

What Nonprofits Advocating at Los Angeles Unified School District Need to Know

Nonprofits care about and frequently weigh in on issues affecting education, including resources needed to support student learning in and out of the classroom, as well as students' health, safety, and well-being.

More than 600,000 students attend schools in the Los Angeles Unified School District (LAUSD), making it the second-largest school district in the U.S. What nonprofits may not know is that LAUSD established a Lobbying Disclosure Code (Code)¹. As the second-largest employer in LA County, LAUSD wants to ensure public trust and confidence in the integrity of its decision-making process. Nonprofits influencing LAUSD officials in district decision-making should know these rules for registering and reporting lobbying activities, expenditures, and compensation.

This guide walks nonprofits through the rules under the Code. These rules do not limit lobbying, nor do they apply only to nonprofits. Some organizations, particularly 501(c)(3)s, may need to comply both with these rules as well as the federal tax limits on lobbying.

Federal tax law does not generally treat school districts as legislative bodies. Although attempts to influence them may not constitute lobbying for 501(c)(3) purposes, the rules under the Code are different. So even though nonprofits may have to register and disclose their activities to LAUSD's Ethics Office if they meet the triggers described below, they typically do not have to report efforts to impact LAUSD decisions or policies as lobbying activities to the IRS. Private foundations that are prohibited from engaging in lobbying based on their tax status may still engage in influencing LAUSD decisions.²

How does LAUSD define lobbying?

According to the Code, lobbying is any activity with the primary purpose of influencing an LAUSD official in their decision-making for the district. Examples of lobbying include: drafting recommendations for LAUSD's consideration, attending or monitoring LAUSD board meetings, arranging a meeting between an LAUSD officials and any other person, and seeking support or opposition from collaborators outside your organization on an LAUSD matter.³

An **LAUSD official** includes LAUSD board members, employees such as teachers and principals, consultants, or advisory members who are involved with making recommendations or decisions for LAUSD.

- 1 The full Los Angeles Lobbying Disclosure Code is saved as a pdf here: <https://achieve.lausd.net/Page/14037>
- 2 This is true for private foundations and public charities making the 501(h) election and is probably also true for nonelecting charities although there is no direct guidance on this question.
- 3 There are a few carve-outs to the definition of lobbying. These exceptions are fairly limited, and include actions undertaken by people or organizations acting as contractors, responding to requests for proposals or grant applications, negotiating terms of a written agreement with any LAUSD official, and decisions affecting an individual only.

What triggers LAUSD's registration?

The LAUSD lobbying disclosure rules apply to any entity, including nonprofits, that meets the definition of a Lobbying Organization. An entity may be one of two types of Lobbying Organizations, and they are each identified by a specific trigger.

EXPENDITURE TRIGGER

A nonprofit that spends or expects to spend \$10,000 or more in a calendar year to engage in lobbying activities with LAUSD officials must register with LAUSD's Ethics Office as an **Expenditure Lobbying Organization**. Strict registration deadlines apply (see below for more details).

COMPENSATION TRIGGER

Most nonprofits do not have "clients" that pay them to lobby. However, a nonprofit may still be required to register as a **Paid Lobbying Organization** if it expects to receive any compensation in a calendar year from another person or organization to engage in lobbying activities with LAUSD officials.

A nonprofit that is both a Paid Lobbying Organization and an Expenditure Lobbying Organization should register as a Paid Lobbying Organization only. A nonprofit that pays a Paid Lobbying Organization to lobby LAUSD officials but spends no additional funds to lobby LAUSD does not need to register with LAUSD's Ethics Office.

Who is a Lobbying Representative?

A nonprofit may need to register individuals acting on its behalf as Lobbying Representatives within five business days after meeting the expenditure or compensation triggers. A **Lobbying Representative** is anyone paid by a Lobbying Organization to spend 30 hours or more in a calendar quarter to lobby LAUSD officials.

EXAMPLE OF LOBBYING REPRESENTATIVES

Scenario 1: Maria Garcia is a full-time employee of a 501(c)(3), Healthy Students LA. She spent 35 hours over June and July lobbying LAUSD officials to provide on-site school nurses at all schools in the district. Healthy Students LA paid Maria \$4,000 in wages for this work and received no compensation for Maria's lobbying activities with LAUSD. Healthy Students LA did no other lobbying with LAUSD in the calendar year.

Maria is not required to register as a Lobbying Representative because although she is paid to spend more than 30 hours lobbying LAUSD in a calendar quarter, Healthy Students LA does not meet the expenditure or compensation triggers so it is not considered a Lobbying Organization.

Scenario 2: Healthy Students LA will spend \$11,000 in a calendar year lobbying LAUSD to provide nutritious breakfasts and lunches to all students in the district but none of its staff will spend more than 20 hours in any calendar quarter on the effort. Healthy Students LA receives no compensation for its lobbying activities with LAUSD.

Healthy Students LA has to register as a Lobbying Organization as soon as it expects to spend more than \$10,000 on lobbying LAUSD in a calendar year. But since none of its staff will spend 30 hours or more during a calendar quarter to lobby LAUSD, Healthy Students LA will not have to register any Lobbying Representatives.

What are the registration requirements?

TIMELINE TO REGISTER

A nonprofit has five business days after meeting the expenditure or compensation trigger to register as a Lobbying Organization with LAUSD. Due to the short registration timeline, LAUSD strongly encourages Lobbying Organizations and Lobbying Representatives to pre-register if they anticipate that the relevant trigger(s) will be met. To register, contact LAUSD's Ethics Office at (213) 241-3330 or go to <https://achieve.lausd.net/ethics>.

DURATION OF REGISTRATION

A registered Lobbying Organization or Lobbying Representative will need to continue reporting under that status until December 31st of the current calendar year. Organizations can renew their registration for the following year starting November 1st of the current year.

Lobbying Organizations and Lobbying Representatives can also terminate their status earlier if they have ended their lobbying activities. Unless a Termination Statement is filed, a Lobbying Organization or Lobbying Representative must continue to file reports until the end of the current calendar year, when their registration automatically ends.

REGISTRATION FEES

Every Lobbying Organization must pay an annual registration fee of \$200, plus \$100 per Lobbying Representative. If a Lobbying Organization is compensated for lobbying the LAUSD on someone else's behalf, the Lobbying Organization must also pay \$150 per client. Registration fees are valid for the calendar year and must be paid again each subsequent year of registration. There is no pro-rating of registration fees. The LAUSD Ethics Office may waive registration fees if it determines the payment will cause extreme financial hardship.

ANNUAL TRAINING REQUIREMENT

A Lobbying Organization must complete annual training and certify it understands its responsibilities and obligations. A Lobbying Representative or any individual involved in preparing registration and disclosure materials satisfies the training requirement when they complete and pass LAUSD's lobbying quiz, which is part of the registration process.

RESPONSIBLE SENIOR OFFICER

As part of the registration or renewal process, a **Responsible Senior Officer** must file an agreement that they have reviewed the Lobbying Disclosure Code, agree to follow the rules, and ensure that others in their organization will do the same. The Responsible Senior Officer must also agree to be held accountable for the accuracy of registration and disclosure materials submitted by their Lobbying Organization and make any necessary amendments in a timely manner.

What is the reporting schedule?

A Lobbying Organization must disclose its lobbying-related activities, expenditures, and compensation to LAUSD every quarter. A quarterly disclosure is due by the 10th day of the month after the end of each calendar quarter.

Calendar Quarter	Filing Deadlines
January 1 - March 31	April 10
April 1 - June 30	July 10
July 1 - September 30	October 10
October 1 - December 31	January 10

If a Lobbying Organization has not engaged in lobbying activities or had any lobbying expenditures during a calendar quarter, the Lobbying Organization still must certify that no lobbying activities or expenditures have occurred during that quarter.

What else do nonprofits need to know?

ENFORCEMENT

LAUSD enforces its Lobbying Disclosure Code. Failure to register, late registrations, and late reports can result in fines. The penalties depend upon the severity of the violation.⁴ Violations are a matter of public record.

PROHIBITED ACTIVITIES

Lobbying Organizations and their representatives may not be paid based on the outcome of any proposed policy or action. A person also cannot serve on an LAUSD board or commission while meeting the definition of a Lobbying Representative.

GIFTS TO LAUSD EMPLOYEES

Under [LAUSD's Employee Code of Ethics](#), employees are subject to a \$100 gift limit per source per calendar year. Gifts can include merchandise, food, tickets, use of facilities, and rebates or discounts not available to the public.

Nonprofits can make a significant impact on the education and lives of more than 600,000 students by weighing in on decisions before LAUSD. It is important to remember that the LAUSD disclosure rules do not limit nonprofits' ability to lobby.

⁴ See Section 8 of the Code for more details on enforcement.



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