment-12687)  
by Janet Senatore  
Sep 13, 2017 9:49 am CDT

Why is it that funding for public schools is never enough, yet the private schools function (and actually TEACH) on a fraction of that amount? The students that come out of our schools have trouble doing basic arithmetic and writing a complete paragraph....don't even get me started on their lack of spelling ability!



School funding (/news/texas/2017-09-13/darby-tells-san-angelo-chamber-public-schools-are-under-serious-political#comment-12688)

by ML S

Sep 13, 2017 11:23 am CDT

@ Janet Senatore: Hello...I just wanted to put something out there. I am a public school teacher who has taught at both private and public schools. I find it sad that people think that public school teachers are not actually teaching, due to the declining academic abilities coming out of the public education system. There are too many things that contribute to this outcome for me to list, but I'd like to highlight a couple of points. First of all, the socioeconomic differences in the student populations of private schools vs. public schools make a big difference. There are exceptions to every rule, of course, but in private schools the majority of students are coming from families who value education. Families where many of the parents are college graduates, themselves, and the family culture is one that fosters lifelong learning. Families that are taking care of the child's physical and emotional needs at home. Often times private school teachers deal with much fewer discipline problems and are walking into a classroom of students that are much more prepared and ready to learn. On the contrary, in public schools, those students coming from similar family backgrounds are becoming the minority. You'd be heartbroken to know what some of these kids are dealing with on a daily basis. When survival is your number one goal each day, sitting in a classroom and actively learning can seem like a joke. Public school teachers cannot teach these students without earning their trust and forming a relationship with them first, if that is even possible in the short year that we have them for. They won't simply listen to what is being taught because it's the right thing to do, or because it will benefit them to know the information. Public school teachers are not only playing teacher, but trying to play parent as well. Hands are tied nowadays in terms of discipline. Many students welcome ISS. You, as the teacher, are attempting to go back and correct years of misconceptions that many students have formed which prevent them from wanting to learn. Meanwhile you are trying to cram as much content down them as you can so they can pass the big test. You are trying to be their everything (teacher, parent, counselor, disciplinarian) and praying that it is good enough to make a difference in their lives. That being said, I love my job. I got into it because I love the kids. I don't care what they pay me. They could pay me less than they do now and I'd still do it...so long as I can make enough to feed my family and cover the bills, then that's all I need. I, for one, think that the low pay helps to ensure that teachers are in it for the right reasons (not that I wouldn't mind higher pay). Whether they teach at a private, public, or charter school, doesn't matter. They should be doing it because they love the kids first and foremost...not for the money. Anyways, the point I'm getting at, Janet, is that unless you've walked in both sets of shoes (which for all I know maybe you have), then I don't think it's fair for you to pass such insensitive judgement over public school teachers. God bless. :)



public school teachers (/news/texas/2017-09-13/darby-tells-san-angelo-chamber-public-schools-are-under-serious-political#comment-12692)

by Lazy T

Sep 13, 2017 11:30 pm CDT

ML S, I am really glad you are teaching! I must say that you brought out an important point in that public school teachers are having to go back correct years of misconceptions that many students have formed which prevent them from wanting to learn. Lets be real...public school is indeed responsible for that! I have been watching my granddaughter in her formative school years. First grade was rough for her...second grade o.k. third grade a total nightmare for her, her mom and her grandparents (there was discussion about holding her back). Fourth grade teachers did not know that. It is a different world. She is making 100s in classroom work, and wanting to practice multiplication tables after and before school and is excited about school every day. Private schools have grown in popularity partially because of the failure of public schools. This child's parents and grandparents really want to see her succeed in public school. However, we are keenly aware there is an alternative. I think in some cases some public teachers should chose a different profession. Your rant hit on several key areas that are problems in public schools that many of us can do nothing about. Still we want a decent education for our children.



True (/news/texas/2017-09-13/darby-tells-san-angelo-chamber-public-schools-are-under-serious-political#comment-12696)

by Trusteria 1985

Sep 14, 2017 8:50 am CDT

MLS, I believe the statements that you made are true an honest. If the parents are not instilling in their children that school and learning are important then it is spiral that not even the most accomplished teachers can overcome. When it comes to learning it begins at home with the parents, wither it is reading to them at night, teaching them various things at home and reinforcing behaviors at home. Then when school come the students should be able and have a desire to learn more. But if this behavior is not instilled at home in the first several years leading up to school, then you see the misbehavior. Also the class sizes do not help. School districts cannot afford to hire more teachers or do not have the room to hire more teachers. on average most class room are 20 + students. This is just my opinion but the max class size should be no more than 15. So that students can get more one on one, and possibly establish a better relationship with the teacher so that the trust is there. Money won't solve the family issues or behavior issues that teachers are seeing, but perhaps if there where more teachers hired and smaller class sizes perhaps it would at least help.



School funding and taxes (/news/texas/2017-09-13/darby-tells-san-angelo-chamber-public-schools-are-under-serious-political#comment-12690)  
by Disgusted  
Sep 13, 2017 1:35 pm CDT

It amazes me how the lottery was sold to the public as the end-all solution to school funding; and even though the lottery has been wildly successful, the money is still never enough. It appears that the school system is a money pit. In view of the previous comments on the efficiency and success of private schools, perhaps public education is due for an overhaul.



Public Schools = Govt Schools (/news/texas/2017-09-13/darby-tells-san-angelo-chamber-public-schools-are-under-serious-political#comment-12694)  
by Big Daddy  
Sep 13, 2017 9:45 pm CDT

Over the past 30 something years these so called public schools, which if you really do the math are govt schools, have been dumbing down the requirements to enable more state and federal funding. This funding has enabled control of what is taught in these so called public schools. It is obvious when you compare private vs govt schools.



Cost per Student (/news/texas/2017-09-13/darby-tells-san-angelo-chamber-public-schools-are-under-serious-political#comment-12697)  
by Brook Davis  
Sep 14, 2017 9:05 am CDT

SAISD's cost per student is \$9282 (2015). I'm sending my kids to private school for about \$3500 per kid, including all books, fees, etc. Now, what's wrong with vouchers again? I would be saving the state money! There's not a private school in San Angelo that costs \$9282 per student. Every private school in San Angelo does it for less than SAISD so why can't I take that money and send my kids somewhere else? Drew Darby is one of the biggest opponents of school vouchers, by the way.

Post a Rant

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NEWS (/NEWS)

- MOST READ (/NEWS/TEXAS/2017-09-13/DARBY-TELLS-SAN-ANGELO-CHAMBER-PUBLIC-SCHOOLS-ARE-UNDER-SERIOUS-POLITICAL?QT-NEWS)
- MOST RECENT (/NEWS/TEXAS/2017-09-13/DARBY-TELLS-SAN-ANGELO-CHAMBER-PUBLIC-SCHOOLS-ARE-UNDER-SERIOUS-POLITICAL?QT-NEI)
- MOST RANTS (/NEWS/TEXAS/2017-09-13/DARBY-TELLS-SAN-ANGELO-CHAMBER-PUBLIC-SCHOOLS-ARE-UNDER-SERIOUS-POLITICAL?QT-NEW)

Guess Who Was Driving That Tireless Toyota Tacoma Chased Through San Angelo by the Law?  
(/news/crime/2018-02-08/guess-who-was-driving-tireless-toyota-tacoma-chased-through-san-angelo-law)

 **Holliday ISD**  
@HollidayISD

Tweets **5,256** Following **959** Followers **859** Likes **970**

Follow

Holliday ISD Retweeted



**Mark Terry** @tepsamark · 1 Oct 2017

Educators vote! And, they vote for those who support public education & their local communities @TEPSAtalk @SenJaneNelson @VoteGiovanni



**Texas Educators Vote** @TxEdVote

We can't thank the ISDs that are joining @TxEdVote fast enough! Movement to create culture of voting catching fire! @FOTPStx @Texans4E #txed

17 29

 **Holliday ISD**  
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**TEGAC** @TEGACTX · 12 Oct 2017

"Straus supports candidates who share his views, including the need to pour more resources into public education"



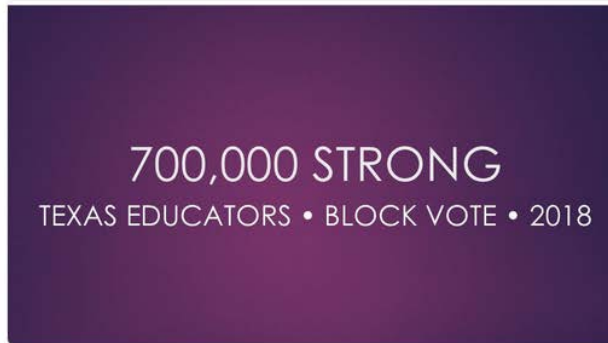
**With GOP primary looming, Texas House Speaker Joe Straus want...**

McKINNEY -- Joe Straus received a hero's welcome in McKinney this week. Hundreds of business leaders from five North Texas chambers of [dallasnews.com](http://dallasnews.com)

Holliday ISD Retweeted



**MEaP** @SchoolPriority · 20 Oct 2017  
700,000 Strong • Texas Educators #blockvote 2018. @TxEdVote @TACSnet @FOTPStx @pastors4txkids @FastGrowthTexas @tasbnews



3 37 45

Holliday ISD Retweeted



**Texas Educators Vote** @TxEdVote · 20 Oct 2017  
Educators can gain respect & power by voting pro-pub ed in every election. Modeling civic engagement for youth. #txed @TeachTheVote @TRTA



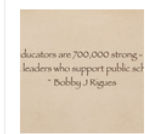
**MEaP** @SchoolPriority  
"Texas educators are 700,000 strong - Imagine what 700,000 votes can do" ~Make Education a Priority. @FOTPStx @TxEdVote #txlege @Texans4E

12 15

Holliday ISD Retweeted



**Texas Educators Vote** @TxEdVote · 18 Oct 2017  
Current & retired TX educators together = 1.2M voters - engaged & ready to vote for pro-pub ed candidates! #txed #txlege @Texans4E @FOTPStx



**MEaP** @SchoolPriority  
"Texas educators are 700,000 strong - support public leaders who support Public Schools" #BlockVote @TxEdVote @FOTPStx

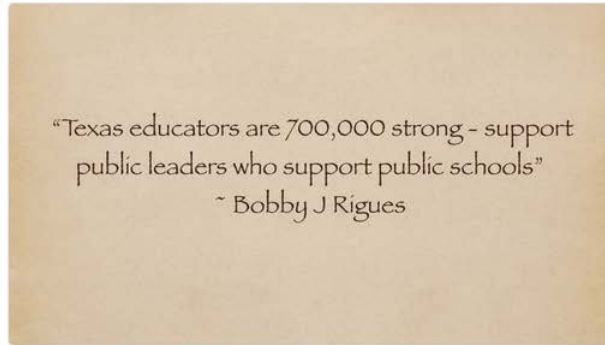
38 54



Holliday ISD Retweeted



**MEaP** @SchoolPriority · 18 Oct 2017  
"Texas educators are 700,000 strong – support public leaders who support Public Schools" #BlockVote @TxEdVote @FOTPSstx



8 19

Holliday ISD Retweeted



**Joe Russell** @DrJoeRussell · 29 Oct 2017  
Good. Now let's all make sure to vote in support of it. #kidsbeforepolitics #txed



6 12

Holliday ISD Retweeted



**Texas Educators Vote** @TxEdVote · 22 Dec 2017  
We are grateful for all TX educators. Your care & concern for the 5.4M TX children is true service to our state and our future. Make sure you are registered to vote so you can make your voice heard at the ballot box on March 6th. The kids are counting on you. #txed #txlege #vote



Teach the Vote, TEPSA, TASSP and 6 others

3 106 147

Holliday ISD Retweeted



Texas Educators Vote @TxEdVote · 30 Nov 2017

As a result of gerrymandering, almost all TX elections are determined in the primary. So...that is THE ELECTION you must vote in. Register today so you can participate in the March election. The kids need you to be ready to #vote!



Texas AFT, FOTPS, Pastors for Children and 5 others

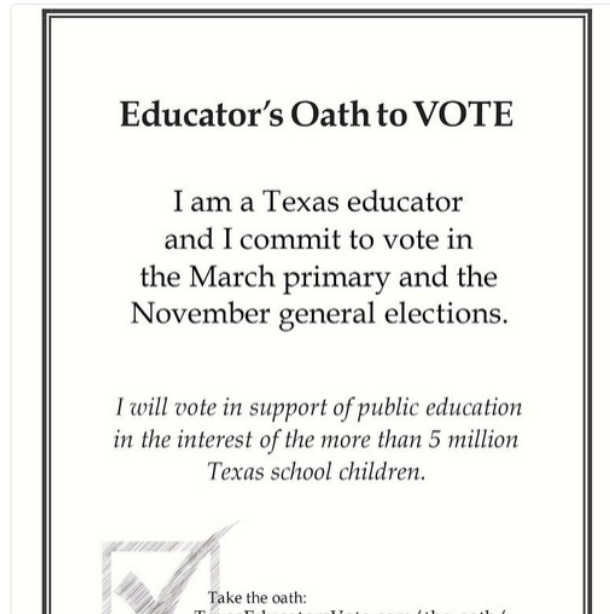
96 89

Holliday ISD Retweeted



Texas Educators Vote @TxEdVote · 15 Nov 2017

Take the Oath to Vote in every election & think about the 5.4 million kids in TX public schools. Share w/ 10 friends & family. #txed #vote

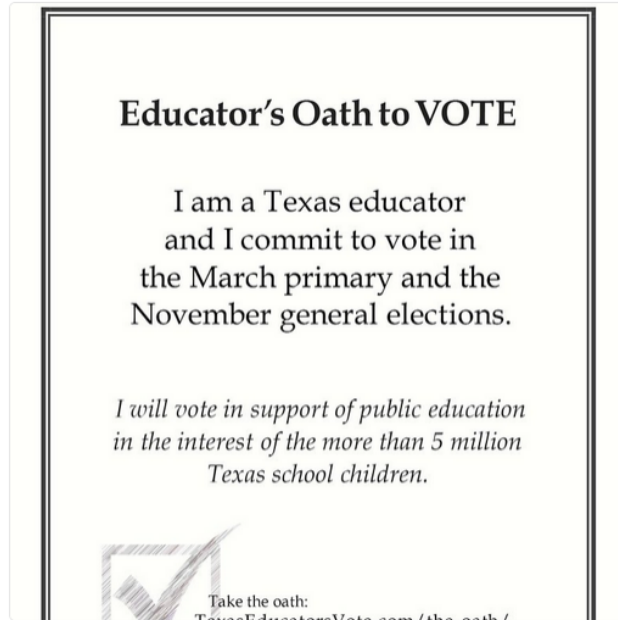


38 41

Holliday ISD Retweeted



**Texas Educators Vote** @TxEdVote · 12 Oct 2017  
Educators-take the Oath to Vote & speak up for 5.4M TX students who can't place their own #vote. #txed #txlege @FOTPStx @pastors4txkids



TACS, TCTA, Texas AFT and 6 others

1   48   70

RESOLUTION OF THE BOARD OF TRUSTEES OF Holliday INDEPENDENT SCHOOL DISTRICT

WHEREAS, the Texas Election Code Sections 276.001 and 276.004 protect an employee's right to vote;

WHEREAS, exercising one's right to vote is a civic duty that should be encouraged and promoted;

WHEREAS, the Board of Trustees of Holliday ISD seeks to create a culture of voting and encourage all District employees to model responsible citizenship for the benefit of students;

WHEREAS, public education and the educated citizenry created by public education are the greatest safeguards to the State of Texas and the continuation of a free society; and the institution of public education is best protected by a robust and informed electorate;

NOW THEREFORE BE IT RESOLVED,

1. That the Board of Trustees of Holliday ISD supports a culture of voting and seeks to encourage maximum participation by District employees and eligible students in the elections process.

2. That the Board of Trustees of Holliday ISD authorizes the administration to take steps necessary to ensure maximum participation by District employees and eligible students in the elections process, which may include:

- Creating District communications that inform employees and eligible students of the importance of voting;
- Creating District communications that inform employees and eligible students about when and where they may vote;
- Creating District communications that encourage employees to participate in voter pledge programs (such as TexasEducatorsVote.com);
- Creating District communications that encourage employees to use third party tools to learn about candidates' positions on public education (such as TeachTheVote.org);
- Conducting campus or Districtwide assemblies that promote a culture of voting;
- Implementing administrative procedures that provide time during the early voting period for employees to vote;
- \*Where feasible, providing District transportation to and from polling places;
- Implementing no cost incentives to promote voter participation, such as permitting employees with an "I Voted" sticker to wear jeans; and
- Encouraging District and/or campus coordination with volunteer organizations, such as the PTA/PTO or retired educators groups, to encourage and facilitate the District's efforts to create a culture of voting.

[\*If the district will allow nonschool use of district-owned vehicles, consult with the district's attorney and insurance carrier and ensure such use is permitted by district policy at CNB(LOCAL).]

ADOPTED this 9<sup>th</sup> (date) day of October/2017 (month/year), by the Board of Trustees.

Benny Hill, Presiding Officer

[Signature], Secretary