



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

February 14, 2018

Kevin Rogers
Superintendent, Lewisville Independent School District
1565 W. Main Street
Lewisville, TX 75067

VIA CMRRR 7008 3230 0003 0489 9301

Angie Cox, President
Board of Trustees
Lewisville Independent School District
1565 W. Main Street
Lewisville, TX 75067

VIA CMRRR 7008 3230 0003 0489 9295

ALSO VIA REGULAR MAIL AND E-MAIL

RE: Request to Cease and Desist Unlawful Electioneering

Superintendent Rogers and President Cox:

It has come to our attention that the Lewisville Independent School District recently launched an official campaign advocating the election of candidates that hold particular political views of the Texas Legislature. See Lewisville ISD Twitter Page, available at <https://twitter.com/LewisvilleISD> ("We are asking for support from our state Legislature. We're not getting it. It's time for change. #TxTeacherVoice[.]").



In a widely distributed video, Superintendent Rogers encourages citizens to vote against particular candidates: ". . . it's time to use your teacher voice and let the Texas Legislature know you've had enough. . . . They are attacking you and me." Lewisville ISD website, available at <http://bit.ly/2nD3mvl>. Lewisville ISD issues a "challenge" to everyone to "unite behind a common cause this spring, ensuring pro-education legislators come out of the primary and move on to the general election in November. . . . we must be active in the primary if we hope to impact the landscape of Texas politics." *Id.* Lewisville ISD further encourages students, staff, and citizens to "send a clear message" by electing certain candidates with particular political viewpoints to the Texas legislature: "It is time for you and me to choose legislators that serve us as constituents instead of being worried about the fringe of their party." *Id.* The District concludes its message by stating that its purpose is to "send a strong

message to Austin” by electing certain candidates. *Id.* In short, Lewisville ISD promulgated a campaign to ensure the election of certain candidates to the Texas Legislature.

As of February 13, Lewisville ISD appears to have promoted this video on the homepage of every school in the district and also promoted this message on its social media outlet above all other content. *See, e.g.,* Lewisville ISD Twitter Page, *available at* <https://twitter.com/LewisvilleISD> (pinning tweet with link to video quoted above). This evidence reveals that 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, Lewisville 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). To undergird the importance of governmental entities, like Lewisville ISD, not engaging in unlawful electioneering, the Legislature not only prohibits such actions, but classifies violations as a Class A misdemeanor. Tex. Elec. Code § 255.003(c).

As mentioned above, your district launched an official campaign designed to “change” the makeup of the Texas Legislature. *See* Lewisville ISD Twitter Page, *available at* <https://twitter.com/LewisvilleISD> (“We are asking for support from our state Legislature. We’re not getting it. It’s time for change. #TxTeacherVoice[.]”). By advocating for change in political representation, Lewisville 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 communication, and 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: Kronda Thimesch, Board of Trustees
Katherine Sells, Board of Trustees
Kristi Hassett, Board of Trustees
Tracy Scott Miller, Board of Trustees
Jenny Proznik, Board of Trustees
Trisha Sheffield, Board of Trustees



Tweet



Lewisville ISD 

@LewisvilleISD

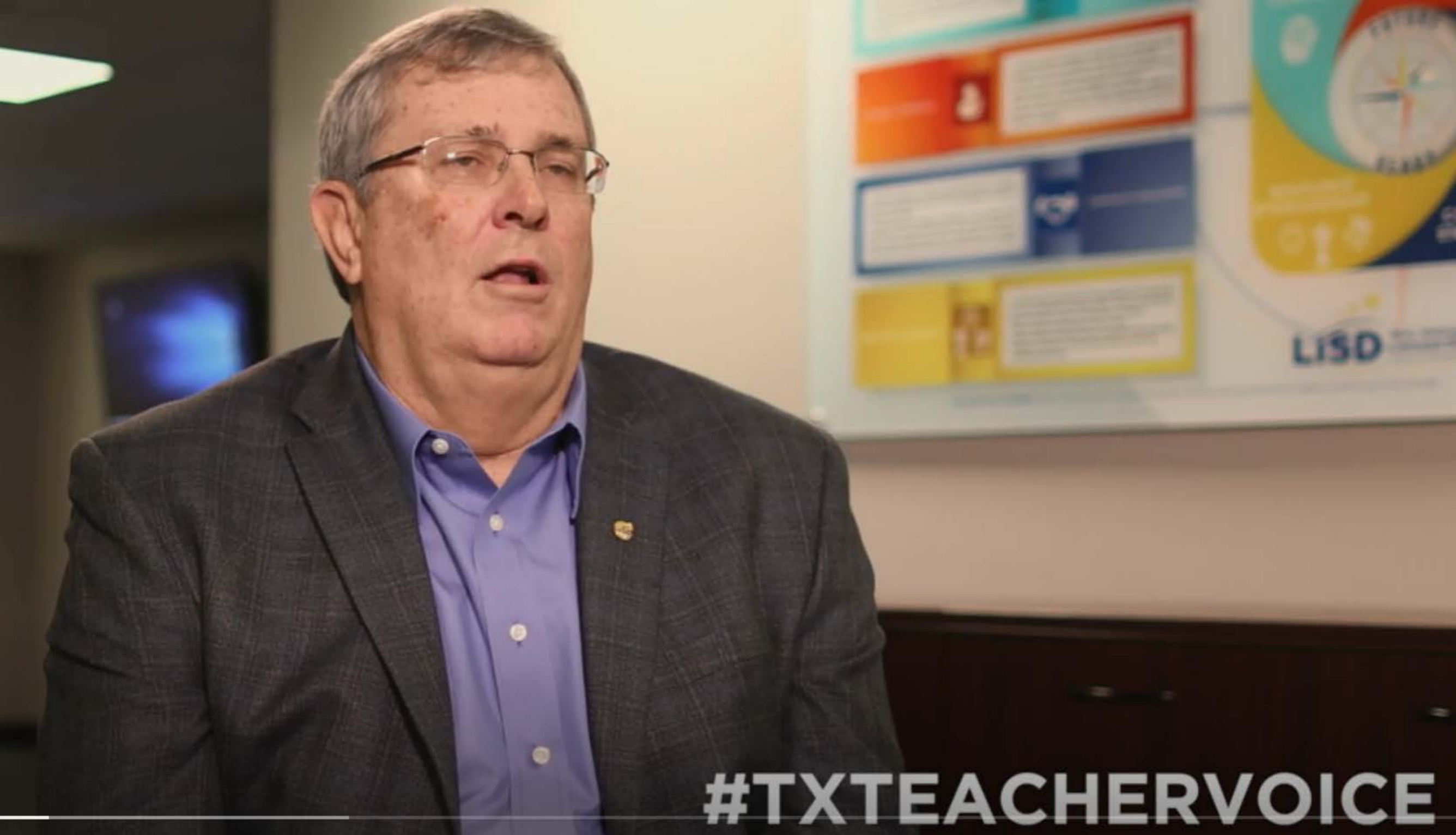


We are asking for support from our state Legislature. We're not getting it. It's time for change.

[#TXTeacherVoice](#)

2/6/18, 6:45 PM

41 Retweets **89** Likes



#TXTEACHERVOICE

Tweets
5,946

Following
221

Followers
3,605

Likes
2,505

Lists
2



1



4

Hebron High School Retweeted



Lewisville ISD @LewisvilleISD · Feb 5

Let Your Voice Be Heard - VOTE: bit.ly/2nD3mvl. #TXTeacherVoice



3



99



42



Tweets
6,694

Following
1,055

Followers
41.1K

Likes
8,710

Lists
8

Lewisville ISD

@LewisvilleISD

Real Innovation. Limitless Opportunity.
#LISDthrive #LISDculture

Lewisville, TX, USA

lisd.net

Joined August 2009

1,300 Photos and videos



Tweets

Tweets & replies

Media



Pinned Tweet



Lewisville ISD @LewisvilleISD · Feb 5

Let Your Voice Be Heard - VOTE: bit.ly/2nD3mvl. #TXTeacherVoice



3

99

42

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VIDEO: Let Your Voice Be Heard - VOTE

Feb. 2, 2018

Lewisville ISD Parents,

For the last few years, our district has become increasingly active in advocating at the state level for our students and community. From fighting the Texas Education Agency to change its fundamentally-flawed approach to student accountability, to challenging the legislature to find a funding formula that removes some of the burden from local taxpayers and increases the state share, we are doing all we can to change the landscape of education in Texas.

But we can't do it alone! We need you to join the fight. How can you do that? Join educators across Texas to elect pro-public education legislators at the state and local levels. **Early voting for the March 6 primary election begins Feb. 20.**

We sent this informational video to our school community, and I want to share it with you. I've encouraged our staff members to use their TEACHER VOICE in the elections, and I am calling on each of you to find YOUR "teacher voice" to speak out on behalf of public education.



Video link: <http://bit.ly/TXTeacherVoice>.

In the coming weeks, we will send additional non-partisan resources to help you research candidates and find those who best align with your beliefs. Look for our posts on social media with the hashtag #TXTeacherVoice and start lending your voice – and your vote – to the efforts.

As a proud Texan, it disappoints me that so few registered voters actually show up at the polls. I hope you will be a part of changing that! Together, we can create a wave of support for public schools across the state and elect legislators who truly represent our students and our schools.

Are you with me?

Kevin Rogers
Superintendent of Schools
Lewisville Independent School District