



**State of Washington
PUBLIC DISCLOSURE COMMISSION**

711 Capitol Way Rm. 206, PO Box 40908 • Olympia, Washington 98504-0908
(360) 753-1111 • FAX (360) 753-1112

Toll Free 1-877-601-2828 • E-mail: pdc@pdc.wa.gov • Website: www.pdc.wa.gov

August 27, 2018

Sent electronically to Dr. Calvin J. Watts, Kent School District at "calvin.watts@kent.k12.wa.us"

Subject: Complaint filed by Maxford Nelson, PDC Case 37217

Dear Dr. Watts:

Enclosed is a copy of a letter sent to Maxford Nelson, with the Freedom Foundation, concerning a complaint filed with the Public Disclosure Commission (PDC) against the Kent School District. The complaint alleged violations of RCW 42.17A.555 by using Kent School District facilities to process employee voluntarily withheld contributions designated for the Washington Education Association/s Political Action Committee (WEA-PAC) and the National Education Association Fund for Children and Education (NEA-FCPE).

As noted in the letter to Mr. Nelson, the PDC will not be conducting a more formal investigation into these allegations or taking enforcement action in this matter. If you have questions, you may contact Jennifer Hansen at 1-360-586-4560 toll-free at 1-877-601-2828, or by e-mail at jennifer.hansen@pdc.wa.gov

Sincerely,

/s _____
Jennifer Hansen
Compliance Officer

Endorsed by,

/s _____
Barbara Sandahl, Deputy Director
For Peter Lavalley, Executive Director



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August 27, 2018

Delivered electronically to Maxford Nelson at "mnelsen@freedomfoundation.com"

Subject: Complaint regarding Kent School District, PDC Case 37217

Dear Maxford Nelson:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on June 20, 2018 and the additional information provided on August 23, 2018. Your complaint alleged that the Kent School District may have violated RCW 42.17A.555 by using school district facilities to process employee voluntarily withheld contributions designated for the Washington Education Association's Political Action Committee (WEA-PAC), a political committee registered with the PDC, and the National Education Association Fund for Children and Education (NEA-FCPE).

PDC staff reviewed the allegations listed in your complaint, PDC statutes, rules and Interpretation #01-03, and the August 9, 2018 response from Curtis M. Leonard, Attorney for the Kent School District (KSD). As a result of staff's review, we found the following:

- RCW 42.17A.555 prohibits the use of public facilities to support or oppose candidates and ballot propositions, including the use of school district resources, equipment and employees.
- The Commission adopted PDC Interpretation 01-03, *Guidelines for School Districts in Election Campaigns*, which provides information concerning the use of public facilities including activities that are permitted or prohibited, activities which are part of the "normal and regular conduct" of the school district, and other general considerations.
- Mr. Leonard stated that under Washington State law, public employers, and school districts including the KSD, are permitted to process authorized withholding deductions from the wages or salary of employees of the KSD for the purpose of making political contributions. He stated that those authorized withholdings do not constitute impermissible conduct prohibited by RCW 42.17A.555 for the purpose of "assisting a campaign for election" or "the promotion of opposition to any ballot proposition."
- Mr. Leonard stated that under state law, KSD is expressly authorized to make withholdings or deductions from district employees in order to disburse funds from their salaries or wages as authorized by the employees. He stated that upon receiving the written request of at least ten percent of KSD employees, the district shall make deductions as authorized by KSD employees, subject to the limitations of school district equipment or personnel.
- Mr. Leonard stated KSD is required to process those authorizations and transfer those funds as directed by the district employees. In addition, KSD is authorized, as an employer, to withhold or divert a portion of

district employee's wages or salaries for contributions to political committees with the written authorization of the employee in accordance with RCW 42.17A.495(3). In addition, he added that the Commission adopted a form to be completed by the employees, which is found in WAC 390-17-100, and provides the required information to be included on the form in order for the employee's deductions to be properly documented.

- Finally, Mr. Leonard stated that nothing in the governing statutes or rules expressly prohibits KSD from processing employee payroll deductions for political purposes, since deductions would be consistent with the power or public employers under RCW 42.17A.495(3).

The Kent School District processes employee payroll deductions and other employee voluntary withholdings as part of the "normal and regular conduct" of the school district. No evidence was found that the district provided any preferential treatment concerning district employee's withholding of funds designated for the WEA-PAC and NEA-FCPE, and any other district employee withholdings for charitable contributions, deferred compensation, etc.

Staff has determined that in this instance, no evidence supports a finding of a material violation warranting further investigation. The PDC has closed the matter, and will not be conducting a more formal investigation into your complaint or pursuing further enforcement action in this case. If you have questions, you may contact Jennifer Hansen at 1-360-586-4560 toll-free at 1-877-601-2828, or by e-mail at jennifer.hansen@pdc.wa.gov.

Sincerely,

/s_____
Jennifer Hansen
Compliance Officer

Endorsed by,

/s_____
Barbara Sandahl
Deputy Director
For Peter Lavalley
Executive Director

cc: Dr. Calvin J,Watts, Kent School District