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**ENGROSSED HOUSE BILL 1973**

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**State of Washington 67th Legislature 2022 Regular Session**

**By** Representatives Rude, Dolan, Eslick, Sutherland, and Gilday

AN ACT Relating to the recording of school board meetings; amending RCW 42.56.080 and 42.30.035; adding a new section to chapter 42.56 RCW; adding a new section to chapter 28A.320 RCW; and providing an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

**Sec.**  RCW 42.56.080 and 2017 c 304 s 2 are each amended to read as follows:

(1)(a) A public records request must be for identifiable records. A request for all or substantially all records prepared, owned, used, or retained by an agency is not a valid request for identifiable records under this chapter, provided that a request for all records regarding a particular topic or containing a particular keyword or name shall not be considered a request for all of an agency's records.

(b) A request for a recording required to be maintained by a school district board of directors under RCW 42.30.035(2) shall only be considered a valid request for an identifiable record when the date of the recording, or a range of dates, is specified in the request. When searching for and providing identifiable recordings, no search criteria except date must be considered by the school district.

(2) Public records shall be available for inspection and copying, and agencies shall, upon request for identifiable public records, make them promptly available to any person including, if applicable, on a partial or installment basis as records that are part of a larger set of requested records are assembled or made ready for inspection or disclosure. Agencies shall not deny a request for identifiable public records solely on the basis that the request is overbroad. Agencies shall not distinguish among persons requesting records, and such persons shall not be required to provide information as to the purpose for the request except to establish whether inspection and copying would violate RCW 42.56.070(8) or 42.56.240(14), or other statute which exempts or prohibits disclosure of specific information or records to certain persons. Agency facilities shall be made available to any person for the copying of public records except when and to the extent that this would unreasonably disrupt the operations of the agency. Agencies shall honor requests received in person during an agency's normal office hours, or by mail or email, for identifiable public records unless exempted by provisions of this chapter. No official format is required for making a records request; however, agencies may recommend that requestors submit requests using an agency provided form or web page.

(3) An agency may deny a bot request that is one of multiple requests from the requestor to the agency within a twenty-four hour period, if the agency establishes that responding to the multiple requests would cause excessive interference with other essential functions of the agency. For purposes of this subsection, "bot request" means a request for public records that an agency reasonably believes was automatically generated by a computer program or script.

NEW SECTION. **Sec.**  A new section is added to chapter 42.56 RCW to read as follows:

The failure to provide a recording of a school district board of directors meeting that is required to be recorded under RCW 42.30.035(2) shall not be a basis for finding that a requester has been denied an opportunity to inspect or copy a public record if the recording, despite the good faith efforts of the school district board of directors to create a recording, is unavailable or unintelligible due to technical issues.

**Sec.**  RCW 42.30.035 and 1953 c 216 s 3 are each amended to read as follows:

(1) The minutes of all regular and special meetings except executive sessions of such boards, commissions, agencies or authorities shall be promptly recorded and such records shall be open to public inspection.

(2) Except in the case of an emergency as provided for in RCW 42.30.070, and excluding executive sessions, all regular and special meetings of school district boards of directors at which a final action is taken or formal public testimony is accepted shall be audio recorded and such recordings shall be maintained for a period of not less than five years. The recording shall include the comments of the directors and the comments of members of the public, if any formal testimony was accepted from the public during the meeting. Subject to the limitations on identifiable records in RCW 42.56.080(1), such recordings must be provided electronically to the public upon request. It is not a violation of this chapter if a school board attempts to record a meeting in good faith and, due to technological issues, a recording is not made or if any or all of a recording is unintelligible. Whenever possible, school districts are encouraged to make the content of school board of directors meetings, or a summary thereof, available in formats accessible to individuals who need communication assistance and in languages other than English.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.320 RCW to read as follows:

The meetings of school district boards of directors are subject to the requirements of RCW 42.30.035(2).

NEW SECTION. **Sec.**  This act takes effect June 30, 2023.

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