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SUPERIOR COURT FOR THE STATE OF WASHINGTON
IN THE COUNTY OF KING

JOSEPH RILEY,

Plaintiff,

v.

KENT SCHOOL DISTRICT,

Defendant.

NO:

COMPLAINT FOR DISCLOSURE
UNDER THE PUBLIC RECORDS ACT

INTRODUCTION

The public has a right to know how well the Kent School District's superintendent has performed his job. But when Joseph Riley made a public records request for a summary sheet from the superintendent's 2022-23 performance review, the district refused to release it. That concealment is a violation of the Public Records Act (PRA), Chap. 42.56 RCW.

Mr. Riley brings this action to ensure full disclosure so that parents, students and taxpayers in Kent, Wash., may evaluate the top executive's management of the district and its 43 public schools. In addition to seeking an order for disclosure, Mr. Riley seeks an award of attorney fees and penalties as authorized by the PRA.

COMPLAINT - 1

Johnston George LLP
2800 1st Ave., Suite 226
Seattle, WA 98121
Phone: 206 832-1820/ Fax: 206 770-6393

1 I. JURISDICTION AND VENUE

2 1.1 The Kent School District (“district”) is located within King County, Washington. The
3 public records at issue are maintained in Kent, Wash.

4 1.2 This Court has jurisdiction pursuant to RCW 42.56.550(1). Venue lies in this court
5 pursuant to RCW 4.12.025(1) and RCW 42.56.550(1).

6 II. PARTIES

7 2.1 Joseph Riley is a resident of Kent, Wash. He made the public records request at issue in
8 this action.

9 2.2 The Kent School District operates common schools under Title 28A of the Revised Code
10 of Washington and article IX of the Washington Constitution. It is an “agency” as defined by RCW
11 42.56.010(1). The district is one of the largest in the state, serving more than 25,000 students and
12 reporting a general fund budget of more than \$530 million for 2023-24.

13 III. FACTS

14 3.1 On January 27, 2024, Mr. Riley made a public records request to the district “for the 2022-
15 2023 Superintendent Annual Plan/Evaluation Summary Rating Sheet.” He emailed the request to
16 PublicRecords@kent.k12.wa.us as instructed by the district’s website.

17 3.2 On January 31, Dawn Boster, an assistant to the district’s general counsel and designated
18 records officer at that time, sent an email to Mr. Riley acknowledging receipt of the request and
19 assigning 23-24-109 as the tracking number.

20 3.3 On February 7, Ms. Boster informed Mr. Riley that the district had closed the request
21 without production of the superintendent rating sheet. Attached to her email was a letter signed by
22 “Kent School District, No. 415.” The letter said:

1 The District has reviewed the 2022-2023 Superintendent Annual Plan/Evaluation
2 Summary Rating sheet, i.e. the document that is responsive to your request,
pursuant to your records request 23-24-109 dated January 27, 2024.

3 Your request is denied for the reasons which follow: The responsive documents do
4 not contain any references to instances of misconduct. As stated in Bacon v.
5 Washington Dept. of Corrections, 113 Wn.App.1007 (2002): “It is well settled in
6 this state that while “balancing of the employee’s privacy interest against the public
7 interest” is not allowed under RCW 42.17.255, the Court must balance the “public
interest in disclosure against the public interest in the “efficient administration of
government,” citing Dawson, v Daly, 120 Wn.2d 782, 797, 845 P.2d 995 (1993).
In cases where there is no misconduct reference in performance evaluations, such
documents are exempt from disclosure.

8 This is consistent with the right of a board to review the performance of an
9 employee in executive session under the Open Public Meetings Act, RCW
10 42.30.110(1)(g), to ensure the efficient, open and candid review by the Board of
11 Directors. Executive sessions, in turn, are generally confidential as to the public for
the same reasons, under RCW 42.23.030(4) and RCW 5.60 as the case may be; and,
enforced through RCW 42.20.100, RCW 9.80.010, the Superintendent-Board of
Directors Employment Contract, CR 65 and cases interpreting injunctive relief, and
the like.

12 At this time the District deems your records request 23-24-109 as closed.

13 (Footnote omitted; underlining in original).

14 3.4 Upon information and belief, the document being withheld from Mr. Riley reflects
15 concerns about Superintendent Israel Vela’s performance and elicited a rebuttal from him.

16 3.5 Upon information and belief, the Kent School Board has used the superintendent’s
17 performance evaluation (including the summary sheet at issue) as a factor in its decision-making.

18 3.6 Mr. Riley requested an identifiable record.

19 3.7 The requested record is not fully exempt from disclosure.

20 3.8 The district continues to unlawfully withhold the record.

21 CAUSE OF ACTION – PUBLIC RECORDS ACT

22 4.1 The allegations above are incorporated by reference herein.

23 4.2 The record requested by the plaintiff is a “public record” as defined by the PRA.

24 COMPLAINT - 3

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Phone: 206 832-1820/ Fax: 206 770-6393

1 4.3 The district violated RCW 42.56.070(1) and RCW 42.56.080 by failing to promptly
2 disclose a record, in whole or in part, upon request.

3 4.4 The district unlawfully withheld public records in the absence of any applicable exemption.

4 4.5 The district failed to provide the fullest assistance and most timely possible action on the
5 plaintiff's records request in violation of RCW 42.56.100.

6 V. REQUESTS FOR RELIEF

7 The plaintiff respectfully requests the following:

8 1. An order for the defendant to show cause, pursuant to RCW 42.56.550(1), why it denied
9 the plaintiff an opportunity to inspect or copy all non-exempt records requested;

10 2. An order declaring that the defendant agency violated the Public Records Act;

11 3. An award of penalties of up to \$100 per day for each record unlawfully withheld from the
12 plaintiff, pursuant to RCW 42.56.550(4);

13 4. An award of all costs, including reasonable attorney fees, as required by RCW
14 42.56.550(4); and

15 5. Such other relief as the Court deems proper.

16
17 Respectfully submitted this 8th day of April 2024.

18
19 BY: s/ Katherine A. George
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KING COUNTY SUPERIOR COURT
CASE ASSIGNMENT AREA DESIGNATION and CASE INFORMATION COVER SHEET
(CICS)

Pursuant to King County Code 4A.630.060, a faulty document fee of \$15 may be assessed to new case filings missing this sheet.

CASE NUMBER: _____
(Provided by the Clerk)

CASE CAPTION: Joseph Riley v. Kent School District
(New case: Print name of person starting case **vs.** name of person or agency you are filing against.)
(When filing into an existing family law case, the case caption remains the same as the original filing.)

Please mark one of the boxes below:

Seattle Area, defined as:

All of King County north of Interstate 90 and including all of the Interstate 90 right-of-way; all the cities of Seattle, Mercer Island, Bellevue, Issaquah and North Bend; and all of Vashon and Maury Islands.

Kent Area, defined as:

All of King County south of Interstate 90 except those areas included in the Seattle Case Assignment Area.

I certify that this case meets the case assignment criteria, described in King County LCR 82(e).

/s/ Katherine A. George 36288
Signature of Attorney WSBA Number

4/8/24
Date

or

Signature of person who is starting case

Date

Address, City, State, Zip Code of person who is starting case if not represented by attorney

KING COUNTY SUPERIOR COURT
CASE ASSIGNMENT AREA DESIGNATION and CASE INFORMATION COVER SHEET

CIVIL

Please check the category that best describes this case.

- | | |
|--|--|
| <p>APPEAL/REVIEW</p> <p><input type="checkbox"/> Administrative Law Review (ALR 2)
(Petition to the Superior Court for review of rulings made by state administrative agencies. Examples: DSHS Child Support, Good to Go passes, denial of benefits from Employment Security, DSHS)</p> <p><input type="checkbox"/> Board of Industrial Insurance Appeals – Workers Comp (ALRLI 2)*
(Petition to the Superior Court for review of rulings made by Labor & Industries.)</p> <p><input type="checkbox"/> DOL Revocation (DOL 2)*
(Appeal of a DOL revocation Implied consent-Test refusal ONLY.) RCW 46.20.308(9)</p> <p><input type="checkbox"/> Petition to Appeal/Amend Ballot Title (BAT 2)</p> <p><input type="checkbox"/> Subdivision Election Process Review (SER 2)*</p> <p><input type="checkbox"/> Voter Election Process Law Review (VEP 2)*
(Complaint for violation of voting rights act)</p> <p>CONTRACT/COMMERCIAL</p> <p><input type="checkbox"/> Breach of Contract (COM 2)*
(Complaint involving money dispute where a breach of contract is involved.)</p> <p><input type="checkbox"/> Commercial Contract (COM 2)*
(Complaint involving money dispute where a contract is involved.)</p> <p><input type="checkbox"/> Commercial Non-Contract (COL 2)*
(Complaint involving money dispute where no contract is involved.)</p> | <p><input type="checkbox"/> Third Party Collection (COL 2)*
(Complaint involving a third party over a money dispute where no contract is involved.)</p> <p>JUDGMENT</p> <p><input type="checkbox"/> Abstract, Judgment, Another County (ABJ 2)
(A certified copy of a judgment docket from another Superior Court within the state.)</p> <p><input type="checkbox"/> Confession of Judgment (CFJ 2)*
(The entry of a judgment when a defendant admits liability and accepts the amount of agreed-upon damages but does not pay or perform as agreed upon.)</p> <p><input type="checkbox"/> Foreign Judgment (from another State or Country) (FJU 2)
(Any judgment, decree, or order of a court of the United States, or of any state or territory, which is entitled to full faith and credit in this state.)</p> <p><input type="checkbox"/> Tax Warrant or Warrant (TAX 2)
(A notice of assessment by a state agency or self-insured company creating a judgment/lien in the county in which it is filed.)</p> <p><input type="checkbox"/> Transcript of Judgment (TRJ 2)
(A certified copy of a judgment from a court of limited jurisdiction (e.g. District or Municipal court) to a Superior Court.)</p> |
|--|--|

* The filing party will be given an appropriate case schedule at time of filing.

** Case schedule will be issued after hearing and findings.

PROPERTY RIGHTS

- Condemnation/Eminent Domain (CON 2)*
(Complaint involving governmental taking of private property with payment, but not necessarily with consent.)
- Foreclosure (FOR 2)*
(Complaint involving termination of ownership rights when a mortgage or tax foreclosure is involved, where ownership is not in question.)
- Land Use Petition (LUP 2)*
(Petition for an expedited judicial review of a land use decision made by a local jurisdiction.) RCW 36.70C.040
- Non-Residential Unlawful Detainer (Eviction) (UND 2)
(Commercial property eviction.)
- Property Fairness Act (PFA 2)*
(Complaint involving the regulation of private property or restraint of land use by a government entity brought forth by Title 64.)
- Quiet Title (QTI 2)*
(Complaint involving the ownership, use, or disposition of land or real estate other than foreclosure.)
- Residential Unlawful Detainer (Eviction) (UND 2)
(Complaint involving the unjustifiable retention of lands or attachments to land, including water and mineral rights.)

OTHER COMPLAINT/PETITION

- Action to Compel/Confirm Private Binding Arbitration (CAA 2)
(Petition to force or confirm private binding arbitration.)
- Application for Health & Safety Inspection (HSI 2)
- Assurance of Discontinuance (AOD 2)
(Filed by Attorney General's Office to prevent businesses from engaging in improper or misleading practices.)
- Birth Certificate Change(PBC 2)
(Petition to amend birth certificate)
- Bond Justification (PBJ 2)
(Bail bond company desiring to transact surety bail bonds in King County facilities.)
- Certificate of Rehabilitation (CRR 2)
(Petition to restore civil and political rights.)
- Certificate of Restoration Opportunity(CRP 2)
(Establishes eligibility requirements for certain professional licenses.)
- Change of Name (CHN 2)
(Petition for name change for reasons other than listed in RCW 4/24/130(5).)
- Confidential Change of Name (CHN 2)
(Petition for name change when domestic violence/anti-harassment issues require confidentiality under RCW 4/24/130(5).)
- Civil Commitment (sexual predator) (PCC 2)
(Petition to detain an individual involuntarily.)

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- | | |
|--|--|
| <input type="checkbox"/> Consumer Protection Act (CPA 2)*
(Complaint involving unfair and deceptive acts or practices.) | <input type="checkbox"/> Non-Judicial Filing (NJF 2)
(See probate section for TEDRA agreements. To file for the record document(s) unrelated to any other proceeding and where there will be no judicial review.) |
| <input type="checkbox"/> Emancipation of Minor (EOM 2)
(Petition by a minor for a declaration of emancipation.) | <input type="checkbox"/> Notice of Deposit of Surplus Funds (DSF 2)
(Deposit of extra money from a foreclosure after payment of expenses from sale and obligation secured by the deed of trust.) |
| <input type="checkbox"/> Employment (EMP 2)*
(Complaint regarding compliance with public employers sharing employee information with bargaining representatives.) | <input type="checkbox"/> Other Complaint/Petition (MSC 2)*
(Filing a Complaint/Petition for a cause of action not listed) |
| <input type="checkbox"/> Foreign Subpoena (OSS 2)
(To subpoena a King County resident or entity for an out of state case.) | <input type="checkbox"/> Perpetuation of Testimony (PPT 2)
(Action filed under CR 27) |
| <input type="checkbox"/> Frivolous Claim of Lien (FVL 2)
(Petition or Motion requesting a determination that a lien against a mechanic or materialman is excessive or unwarranted.) | <input type="checkbox"/> Petition to Remove Restricted Covenant (RRC 2)

Declaratory judgment action to strike discriminatory provision of real property contract. |
| <input type="checkbox"/> Injunction (INJ 2)*
(Complaint/petition to require a person to do or refrain from doing a particular thing.) | <input checked="" type="checkbox"/> Public records Act (PRA 2)*
(Action filed under RCW 42.56) |
| <input type="checkbox"/> Interpleader (IPL 2)
(Petition for the deposit of disputed earnest money from real estate, insurance proceeds, and/or other transaction(s).) | <input type="checkbox"/> Receivership (RCVR 2)
(The process of appointment by a court of a receiver to take custody of the property, business, rents and profits of a party to a lawsuit pending a final decision on disbursement or an agreement.) |
| <input type="checkbox"/> Malicious Harassment (MHA 2)*
(Suit involving damages resulting from malicious harassment.) RCW 9a.36.080 | <input type="checkbox"/> Relief from Duty to Register (RDR 2)
(Petition seeking to stop the requirement to register.) |
| <input type="checkbox"/> Minor Work Permit (MWP 2)
(Petition for a child under 14 years of age to be employed) | <input type="checkbox"/> Restoration of Firearm Rights (RFR 2) |

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(Petition seeking restoration of firearms rights under RCW 9.41.040 and 9.41.047.)

- School District-Required Action Plan (SDR 2)
(Petition filed requesting court selection of a required action plan proposal relating to school academic performance.)

- Seizure of Property from the Commission of a Crime-Seattle (SPC 2)*
(Seizure of personal property which was employed in aiding, abetting, or commission of a crime, from a defendant after conviction.)

- Seizure of Property Resulting from a Crime-Seattle (SPR 2)*
(Seizure of tangible or intangible property which is the direct or indirect result of a crime, from a defendant following criminal conviction. (e.g., remuneration for, or contract interest in, a depiction or account of a crime.))

- Structured Settlements- Seattle (TSS 2)*
(A financial or insurance arrangement whereby a claimant agrees to resolve a personal injury tort claim by receiving periodic payments on an agreed schedule rather than as a lump sum.)

- Vehicle Ownership (PVO 2)*
(Petition to request a judgment awarding ownership of a vehicle.)

TORT, ASBESTOS

- Personal Injury (ASP 2)*
(Complaint alleging injury resulting from asbestos exposure.)

- Wrongful Death (ASW 2)*

(Complaint alleging death resulting from asbestos exposure.)

TORT, MEDICAL MALPRACTICE

- Hospital (MED 2)*
(Complaint involving injury or death resulting from a hospital.)

- Medical Doctor (MED 2)*
(Complaint involving injury or death resulting from a medical doctor.)

- Other Health care Professional (MED 2)*
(Complaint involving injury or death resulting from a health care professional other than a medical doctor.)

TORT, MOTOR VEHICLE

- Death (TMV 2)*
(Complaint involving death resulting from an incident involving a motor vehicle.)

- Non-Death Injuries (TMV 2)*
(Complaint involving non-death injuries resulting from an incident involving a motor vehicle.)

- Property Damages Only (TMV 2)*
(Complaint involving only property damages resulting from an incident involving a motor vehicle.)

- Victims Vehicle Theft (VVT 2)*
(Complaint filed by a victim of car theft to recover damages.) RCW 9A.56.078

TORT, NON-MOTOR VEHICLE

- Other Malpractice (MAL 2)*
(Complaint involving injury resulting from other than professional medical treatment.)

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** Case schedule will be issued after hearing and findings.

not include lower court appeals or administrative law reviews.)

- Personal Injury (PIN 2)*
(Complaint involving physical injury not resulting from professional medical treatment, and where a motor vehicle is not involved.)
- Products Liability (TTO 2)*
(Complaint involving injury resulting from a commercial product.)
- Property Damages (PRP 2)*
(Complaint involving damage to real or personal property excluding motor vehicles.)
- Property Damages-Gang (PRG 2)*
(Complaint to recover damages to property related to gang activity.)
- Tort, Other (TTO 2)*
(Any other petition not specified by other codes.)
- Wrongful Death (WDE 2)*
(Complaint involving death resulting from other than professional medical treatment.)
- WRIT**
- Habeas Corpus (WHC 2)
(Petition for a writ to bring a party before the court.)
- Mandamus (WRM 2)**
(Petition for writ commanding performance of a particular act or duty.)
- Review (WRV 2)**
(Petition for review of the record or decision of a case pending in the lower court; does

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