



State of Washington

PUBLIC DISCLOSURE COMMISSION

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**Public Disclosure Commission Statement of Understanding
Kennewick School District 17: PDC Case 121794**

I, Traci Pierce, in my capacity as Superintendent of Kennewick School District 17, hereby acknowledge that I violated RCW 42.17A.555 by authorizing the use of the facilities of Kennewick School District (Kennewick SD) as stipulated below.

Statement of Facts

- Kennewick SD regularly communicates with the public about official business affecting the students, parents, and community it serves in a variety of ways. It is the usual and customary practice for Kennewick SD to use materials that depict actual teachers, school personnel and children in their communications.
- Communications are designed and distributed by Kennewick SD or an outside vendor at Kennewick SD's direction. It is the usual and customary practice for Kennewick SD to use a paid vendor to assist Kennewick SD staff with informational campaigns.
- During election year 2023, Kennewick SD sent out a district-wide mailer providing recipients with information about the Kennewick School District 17 Educational Programs and Operations Levy (EP&O Levy), a ballot proposition seeking to raise local property tax rates to generate revenue for the district to fund programs and services that the state does not fund or fully fund as part of "basic education." The EP&O Levy sought to raise \$23,000,000 in 2024 and leverage an additional \$15,000,000 in state Local Effort Assistance (LEA) funding. The mailer identified programmatic and operational outcomes if the levy passed, as well as costs to taxpayers.

- In addition to its district-wide mailer, Kennewick SD distributed messages concerning the EP&O Levy through its website, social media platforms, television and radio ads, Tri-City Regional Chamber of Commerce “e-blasts,” flyers, “back-pack mail,” community-held information sessions, banners, and school reader-boards. The frequency and extent with which Kennewick SD communicated about the levy was greater than it normally communicated with the public about other official business. Some examples of this include:

- 1) Kennewick SD’s website has a page dedicated to bonds and levy-related materials. The webpage contains information about bond and levy rates and historical campaign data. During the 2023 election, the website, under the header “Media Coverage”, included 6 video posts from newspaper and television that published informational levy stories.
 - 2) Between 1/3/2023 – 2/14/2023, Kennewick SD distributed the following media communications which went into detail about the levy:
 - Nineteen unique posts were made to the Kennewick SD Facebook page. Of these posts, 6 included videos. On January 10, 2023, English and Spanish language videos were posted to the school district’s YouTube channel.
 - Kennewick SD ran five hundred spots across 7 radio stations in both English and Spanish language using multiple different messages related to the levy.
 - Kennewick SD ran one thousand three hundred and thirteen spots across 4 television channels using multiple messages in English related to the levy.
 - 3) Within thirty days of the election, Kennewick SD sent 3 levy-related messages to the community using the Chamber of Commerce e-blast system. Additionally, Kennewick SD sponsored 6 community-held information sessions, where school district staff presented levy-related messaging and handed out flyers. Flyers were also sent home with children via “back-pack mail.”
 - 4) School reader-boards and banners hung on school property, reminding people to vote.
- Kennewick SD’s communications as described above were conveyed using language that promoted support of the levy. Some examples of this promotional language include:

1) Expressions such as:

- “Their educational future is in your hands. The question is, what kind of school experience do we want Kennewick kids to have?”
- “If quality education for Kennewick's kids is important to you, please vote in the Kennewick School District Educational Programs & Operations Levy election.”
- “What educational experience do the people of Kennewick want to offer these interesting and bright young minds?”
- “Is making schools safer important to you?”
- “What if the levy fails to pass – again.”
- “The Educational Programs & operations Levy on Feb. 14 supports student learning and makes our schools and community strong.”
- “... local levy funding supports student success ...”
- “... with an education that's safe, secure and fully staffed or with something less than that ...”
- “They deserve safe & secure schools ...”
- “These students are the future of Kennewick. How will the levy provide them with safer, more secure schools?”
- “These are Kennewick kids – our kids – living some of life's amazing years, and they deserve the best school experience we can offer.”
- “Our schools rely on local levy funding to provide quality educational programs and address critical needs in our schools to support our kids in our community. Their educational future is in your hands.”

These are examples of language that, rather than communicate facts about the levy, convey support for the ballot proposition by Kennewick SD. In many instances, these words were spoken in videos or in recorded audio and were accompanied by music that compounded the emotional feel of the sentiment and reduced the neutrality of the message.

- 2) Commentary such as “drastic cuts,” “significant impacts,” “quality educational programs,” “critical needs,” are examples of emotionally driven language included in these communications. This language creates an impression of dire consequences should the levy fail and is not neutral.
- 3) A check-mark icon was used in many of the informational formats. The use of this icon can denote support, but it was found in this case the icon has been used by the school district consistently as an icon related to voting. Nevertheless, the SD should consider the future use of this icon carefully as it may be more distracting than it is helpful to their communications.

Acknowledgements

- I acknowledge that [RCW 42.17A.555](#) prohibits the use of public agency facilities to promote or oppose ballot propositions, but does not prevent a public agency from making an objective and fair presentation of the facts relevant to a ballot proposition if such activity is part of the normal and regular conduct of the agency.
- I acknowledge that the Public Disclosure Commission (PDC) has developed [Guidelines for School Districts in Election Campaigns](#) and a [2015 staff analysis](#) to assist school districts and other public agencies in determining whether an activity is permitted under RCW 42.17A.555. These *Guidelines* state that school districts may use agency resources to 1) create and distribute a single district-wide mailer setting forth an objective and fair presentation of the facts (a “fact sheet”) for each ballot measure; and 2) distribute information about the ballot measure by means other than a district-wide mailing if the school district can demonstrate that such activity is normal and regular for the district.
- I acknowledge that the Basic Principles in the *Guidelines* make school districts aware that, in no case, will the PDC view a marketing or sales effort related to a campaign or election as normal and regular conduct.
- I acknowledge that the communication materials distributed to the public concerning the EP&O Levy by Kennewick SD and/or its vendor contained promotional content and constituted the type of marketing or sales effort that is prohibited under [RCW 42.17A.555](#).

To avoid the time and expense of a Brief Adjudicative Proceeding (Brief Enforcement Hearing), I acknowledge the violation of Washington State law as set forth above. I agree to this Statement of Understanding (SOU) to resolve this matter with the PDC. Further, in accordance with the Penalty Schedule set forth in WAC 390-37-143, I agree to pay a \$600 penalty for the violation of RCW 42.17A.555.

By signing this SOU, I acknowledge violations of RCW 42.17A.555 as described above and waive my right to a hearing in this matter. I further understand that, by signing this SOU and paying the \$600 penalty, PDC Case No. 121794 is resolved.


Traci Pierce

Superintendent, Kennewick School District 17

May 26, 2023
Date Signed

Please make your check or money order payable to “**Washington State Treasurer,**” be sure to include PDC Case number 121794 in the memorandum field, and mail or deliver this Statement of Understanding along with your payment to the PDC at the following address:

**Public Disclosure Commission
PO Box 40908
711 Capitol Way, Room 206
Olympia, WA 98504-0908**

