



August 14, 2024

Via electronic mail

Cindy Price, Chairperson
Pulaski County Board of Education
cindy.price2@pulaski.kyschools.us

Patrick Richardson, Superintendent
Pulaski County School District
patrick.richardson@pulaski.kyschools.us

Re: Pulaski County School District Internet Posts Against Amendment 2

Dear Chairperson Price and Superintendent Richardson:

We write on behalf of concerned Pulaski County taxpayers about Pulaski County School District's illegal use of District resources to lobby in opposition to Amendment 2, a proposed constitutional amendment that would allow the Kentucky General Assembly to provide funding for education outside the public school system.¹ We request the District immediately cease its illegal activities and remove all social media posts and other advocacy against Amendment 2.

As a nonpartisan, nonprofit public-interest law firm dedicated to promoting government accountability and educational freedom, we have previously held districts accountable when they have illegally attempted to interfere with elections about school-choice issues.² Through this letter, we seek to resolve this matter without a need for legal action.

BACKGROUND

On or around August 11, 2024, the District shared a message on its official Facebook page advocating against Amendment 2, a proposed constitutional amendment that will appear on the November 5, 2024 ballot. Every school within the District has shared similar anti-Amendment 2 statements on their official websites. Those sentiments are also reflected on the district's electronic bulletin board. Each of these is a clear attempt to influence voters against the amendment using taxpayer-funded resources.

¹ You can learn more about our mission at libertyjusticecenter.org.

² See, e.g., *Liberty Justice Center Sends Letter Demanding Harris County DA Investigate Alleged Electioneering Scheme*, SOUTHEAST TEXAS RECORD (Apr. 1, 2024), <https://setexasrecord.com/stories/657493784-liberty-justice-center-sends-letter-demanding-harris-county-da-investigate-alleged-electioneering-scheme>.

VIOLATIONS OF KENTUCKY LAW

The District’s use of District funds to promote a political position violates Kentucky law—specifically, Kentucky Revised Statute § 65.013, which states that “Local, state, and federal tax dollars shall not be used to advocate, in partial terms, for or against any public question that appears on the ballot.”

On August 13, 2024, Kentucky Attorney General Russell Coleman issued a General Advisory clarifying that public schools may not use school resources or time to advance particular political viewpoints.³ The General Advisory cites prior guidance by the Kentucky Attorney General that states that Kentucky law prohibits even a “nominal . . . expenditure of resources and time” to promote a viewpoint on a current political issue.

Even the Kentucky School Boards Association (“KSBA”)—which opposes Amendment 2—acknowledges that school districts may not spend taxpayer funds to advocate for specific political positions. KSBA guidance states that “a district may not expend funds to promote a certain viewpoint on a political issue.”⁴ The KSBA cites the opinion of the Kentucky Attorney General, and states: “Legally, a district may not expend funds to promote a certain viewpoint on a political issue (OAG 74-118).” This guidance clearly indicates that, although school boards may discuss the amendment during public meetings and board members can share personal opinions, districts may not use public funds to promote a specific stance on a political issue such as Amendment 2.

Through its social media posts, website content, and electronic bulletin boards, the District has used District resources—including social media accounts, websites, and potentially staff time and equipment—to promote a viewpoint on a current political issue. This violates KRS § 65.013 and is contrary to the official opinion of the Kentucky Attorney General and the guidance of KSBA.

CONCLUSION

To remedy the District’s violations of KRS § 65.013, we request that, within 48 hours from receipt of this letter, you take down all social media posts, website content, and electronic bulletin board messages that express a viewpoint on

³ Attorney General Advisory (Aug. 13, 2024), <https://www.ag.ky.gov/Press%20Release%20Attachments/08.13.2024%20Amend%20%20Advisory.pdf>.

⁴ See Kentucky School Boards Association, *Public Discussion of Amendment 2: Frequently Asked Questions*, available at <https://filecabinet7.eschoolview.com/1365B58C-F95F-4E75-94BB-A29D9A94F1C7/20af30d5-b8c4-4a1c-a21e-48979ae72187.pdf>.

Amendment 2 and confirm in writing that the school shall not engage in any such advocacy in the future.

Please be advised that failure to address this issue may result in further legal action. The Supreme Court of Kentucky has affirmed that Kentucky taxpayers are “permitted to sue government bodies or their agents . . . to enjoin the imposition of an illegal . . . expenditure of public funds.” *Overstreet v. Mayberry*, 603 S.W.3d 244, 263–64 (Ky. 2020). We are prepared to pursue all available legal remedies to ensure compliance with Kentucky law and to protect the integrity of the electoral process.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dean McGee", with a long horizontal flourish extending to the right.

Dean McGee

Educational Freedom Attorney

Liberty Justice Center