



**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: pdcc@pdcc.wa.gov • Website: www.pdcc.wa.gov

December 11, 2020

Delivered electronically to Scott Harker on behalf of Port Angeles School District at
“sharker@portangelesschools.org”

Subject: Complaint filed by Lisa K. Hitt, PDC Case 77320

Dear Mr. Harker:

Below is a copy of an electronic letter sent to Lisa K. Hitt concerning a complaint filed with the
Public Disclosure Commission (PDC).

As noted in the letter to Ms. Hitt, the PDC has dismissed this matter in accordance with RCW
42.17A.755(1) and will not conduct a more formal investigation into these allegations or take
further 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 pdcc@pdcc.wa.gov.

Sincerely,

Electronically signed

Jennifer Hansen
Compliance Officer

Endorsed by,

Electronically signed

Barbara Sandahl
Deputy Director
For Peter Lavallee
Executive Director



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December 11, 2020

Delivered electronically to Lisa K. Hitt at “hittley4@gmail.com”

Subject: Complaint regarding Port Angeles School District Officials, PDC Case 77320

Dear Ms. Hitt:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on September 14, 2020. The complaint alleged that the Officials of the Port Angeles School District (PASD), a public school district located in the City of Port Angeles and servicing nine public schools, may have violated: (1) RCW 42.17A.555 for failure to provide opportunities for opposing viewpoints during discussion of a local ballot measure; and (2) RCW 42.17A.565 for adverse employment action related to a public employee's contribution activity.

PDC staff reviewed the allegations; the applicable statutes and rules; the response provided by Director of Human Resources, Scott Harker, on behalf of PASD (the “Respondent”); and PDC Interpretation 01-03, to determine whether the record supports a finding of one or more violations.

Based on staff’s review, we found the following:

- PASD employs several paid and unpaid individuals, including teachers, administrative staff, a superintendent, and an elected school board. The PASD school board consists of five members and holds regular public meetings twice a month.
- RCW 42.17A.555 prohibits the use of public facilities to support or oppose a ballot proposition and includes four limited exceptions to these prohibitions. RCW 42.17A.555(1), specifically allows action taken at an open public meeting by an elected board, including school districts, to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose a ballot proposition so long as (a) any required notice of the meeting includes the title and number of the ballot proposition, and (b) members of the board or members of the public are afforded an approximately equal opportunity for the expression of an opposing view.
- 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”, permissible activities of elected officials and other general considerations.
- The complaint alleged that during the PASD’s regular school board meeting on December 12, 2019, the members of the board failed to provide equal opportunity to all

members of the public interested in making statements during the public comment portion of the meeting.

- In his response, Mr. Harker confirmed that the time allotted for public comment is set at three (3) minutes and stated that the first speaker, Steve Methner, spoke for approximately two minutes time and Lisa Hitt (the complainant) spoke for more than three minutes or approximately three minutes and forty-two seconds. Mr. Harker provided an audio recording of the public comment period and staff was able to verify the timing and the content of the comments given by all speakers.
- Staff reviewed PASD's Policy 1400 *Meeting Conduct, Order of Business and Quorum*, last revised February 14, 2019, which explicitly identifies how the public comment process is administered, how much time is allotted to each speaker and general topic limitations.
- RCW 42.17.565 prohibits a state or local official or state or local official's agent from providing an advantage or disadvantage to an employee or applicant for employment in the classified civil service based on the employee's or applicant's contribution or promise to contribute or failure to make a contribution or contribute to a political committee.
- The complaint alleged that that paid staff of PASD, discriminated against the complainant or otherwise had a negative impact on her employment, by not allowing the completion of a video project meant to be used for a school levy and then noting the absence of the video(s) in an employment review.
- The complaint included emails between the complainant and other PASD staff dated October 29 and 30, 2014. The emails discuss planning meetings for the creation and filming of the videos referenced in the complaint. The final email dated January 6, 2015 notifies the complainant of the project cancellation. The documentation also included several employee evaluations, the most recent one signed by Peggy Templeton on June 10, 2015, and a December 19, 2014 email from Ms. Templeton to the complainant requesting to see the video when complete for inclusion in the complainant's evaluation.
- In his response, Mr. Harker stated that there is "no evidence that her evaluation was based on anything regarding the levy election" and that the complainant had the opportunity to file a grievance through a separate process.

Regarding the first allegation, staff found no evidence that PASD's school board curtailed the complainant's December 12, 2019 public comments and found that the verbal interruptions appeared to be meant to remind the speaker of the board's written policy regarding public comments on a specific subject rather than to allow a question and answer period.

Regarding the second allegation, staff did not find that the complainant's video project was meant to be a political contribution to PASD's levy committee and found no evidence that PASD's staff acted in a discriminatory manner towards the complainant regarding the absence of the levy video(s) in violation of RCW 42.17A.565(2)(c).

Based on our findings staff has determined that, in this instance, no evidence supports a finding of a violation that warrants further investigation.

Based on this information, the PDC finds that no further action is warranted and has dismissed this matter in accordance with RCW 42.17A.755(1).

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 pdc@pdc.wa.gov.

Sincerely,

Electronically signed

Jennifer Hansen
Compliance Officer

Endorsed by,

Electronically signed

Barbara Sandahl
Deputy Director
For Peter Lavalley
Executive Director

cc: Scott Harker for Port Angeles School District Officials