

**Mack, Sarah** reported via email (*Fri, 26 Jun 2020 at 5:25 PM*)

To: "pdc@pdc.wa.gov" <pdc@pdc.wa.gov>

Cc: [isaltzman@everettsd.org](mailto:isaltzman@everettsd.org) , [dvonogas@everettsd.org](mailto:dvonogas@everettsd.org) , [jedson@everettsd.org](mailto:jedson@everettsd.org)

Dear Ms. Blacksmith,

Attached please find the Response from Everett Public Schools to the below referenced complaint. Please do not hesitate to contact me if I can be of further assistance in your investigation.

Regards,  
Sarah



**Sarah Mack**  
**General Counsel**  
Superintendent's Office  
[smack@everettsd.org](mailto:smack@everettsd.org)  
425-385-4123 | 425-385-4102 Fax



PO Box 2098, Everett, WA 98213  
www.everettsd.org

June 26, 2020

Washington Public Disclosure Commission  
Attn: Tabatha Blacksmith  
711 Capitol Way S., #206  
P.O. Box 40908  
Olympia, WA 98504-0908

**RE: PDC Case No. 72467**

Dear Ms. Blacksmith:

As General Counsel for Everett Public Schools (“the District”), I am responding to your June 25, 2020, email on behalf of the District.

You have forwarded to the District a complaint made by Debra Blodgett on June 19, 2020, referenced as PDC Case No. 72467, which alleges that the District violated RCW 42.52.180 when it posted an open invitation to the community for an event held by State Representative John Lovick. Ms. Blodgett alleges that the district has misused public funds by “endorsing a political candidate.”

For the reasons described below, the District denies that it misused school district facilities to support the election campaign of Representative John Lovick.

**A. Background**

On June 18, 2020, the District posted an invitation to a virtual event called “A Celebration of Freedom” hosted by Representative John Lovick in recognition of “Juneteenth,” which was to be held virtually (online) on June 19, 2020. To the District’s knowledge, the virtual event was not a campaign event, nor was its purpose to promote Rep. Lovick’s campaign in any manner. Indeed, the message reviewed by the District before posting the invitation was as follows:

Please join Representative John Lovick and special guests at this very special virtual Juneteenth celebration! All are welcome! So get comfy with your food and beverage of choice and join the conversation! Bring your inspirational messages of peace, hope, and freedom to share with the group!

The District has a long history of making its facilities available to community members and organizations. Indeed, District Policy 4333, which is available on the District’s public website, encourages the public to use school facilities and authorizes the Superintendent to establish

procedures for such use. It is normal and regular for all sorts of individuals and organizations, including churches, community groups, governmental entities, and recreational organizations, among others, to use the District's facilities. In addition to allowing democratic candidates to use District facilities, the District has also allowed nonpartisan political organizations such as The League of Women Voters to use its facilities, as well as the Snohomish County Republican Party to hold its caucus in a District facility. Consequently, not only is it normal and regular for the District to allow use of its facilities by a wide variety of users, but it is also normal and regular for the District to allow such use by organizations that assist campaigns for the election of persons and that promote or oppose ballot propositions.

In addition, it is a normal and regular practice for the District to post community event invitations and information on its Facebook page, and it does not discriminate based on political affiliation or based on any protected status such as sex, race, creed, religion, color, national origin, age, veteran or military status, sexual orientation, gender expression or identity, disability or the use of a trained guide dog.

## **B. Response to Alleged Violations**

As an initial matter, while Ms. Blodgett alleges a violation of RCW 42.52.180 in her complaint, the District notes that it is not governed by that statute, which applies specifically to state officers and state employees. The District is neither.

To the extent that Ms. Blodgett intended to allege a violation of RCW 42.17A.555, the District responds as follows.

RCW 42.17A.555 prohibits elected officials, their employees, and persons appointed to or employed by a public office or agency from using or authorizing the use of public facilities, directly or indirectly, for the purpose of assisting a candidate's campaign, or for the promotion of or opposition to any ballot proposition. The District's posting of an invitation to a nonpartisan community event does not violate the statute as the purpose of posting the invitation was not to assist a candidate's campaign.

Indeed, given the community sentiment surrounding race, diversity, culture and climate during this time, and the messages received directly from the public to the District touching on these issues, the District determined that this event might have been of interest to the community, and simply posted the invitation on its Facebook page to provide notice of the event. The invitation itself is neutral and merely informs the public where to find further information or to register. Other than the fact the invitation included a political website address, the complaint contains no information addressing the content of the invitation or any factual information about the event warranting an inference that the invitation was intended to support a particular campaign. Further, it is important to note that the District neither included its own message regarding the event when it posted the invitation, nor did it represent that it was hosting the event. A true and correct copy of the way the invitation appeared on the District's Facebook page is attached.

In addition, Ms. Blodgett's allegation that the District hosted the event is factually inaccurate. The District neither hosted the event nor used its electronic media (Zoom account) to host the event. The invitation directed anyone who desired to register for the event to a third party website.

Even if the posting of this invitation on the District's Facebook page is considered to be the provision of its public facility for a political purpose, Washington Administrative Code (WAC) 390-05-271 provides that "RCW 42.17A.555 does not prevent a public office or agency from (a) making facilities available on a nondiscriminatory, equal access basis for political uses . . . if such action is part of the normal and regular conduct of the office or agency."

The District takes very seriously its obligation to inform patrons and taxpayers about important school events and issues while doing so consistent with the requirements of RCW 42.17.130. Indeed, the Everett School Board has adopted Policy and Procedure 4000 and 4000P, available on the District's public website, which emphasize the importance of two-way communications between its employees and the community. Likewise, the Board has adopted Policy 4120 and 4120P, also available on the District's public website, which explicitly "recognize[] that valuable social, recreation, and educational opportunities are available to families and students through nonprofit organizations and government entities in Snohomish County providing services for students" and provide procedures for disseminating such information.

Because of the District's geographic size and the size of its population (not to mention the travel challenges faced by various residents due to socioeconomic conditions), the District's Communications Department utilizes a number of different methods and means for communicating with the community, and has established a normal and regular practice of keeping patrons and parents of the District, as well as the general public, informed about school and community matters through: posters, Blackboard messages, automated phone calls, brochures/newsletters/etc., fliers, PowerPoint presentations, news releases, parent emails, Facebook postings, school newsletters, Twitter feeds, use of the District website, community forums (both live and virtual), reader boards, emails to administrators, emails to employees and public presentations. When utilizing these types of normal and regular means of dissemination of information, the District is aware of and makes every effort to comply with PDC guidelines.

In accordance with the guidelines, and as described above, it is not only normal and regular for the district to allow a variety of groups to utilize its facilities for political uses, it is also normal and regular for the District to post invitations and information on its Facebook page for community events sponsored by a variety of organizations, and the District does not prevent the posting of an event simply by virtue of political affiliation or any affiliation with a protected class. Samples of the types of invitations and fliers the District has disseminated on its Facebook page include:

- The Arc Art and Self Expression Zoom event;
- WANIC summer school registration announcement;
- Curb side pick up for Everett Public Library;
- AFA Aerospace Job Fair;

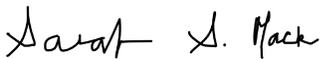
- My Life Matters march;
- Juneteenth celebration by Urban League of Metropolitan Seattle.

This illustrates the District's normal and regular conduct of informing its taxpayers and patrons about community issues and events that is frequent and wide-ranging. Whether information is provided about summer school, student initiatives, or community events, the District follows similar communication means, methods, and tools for disseminating such information.

Therefore, the District does not agree with Ms. Blodgett's allegation that posting an invitation to Rep. Lovick's Juneteenth event was anything other than normal and regular conduct of the District meant to fairly and accurately provide notice of an event of importance to the community. The channel used to disseminate the invitation was not only consistent with the District's usual and customary practice of informing patrons and taxpayers of community events, it was also consistent with what the community expects of the District in terms of providing transparent availability of such information.

Accordingly, for the reasons discussed in this response, the PDC should close its investigation into this matter and close this complaint file. Please let me know if you have any questions or if I can be of any further assistance to your investigation.

Regards,



Sarah S. Mack  
General Counsel  
smack@everettsd.org  
425-385-4123



**Everett Public Schools-WA**

Published by Linda Carbajal [?] · June 18 at 12:51 PM · 🌐

Representative John Lovick and his special guests invite you to a very special virtual Juneteenth celebration!

"All are welcome! So get comfy with your food and beverage of choice and join the conversation! Bring your inspirational messages of peace, hope, and freedom to share with the group!"



FRI, JUN 19

### Juneteenth: A Celebration of Freedom

Online Event

★ Interested

🍷 Party · 879 people

**2,240**  
People Reached

**170**  
Engagements

Boost Unavailable

👍❤️ 62



Everett Public Schools-WA



Published by Linda Carbajal [?] · June 17 at 9:30 AM · 🌐

# Aerospace JOB FAIR

*Presented by Aerospace Futures Alliance*

TUESDAY

**MAY 19, 2020**

9am-3pm



[AFA-WA.COM](http://AFA-WA.COM)

**AFA Aerospace Job Fair 2020 | afa-wa**

2020 AFA Aerospace Job Fair - connect with aerospace, space, and...



**Everett Public Schools-WA**

Published by Linda Carbajal [?] · June 19 at 3:09 PM · 🌐



**Everett Herald**

June 18 at 9:30 AM · 🌐

You can now order books online or by phone for curbside pickup from the Everett Public Library.



HERALDNET.COM

**Curbside service beckons bookworms at downtown  
Everett library | HeraldNet.com**



Everett Public Schools-WA

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Published by Linda Carbogal (1) · June 23 at 11:02 AM · 🌐

These young leaders are so inspirational! If you choose to attend, please remember Governor Inslee's mandate and wear a mask and practice social distancing. #BlackLivesMatter #EPS\_OurStudentsRock



Lowell Elementary

June 22 at 11:55 AM · 🌐

Lyric, a 3rd grade student at Lowell, is leading a peaceful racial equity march titled Lyric and Friends: My Life Matters! March on Sunday, June 28th starting a...

[See More](#)



Everett Public Schools-WA



Published by Linda Carbajal [?] · June 17 at 9:29 AM · 🌐



## Art & Self Expression Zoom Event (ages 10+)

Every Wednesday  
At 4:00pm

\*New time starts April 22<sup>nd</sup>

**All Abilities Welcome!**

Grab your art supplies and join us!



Join by computer, tablet,  
or smartphone

### Art & Self Expression

The Arc of Snohomish County - Online Event

WED, JUL 1

4:00 PM – 5:00 PM

★ Interested

WED, JUL 8

4:00 PM – 5:00 PM





Everett Public Schools-WA



Published by Linda Carbajal [?] · June 15 at 12:44 PM · 🌐

All are welcome to this virtual celebration.



Urban League of Metropolitan Seattle

👍 Like Page

June 15 at 11:02 AM · 🌐

🗨️ Happy Juneteenth Week!!! 🎉 🎉 🎉

Today marks the beginning of a week long virtual celebration in honor and remembrance Juneteenth! Tune in each day and c...

[See More](#)



URBANLEAGUE.ORG

Juneteenth Week 2020 | Urban League of Metropolitan Seattle



**Everett Public Schools-WA**

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Published by Linda Carbojal on June 12 at 12:39 PM · 🌐

Hey students who will be in 9th - 12th grade next year! Check out these awesome summer classes! If you do not have a laptop, remember, you may keep the one you have checked out through the summer.

**ONLINE APPLICATION PERIOD - June 11-18 - so don't wait, go check it out as soon as possible.**

## WANIC Summer Semester 2020

July 6-17



Monday - Friday 8:00 am - 3:00 pm



Online classes

Applications Accepted until 6/18

[wanic.org](http://wanic.org)

High School Career & Technical Education

WANIC Skill Center

June 11 at 3:34 PM · 🌐

👍 Like Page

July 6-17 Monday - Friday 8:00 AM - 3:00 PM