



1000 W. 4th Avenue
Kennewick, WA 99336
(509) 222-5000 | ksd.org

March 8, 2023

Tanya Mercier
Compliance Officer
Public Disclosure Commission
pdcc@pdc.wa.gov

RE: Case No. 121794

Dear Ms. Mercier,

The following is a response to the complaint filed against the Kennewick School District (KSD) by Mr. John Trumbo. The KSD response is in bold after each allegation, which is italicized.

Allegation 1. *The Kennewick School District and the Kennewick Citizen Levy & Bond Committee, which is registered with the state Public Disclosure Commission, are promoting the proposition with funds received from individual donors. That financial activity has been reported to the PDC on C-3 and C-4 reports as required by law. But it now appears that some of the committee's promotional materials, including handouts, flyers, digital ads, and mailers have not contained sponsor identification as requires by RCW 42.17A.320. (Digital images of examples are attached below).*

District Response: The Kennewick School District by statute (RCW 28A320.090) is authorized to prepare and distribute information to the general public to explain instructional program, operation and maintenance of the schools of the district. All the levy materials cited by the complainant are published by the KSD and not the Kennewick Citizen Bond & Levy Committee. Therefore, the KSD logo is included on the materials and mailer and include the school district address.

Allegation 2. *Materials that were shown and handed out at a Jan. 12, 2023, meeting of the Kennewick FOCUS Committee, held in district offices with district employees and members of the community in attendance, lacked the required sponsor identification. (RCW 42.17A. 320). In addition, it appears those materials were not solely informational about operations and programs, but were intentionally designed to influence the effort to have Proposition 1 approved in the Feb. 14 election. (Digital image of flyer included below.) Dissemination of these materials, which have been and continue to be available in the lobby of the KSD offices and through district resources, including district personnel on district property, would be a violation of RCW 28A. 320-090, which prohibits "preparation and distribution of information to the general public for the purpose of influencing the outcome of a school district election."*



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District Response: The materials handed out at the January 12, 2023 meeting was the informational flyer published by the KSD to inform the public regarding what the levy dollars are used for in the district. The purpose of the materials is to give the general public adequate information so they can make an informed decision when voting.

Allegation 3. *A campaign mailer promoting Proposition 1, lacking sponsor identification and sent via the U.S. Postal Service to Kennewick district residents, bears an official Non-profit Postal Permit No. 99 postal mark and a return address of the Kennewick School District, 1000 W. 4th Ave., Kennewick, WA 99336. Who requested and paid for that permit? By what means does someone obtain a nonprofit mailing permit? Can anyone? (Digital image of the mailer is included below.)*

District Response: The informational mailer contained the name and address of the KSD. The non-profit mailing code is that of the KSD and used for district mailings. The mailing is one of the mediums used to distribute the informational material of the district to the general public as authorized by RCW 28A.320.090.

Allegation 4. *The Kennewick School District's promotional website for the Proposition 1 Levy measure is KSD.ORG/LEVY which is included on an email blast dated February 3 from the Tri-Cities Area Chamber of Commerce. (Digital image of the email blast is included below). The email blast contains the KSD logo. There is no other sponsor identification on the email blast. A chamber employee informs that only chamber members are allowed to place ads in the chamber's periodic email blasts, which cost \$50 per ad. A political campaign committee would not be allowed to place the ad unless that committee was a chamber member. It would appear the Kennewick School District requested and paid for the ad in the February 3 email blast. This would be a violation of RCW 28A. 320.090 which prohibits use of district resources to influence an election.*

District Response: The KSD is a member of the Tri-City Regional Chamber of Commerce and as such is permitted to disseminate information in the weekly e-blast. The content of the e-blast contained levy facts and directed audiences to more information. This is another medium KSD uses to distribute information to the general public regarding the programs, operations and maintenance of the schools of the district.

Allegation 5. *An image on the Kennewick School District webpage, KSD.ORG/Levy, shows a Kennewick Police Department School Resource Officer in uniform in a public school hallway during work hours as part of a promotion to get people to vote for the school levy. (Digital image included below). Although this image was used for a KSD levy flyer in April 2022, it remains on the district's levy webpage which is promoting the Feb. 13 election. Unless this image was created by the officer's employer (Kennewick Police Department) for the city's use and also available for public access as an image, this appears to violate both RCW 28A.320.090 and RCW 42.17A.555.*



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District Response: The district used photos of students and staff, including school resource officers, for informational materials distributed by the district. The KSD has partnered with the City of Kennewick to employ School Resource Officers (SROs) in some of the schools throughout the district. The SROs are considered KSD staff while they are working in the schools as the KSD pays half of their salary.

Allegation 6. *There are several images of school-age children on flyers, on KSD websites, mailers, and handouts. (Digital images provided below). Under what situations were these photos created? At KSD schools? During school hours? Who took the photos? Were parental permissions obtained beforehand? Were any KSD employees involved in making the initial contacts to the children or parents about being willing to be photographed for a political advertising campaign? Who paid the photographer and for the printing of the promotional/informational materials that contain the children's images? Answers to these questions will establish whether there were violations of RCW 28A.320/090 and RCW 42.17A.555 or other state laws.*

District Response: The students were photographed with permission from their parents/legal guardians for the levy informational campaign. The photos were taken by the KSD for use on the informational materials that were sent out to the general public.

Allegation 7. *Several KSD schools, including Park Middle School on 10th Avenue and Kennewick High School on Garfield Avenue, have large banners on fences on school property urging passersby to vote. In light of the ongoing efforts of the district to "inform" residents about Proposition 1, this appears to be for the purpose of encouraging passersby to vote favorably on the measure. And since the banners are not information in nature as would be required by RCW 28A.320.090, why are they allowed on school property? Who paid for the banners, and are they in violation of RCW 42.17A.555?*

District Response: The district regularly uses school reader boards and banners to remind the community to vote during all election cycles with messages such as "Return Your Ballot" and "Remember To Vote."

Allegation 8. *There are political signs at various locations within the Kennewick School District that are within public right-of-way but do not have permission of the adjacent property owner to be placed there. This is in violation of City of Kennewick rules regarding political signs. The city requires there be permission of adjacent property owners for right-of-way sign placements.*

District Response: These signs are not part of the district's information campaign.

During each levy election cycle the Kennewick School District produces and distributes informational materials to the general public to explain the KSD programs and operations of the district. All the materials that the complainant attached to his complaint



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are materials that were distributed by the KSD and not by a citizen's levy committee. A similar dissemination of informational materials is done in each levy election cycle as allowed by RCW 28A.320.090. The intent of the material is to inform the public of what programs and operations the levy funds.

Thank you for your consideration and let me know if you need any other information.

Sincerely,

A handwritten signature in black ink, appearing to read "Traci Pierce", written in a cursive style.

Dr. Traci Pierce
Superintendent, Kennewick School District