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May 7, 2023

## **COMPLAINT**

To the Office of Campaign and Political Finance:

I am a resident and taxpayer in the Town of Brookline, Massachusetts, and an elected Town Meeting Member. Please consider this to be a complaint of serial violations of the campaign finance law in connection with Brookline's townwide election on May 2, 2023.

### **Introduction**

On March 21, 2023, the Brookline Select Board voted to place three Proposition 2 ½ Override questions on the ballot for the Town's May 2, 2023 election. Question 1 asked the voters to support a debt exclusion for the renovation and construction of the Pierce elementary school in Brookline. Questions 2A and 2B asked the voters to support one or both versions of an operating override that would, in part, provide millions of taxpayer dollars in support of the Public Schools of Brookline ("PSB").

On March 28, 2023, in anticipation of what was expected to be a controversial election, a Brookline resident asked Town Administrator Charles Carey to take appropriate steps to ensure that Town employees did not engage in conduct that violated the campaign finance and conflict of interest laws in advance of the election. The Town Administrator complied, and on March 31, 2023 sent a memorandum to Town Department Heads and PSB Superintendent Linus Guillory, cautioning them against conduct that would violate the state campaign finance and conflict of interest laws. A copy of Town Administrator Carey's March 31 memorandum to Town Department Heads and PSB Superintendent Guillory is attached.

On or about May 1, 2023, I learned that unsolicited correspondence had been sent by email from at least three Public Schools of Brookline to the parents of students enrolled in these schools containing detailed information about the Proposition 2 ½ ballot questions on the May 2 election ballot. The email correspondence concerning these ballot questions was sent by, or on behalf of, PSB employees, on PSB equipment, and by the PSB's community email services, "Blackboard" and "Smore". Following the election, I learned that PSB Superintendent Guillory had sent at least two unsolicited electronic communications to all PSB parents via Blackboard, urging their support for the debt exclusion and operating override questions at the May 2 election. This correspondence was sent after the questions were placed on the ballot and on all but one occasion, after the Town Administrator's memorandum cautioning against this conduct had been sent. The relevant text from this correspondence is copied below; copies of the emails are provided as attached exhibits.

**The unsolicited serial email that was created and sent by the PSB to PSB parents using taxpayer funded resources, is as follows:**

**1. The unsolicited email correspondence sent by or on behalf of PSB Superintendent Guillory to all PSB parents on March 24, 2023 via blackboard.com, states the following:**

***At their March 21 meeting, the Brookline Select Board voted to place two ballot questions on the May 2023 Town Ballot that impacts the operations and funding of PSB. These two proposals are:***

- *Raising the tax levy limit to fund PSB and other town-based municipal services;*
- *A debt exclusion override to fund the construction of the Pierce School Building Project. Both questions correspond with Superintendent Guillory's FY24 budget request to maintain PSB's excellence as a school district, and fund investments in special education, culturally responsive practices, and social-emotional support. Over the past few months, PSB has shared details about the structural deficit the district is facing from the loss of ARPA/ESSER funding, as well as increases in costs due to contractual obligations and inflationary pressures. These presentations also include proposed reductions in staffing and programming that would be necessary if additional revenue is not available.*

**2. The unsolicited email correspondence sent by or on behalf of PSB Superintendent Guillory to all PSB parents on April 7, 2023 via blackboard.com, states the following:**

*A budget gap of \$1.85 million remains, even after PSB's request for \$3.7 million in override funding for next year. Because 87% of PSB's budget is personnel, and the remaining 13% is largely fixed, there is no choice but to make extremely difficult personnel reductions/programmatic adjustments to close this \$1.85 million financial gap. Similar to last year, our goal will be to support any impacted staff with remaining in the District, if possible, as positions are eliminated from the FY24 budget.*

*Both the operating override and Pierce debt exclusion votes will have significant implications on our programming, personnel, and capacity to meet our students' educational and social-emotional needs. Beyond the \$1.85 million in adjustments, PSB will be required to make an additional \$3.25M in reductions if Brookline voters do not pass the operating override during the spring election season. A combined budget reduction of this magnitude*

*will greatly restrict our ability to offer students a wide array of educational experiences and opportunities for learning.*

*The School Committee and I are doing everything possible to mitigate any large-scale reduction by sharing the factual impacts of a cut of that scale with voters and decision-makers across the Town. We will share more detail on the impact of these budget adjustments at the School Committee meeting on Monday, April 10.*

**3. The unsolicited email correspondence sent by or on behalf of the Brookline High School Principal to PSB parents on April 27, 2023 via blackboard.com states the following:**

*If the 5/2 override does not pass, the district will make an additional \$3.25 Million in reductions. This would likely result in Reductions in Force (RIFs) and various impacts on the high school's course and program offerings and staffing plans. I am working with my BHS leadership teams to discuss the potential impacts, which could include:*

*Increased class sizes spread across Advanced, Honors, and College Prep/Standard level courses;*

*Inability for students to "double up" in disciplines; this means students not taking two courses in science, social studies, world language, etc.*

*Lack of staffing for singleton courses that don't satisfy graduation requirements, such as Global Leadership, Racial Awareness, Social Justice, etc.*

*Increased caseloads for student support personnel (guidance, deans, etc.)*

**4. The unsolicited information provided by or on behalf of the Runkle School Principal to PSB Runkle School parents on April 30, 2023 via smore.com states the following:**

*I also wish to share information both about the override and potential impacts if it fails. One of the ballot items is an operating override that includes a request from the Public Schools of Brookline for \$3.7 Million for FY24. In early April, Superintendent Guillory sent a message to all faculty, staff, and families regarding both the override and the \$1.85 Million in personnel reductions and programmatic adjustments that the school district is making regardless of the override passing or not. As you can imagine, school leaders work with district leaders to contribute to the \$1.85 Million in cuts. Wherever possible, we try to make these cuts through attrition and try to retain current staff in the district.*

If the 5/2 override does not pass, PSB will make an additional \$3.25 Million in reductions. This would likely result in Reductions in Force (RIFs) and various impacts on all of our program offerings and staffing plans. **These are some of the potential impacts if the Override Fails:**

- No one program is large enough to address the gap, there will be multiple programs impacted.
- Partial list of programs that may be impacted:

- Athletics (9-12) - 3.5 FTE

- Career and Technical Education (9-12) - 9.23 FTE

- Libraries and Educational Technology (K-12) - 24 FTE

- Performing Arts (K-12) - 27.02 FTE

- Visual Arts (K-12) - 17.54 FTE

- World Language (K-8) - 27.3 FTE

- Increased classroom sizes

\*FTE is Full Time Equivalency

**Override Funding will allow PSB to:**

- Continue to serve all students at high levels with outstanding academic programs and robust student service/support programs
- Maintain, attract and retain a highly-skilled workforce
- New initiatives (e.g. World Language redesign, SoBro fee-free bus) will be funded
- Programmatic adjustments will start be necessary but will be manageable

Here is a [link](#) to more information about where to vote and specific ballot items.

**5. The unsolicited email correspondence sent by or on behalf of the Driscoll School Principal to PSB Driscoll School parents on May 1, 2023 via blackboard.com states the following:**

*How will schools be impacted by the results of this election?*

Question 1 will determine if the Pierce School renovation process continues to move forward.

Question 2A includes a request from the Public Schools of Brookline for \$3.7 Million for FY24.

*If this override does not pass, PSB will very quickly make \$3.25 Million in reduction. Note: \$1.85 million worth of cuts will be happening even if the operating override passes, so if the operating override fails, the total cuts for FY24 will be \$5.1 million. This would likely result in Reductions in Force (RIFs), leading to significant impacts on the Public Schools of Brookline programming and staffing.*

*Public Schools of Brookline programming and staffing. You can watch the Superintendent's Update here to learn more about the district wide impacts, which may include:*

*Substantially increased class sizes.*

*Substantially increased caseloads for student support personnel.*

*Cuts to any programming that is not state mandated.*

**The Unsolicited Email correspondence created and sent by the PSB to PSB parents on March 24, April 7, April 27, April 30 and May 1, 2023 using taxpayer funded Public Resources is a Violation of Massachusetts Campaign Finance Law.**

The unsolicited email correspondence that was sent to the parents of approximately 7,000 PSB students, the vast majority of whom are likely to be Brookline voters, following notice of the campaign finance law from the Town Administrator, demonstrates an intentional, concerted effort on the part of the PSB to influence the results of the election by informing Brookline voters of the dire consequences that would be encountered by the PSB and its students - their children - if the debt exclusion and operating override ballot questions were to fail, and urging them to support these questions.

Unless there is some other statutory authority, such as under G.L. c. 53, s. 18B, the distribution of unsolicited information pertaining to questions on the ballot in this manner is a violation of the Massachusetts Campaign Finance Law. Anderson v. City of Boston, 376 Mass. 178, 187 (1978)(public resources may generally not be used for political purposes). See also, OCPF Interpretive Bulletin 91-01 (Rev. February 25, 2015), Section II, Distribution of Information Relating to Ballot Questions, at p. 3, a copy of which is linked in the Town Administrator's March 31, 2023 memorandum to Superintendent Guillory.

Question 1 - the debt exclusion ballot question - passed by a margin of only 309 votes, with over 12,538 ballots counted. It is my belief, and that of other Brookline taxpayers, that these communications from high level PSB employees not only violated the campaign finance law, but also severely compromised the fairness and integrity of the Town's May 2, 2023 election with respect to these ballot questions.

I respectfully request that this matter be investigated by OCPF and that appropriate action be taken in response to OCPF's findings. Because Town Meeting approval of the bonding authorization for the construction of the Pierce School will be deliberated and voted on at the Annual Town Meeting on May 23, 2023, your immediate attention to this matter is respectfully requested.

Sincerely,

*/s/ Joslin Murphy*  
Joslin Murphy

