

HOUSE BILL REPORT

EHB 1210

As Passed House:
February 1, 2023

Title: An act relating to the recording of school board meetings.

Brief Description: Concerning the recording of school board meetings.

Sponsors: Representatives Rude, Callan, Fey and Bergquist.

Brief History:

Committee Activity:

State Government & Tribal Relations: 1/17/23, 1/25/23 [DP].

Floor Activity:

Passed House: 2/1/23, 96-1.

Brief Summary of Engrossed Bill

- Specifies that a public records request for recordings of school district board of directors meetings must include the date of the meetings requested, or a range of dates.
- Provides that searches for public records need not include recordings of school district board meetings unless a date is given.
- Requires all school district board meetings to be audio recorded, subject to exceptions for executive sessions and emergencies, with recordings kept for at least one year.
- Encourages school districts to make the content of school board of directors meetings available in formats accessible to individuals who need communication assistance and in languages other than English.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL RELATIONS

Majority Report: Do pass. Signed by 7 members: Representatives Ramos, Chair;

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Stearns, Vice Chair; Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member; Gregerson, Low and Mena.

Staff: Jason Zolle (786-7124).

Background:

The Public Records Act.

The Public Records Act (PRA) generally requires state and local governmental entities to make many government records available to the public upon request. There are, however, over 500 statutory exemptions for certain records or information contained in records.

A request under the PRA must be for identifiable records. A person cannot request all or substantially all of the records of an agency. A person may, however, request all of the records regarding a particular topic or containing a particular keyword or name.

The Open Public Meetings Act.

The Open Public Meetings Act (OPMA) requires many governmental entities to conduct their meetings in public. Any member of the public is entitled to attend a meeting subject to the OPMA without having to provide a name or fulfill any other condition. Governing bodies may not vote by secret ballot and minutes of these meetings are open to public inspection.

The OPMA permits governmental entities to conduct meetings at sites other than the regular meeting site in emergency situations. Notice requirements do not apply to such meetings.

Governing bodies are permitted to hold nonpublic executive sessions for limited purposes. These purposes include:

- considering certain matters related to national security or a data security breach;
- considering real estate purchases or sales, when doing so publicly would affect the price;
- reviewing negotiations on publicly bid contracts, when doing so would increase costs;
- evaluating the performance of, or complaints or charges brought against, a public officer or employee;
- evaluating the qualifications of job applicants or candidates to appoint to elective office;
- discussing certain matters with legal counsel related to enforcement actions, litigation, or—in certain circumstances—potential litigation; and
- considering certain grant applications and grant awards.

Summary of Engrossed Bill:

The Public Records Act.

A PRA request for recordings of meetings of a school district board of directors must

specify the date of the meetings requested, or a range of dates. When a school district is searching for and providing records in response to a PRA request, the district is only required to consider whether the date of a meeting has been given.

It is not a violation of the PRA if the school district is unable to provide a recording of a school district board meeting because of technical issues.

The Open Public Meetings Act.

All regular and special meetings of a school district board of directors at which a final action is taken or formal public testimony is accepted must be audio recorded, except for:

- executive sessions; and
- meetings conducted in an emergency situation.

The audio recordings must include comments made by the directors and the public, if formal public testimony was accepted. Audio recordings must be kept for at least one year. It is not a violation of the OPMA if the school district attempts to record a meeting in good faith but, due to technological issues, a recording is not made or is unintelligible in whole or part.

Whenever possible, school districts are encouraged to make the content of school board of directors meetings available in formats accessible to individuals who need communication assistance and in languages other than English.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect on June 30, 2024.

Staff Summary of Public Testimony:

(In support) This bill passed unanimously last year. School board meetings must be accessible to the community for transparency and accountability purposes. People often hear stories of what happened in a meeting but there is no record of it. There is a low administrative burden to this bill; it sets a low bar, requiring only audio be recorded. The biggest concern is cost, but perhaps a budget proviso can help cover expenses. Cost is minimal, however, as someone can easily buy a recording app on a smartphone. The pandemic made recorded meetings commonplace and to stop recording them now would be misfeasance in government. This bill should be broader and apply to all public agencies. Being recorded doesn't stop someone from speaking their mind; the Legislature is recorded and people come to testify every day.

(Opposed) This bill will reduce conversations because audio recordings can be taken out of context and clips can be edited. Innocent remarks can be manipulated or misunderstood and

go viral on Facebook or TikTok. People are less likely to speak their mind if they are being recorded. School board meetings are already open to the public and meetings are posted online. When a record is created in an audio recording, people start asking for transcripts and translations. The bill does not come with money, and it will generate additional work. Local school boards should decide what they want to do according to the needs of their communities.

(Other) Requiring school boards to record will cause worry and fear that things will be taken from a recording and used against boards, students, or staff. That has the potential to squelch open discussion and dialogue. Requiring recordings will require additional set up and staffing, and it can be difficult if there is no set meeting location.

Persons Testifying: (In support) Representative Skyler Rude, prime sponsor; Joe Kunzler; and Rowland Thompson, Allied Daily Newspapers of Washington, Washington Newspaper Publishers Association, and Washington State Association of Broadcasters.

(Opposed) Jason Perrins, Chewelah School District.

(Other) Rob Roettger, Eastern Washington Quality Schools Coalition.

Persons Signed In To Testify But Not Testifying: None.