



State of Washington

PUBLIC DISCLOSURE COMMISSION

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Statement of Understanding

Kent School District: PDC Cases 162804 & 163926

I, Israel Vela, in my capacity as Superintendent of
Printed name of Kent School District official

Kent School District (KSD or the District), hereby acknowledge that I violated RCW 42.17A.555 by authorizing the use of KSD facilities to promote ballot measures included in the April 23, 2024 Special Election and November 5, 2024 General Election.

Statement of Facts

- KSD regularly communicates in a variety of ways with the public about official business affecting the students, parents, and the community it serves.

Prior History with the Public Disclosure Commission

- On April 11, 2022, in PDC case 103346, KSD received a warning from the Public Disclosure Commission (PDC) regarding the District's inclusion of language beyond permissible statements of fact in a mailed brochure regarding the levy on the February 8, 2022, ballot. This use of KSD resources potentially implicated RCW 42.17A.555.
- On June 21, 2024, for PDC case 142420, I signed a Statement of Understanding (SOU) admitting that KSD violated RCW 42.17A.555 by using District facilities to promote two ballot propositions in the 2023 General Election. The language used in written and verbal communications by the KSD went beyond permissible statements of fact and specifically tied staffing cuts to failed levies.

2024 Election Year

- During the 2024 election year, KSD submitted two ballot measures for voter approval in the April 23, 2024 and November 5, 2024 election cycles. The information regarding the April and November levies were sent to voters via district-wide mailers/fact sheets providing recipients with information about a three-year replacement capital projects and technology levy (Proposition 1) for the April and November elections.

- If adopted, the April levy would raise \$60.9 million in funding for the District in 2025, \$63.4 million in 2026, and \$65.9 million in 2027. The November levy, if adopted, would raise \$32.2 million in funding for the District in 2025, \$32.6 million in 2026 and \$33 million in 2027 to support health and safety, technology for staff and students, and improvements and repairs to the District's capital facilities and infrastructure.
- In addition to its district-wide mailers/factsheets for both levies, KSD also distributed messages and materials concerning the April and November levies to the voting public through its website, social media platforms, community information sessions, banners and school reader-boards, and other forms of communication.
- The frequency and extent with which KSD communicated to the public about the two levies was greater than it normally communicated with the public about other official business. The means and frequency employed by the KSD to communicate with the public about the two levies, including the emotional language used in some communications, went above and beyond what is normal and regular communication, and indirectly advocated for and/or encouraged a vote to pass both levies as outlined below:

April 23, 2024 Levy

- On March 12, 2024, deputy superintendent Wade Barringer emailed the KSD Leadership Team instructing principals and building administrators to engage in a targeted information campaign related to the April 2024 levy. Specifically, the email contained an attached form titled "AdminBldgPrincipal Responsibilities," instructing facility building administrators and principals to email the completed form with dates back to the District – noting: "This is a firm expectation that you request to be on the agenda of any community group that you belong to or attend meetings to present /play the levy ppt and distribute information." The email also requested principals to "identify meetings you will share levy video/materials" and instructed principals to "ask staff to spread word to remember to vote."
- On various dates, deputy superintendent Wade Barringer emailed District Staff instructing them to send reminder emails to encourage people/families to support the levy. Staff were told to include specific messages when communicating with the public, such as: "You are expected to make sure that these communications go out at the time indicated to all staff and families in your building." The messages included approximately 17 texts, 9 emails and 6 reader board messages over a period of approximately six (6) weeks before the election.

November 5, 2024 Levy:

- On October 15, 2024, the KSD held a listening session concerning the levy on the November 5, 2024, ballot. Those present included students and community members, attending both in-person and online. Numerous members of the District staff were also present, including Gordon Cook, Director of Facilities, Ro Pango, Executive Director of Finance, Kyle Olsen, Director of Technology, Brett Scriebner, Assistant Director of Capital Projects, Dave Bussard, Executive Director of Operations, and Dr. Wade Barringer. The meeting included a power point video presentation about the levy and a Q/A session between the community and staff. Toward the end of the meeting two KSD staff members, Dr. Wade Barringer and Dave Bussard, spoke and each provided emotional testimony related to the past failed levies and the potential negative outcomes if the current levy failed. The testimony given by staff went beyond statements of fact.
- On October 21, 2024, the KSD published a video to the District's YouTube channel titled "What happens if the Levy fails?" Dr. Wade Barringer, on many occasions in the video, links staffing cuts as an outcome if the levy fails. Specifically, he said "when levies and bonds fail, shortfalls in local and state funding come out of the general fund balance. KSD would be forced to address our critical needs by reducing technology and operation expenditure ... without the necessary funding, we face job losses that could impact our dedicated staff along with the deterioration of essential safety systems and equipment repairs. These cuts can not only threaten our students' learning environments but also the safety and wellbeing of our entire school community." The tenor, tone, and specific information presented in this video go beyond statements of fact and represent an attempt to promote the passage of the levy.
- On October 28, 2024, KSD communications staff sent an email to all staff reminding them to vote and identified the levy as a "critical measure" on the ballot. The email also provided a link to the video "What happens if the Levy fails." The timing of this email and linking to the video constitutes distribution of promotional materials as outlined in PDC Interpretation 01-03.

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 PDC has developed [Guidelines for School Districts in Election Campaigns](#), aka PDC Interpretation 01-03, 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 this information 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 promotional/marketing effort related to a campaign or election as normal and regular conduct.
- I acknowledge the KSD has previously been issued a Warning during election year 2022 for an alleged violation of RCW 42.17A.555 and has previously acknowledged a violation of RCW 42.17A.555 by signing a Statement of Understanding and paying a \$300 penalty in election year 2023. Regarding election year 2024 and the two ballot measures the KSD had in the Spring and Fall Special Elections, some of the communication materials distributed to the public concerning the two levies by the KSD and/or its vendor constituted the type of promotional/marketing effort that is prohibited under [RCW 42.17A.555](#).

I would like to avoid the time and expense of a Brief Adjudicative Proceeding (Brief Enforcement Hearing) being scheduled by PDC staff. Therefore, in lieu of a Brief Enforcement Hearing, I acknowledge the violation(s) of Washington State law as set forth above and agree to enter into this *Statement of Understanding* to resolve Case Nos. 162804 and 163926 with the PDC. Given the prior warning and violation described above, and in accordance with the Penalty Schedule set forth in WAC 390-37-143, I agree to pay a \$1000 penalty for my new violations of RCW 42.17A.555.

By signing this *Statement of Understanding*, I acknowledge the 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 *Statement of Understanding* and paying the \$1000 penalty, the violations alleged in PDC Case Nos. 162804 and 163926 are resolved.



Signature of Kent School District official



Date Signed

The signed Statement of Understanding (SOU) and \$1,000 penalty payment is due by **April 17, 2025**. See the options below for how to continue with either online, by mail, or in-person processing.

Electronic Payment Option

Please be aware, processing fees may apply. To start the process for making an online payment, do the following:

Email an electronic copy of the signed SOU to the Compliance Officers assigned to your case.

- A photo or scan of the signed SOU is acceptable. Do make sure that all parts of the SOU are within focus and readable.
- To email the signed SOU to the Compliance Officers, reply directly to the last email you had with each Compliance Officer and attach the document.
- The Compliance Officers must receive the signed SOU no later than **April 14, 2025**.
 - A signed SOU is required for the terms of the agreement to be fulfilled.
 - If we do not receive the SOU, your case will be scheduled for the next available hearing date. If this occurs, the Commission's Presiding Officer will hear the case.
 - If you send the SOU and payment electronically, you DO NOT need to mail a hard copy of the SOU to your Compliance Officer

Once the SOU is received, PDC staff will email a payment link and further instructions about how to make a payment.

- You must send the payment, via the link, no later than **April 17, 2025**.

Mail or In-Person Payment Option

To pay by check or money order, make the payment payable to "Washington State Treasurer," write your PDC Case Number in the Memo field, and mail or deliver the payment **and your signed SOU** to one of the addresses listed below, no later than **April 17, 2025**.

Regular mail:

Public Disclosure Commission

PO Box 40908

Olympia, WA 98504-0908

Overnight mail or in-person delivery:

Public Disclosure Commission

711 Capitol Way S, STE 206

Olympia, WA 98501-1267