



October 30, 2024

Public Disclosure Commission
ATTN: Tanya Mercier, Compliance Officer
P. O. Box 40908
Olympia, WA 98504-0908

Dear Public Disclosure Commission:

The Kent School District submits this response regarding the complaint alleging that the District used public resources to support a recent ballot measure in violation of **RCW 42.17A.555**. The complaint asserts the following:

- At the September 25, 2024, Board meeting, teachers from two schools spoke in favor of passing the levy measure.
- On October 21, 2024, the District posted a video on YouTube entitled “What Happens if the Levy Fails,” which highlighted staff cuts as one of the consequences.
- On October 15, 2024, Dr. Wade Barringer, Deputy Superintendent, appeared at a community session and allegedly made inflammatory statements related to the impact of a failed levy.
- On October 15, 2024, Dave Bussard, Executive Director of Operations, allegedly made inflammatory statements regarding the impact of voting against the levy, including potential consequences such as students losing heat, the inability to repair leaking roofs, or limited use of sports fields at a particular school.
- On October 28, 2024, the District sent an email and video that suggested that there would be staffing cuts if the proposed levy fails.

The District maintains that this conduct does not constitute an improper use of public resources, as follows:

1. **RCW 42.17A.555** does not restrict the right of any individual to express personal views regarding support for or opposition to any candidate or ballot measure, provided that such expression does not involve the use of public office or agency facilities (PDC Interpretation No. 01-03).
2. **RCW 42.17A.555** permits public agencies to (a) make facilities available on a nondiscriminatory, equal basis for political uses, and (b) present objective, factual information about a ballot measure if this action is part of the agency’s normal and regular conduct (PDC Interpretation No. 01-03).
3. **Comments at the September 25 Meeting Were Made by Members of the Public on Personal Time:** The comments in question were made during the public comment portion of the Board meeting by teachers speaking as members of the public on their own time, without direction from the District. Therefore, these views were personal and were not presented as the District’s official position. The teachers were not on the clock, as the meeting took place outside of work hours. The District adhered to its regular public comment procedures and did not respond to or engage with the comments.
4. **Content-Neutral Practice for Public Comments:** The Board has a longstanding practice of refraining from interrupting or stopping public comments based on

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content unless they are disruptive. No disruption occurred in this instance, and the comments were handled per this general policy.

5. **Public Comments Supporting or Opposing the Levy Do Not Violate RCW 42.17A.555:** Public comment time is made available on a nondiscriminatory, equal basis for both supportive and opposing views. Comments in favor of or against a political position during this time do not necessarily violate RCW 42.17A.555.
6. **The YouTube Video Presented an Objective and Fair Presentation of Facts:** The District asserts that the video in question was intended to provide objective, factual information to the community about the proposed property levy and its impacts on schools and educational programs. The purpose was to inform voters about the likely consequences of the levy's failure in a neutral and factual manner, consistent with PDC guidance. The statements in the video avoided speculative or secondary impacts and refrained from using inflammatory language or emotionally driven imagery.
7. **Comments Made at the October 15, 2024, Session Complied with RCW 42.17A.555:** Comments during the session illustrated the consequences of the levy's failure in a factual, neutral manner, specifically regarding impacts on staffing and building maintenance. Moreover, some statements referenced in the complaint were taken out of context. Dr. Barringer's comments were related to community trust, not specifically to the levy's failure. He responded to a community member's question on trust with the Board, emphasizing the general importance of community unity and the potential challenges of attracting staff in a divided environment. His comments addressed the broader issue of trust, not the levy vote.

In his response, Dr. Barringer prefaces his statement and says, "on your point about trust." He then discussed how if the community thinks that failing the levy will force out the Board or the Superintendent. He specifically refutes that point in his comments. He further stated that the lack of trust with the community, or a divided and broken community not willing to stand together, will impact the ability to attract staff in the future. These statements were not made about the passage of the levy, but the lack of trust in the community.

Mr. Bussard's statements were related to his role as Executive Director of Operations, emphasizing that building maintenance relies on levy funds. His statements did not use inflammatory language but highlighted the direct impact of the levy on staffing and facility upkeep, which is crucial given the District's reliance on levy funds.

8. **The October 28 Email and Video Contain an Objective Presentation of Facts:** The District asserts that the video in question was intended to provide objective, factual information to the community about the proposed property levy and its impacts on schools and educational programs. The purpose was to inform voters about the likely consequences of the levy's failure in a neutral and factual manner, consistent with PDC guidance. The statements in the video avoided speculative or secondary impacts and refrained from using inflammatory language or emotionally driven imagery.
9. **Resolution and Compliance with PDC Guidelines:** The District passed a resolution in support of the levy, as permitted under PDC guidelines. This

resolution allows the Board to adopt a position in favor of the levy and to express support accordingly.

Given these factors, the District asserts that there has been no violation of RCW 42.17A.555, as no public resources were used to support the ballot measure in the manner described.

We respectfully request that this complaint be dismissed. Please feel free to reach out with any further questions or if clarification is needed.

Respectfully,



Israel Vela
Superintendent

cc: Curtis Leonard, General Counsel
Wade Barringer, Deputy Superintendent
Carolyn Currie, Assistant to the Superintendent
Dave Bussard, Executive Director, Operations
Meghin Margel, KSD Board President