

SENATE BILL REPORT

EHB 1210

As Reported by Senate Committee On:
State Government & Elections, March 17, 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: Passed House: 2/1/23, 96-1.

Committee Activity: State Government & Elections: 2/17/23, 3/17/23 [DP].

Brief Summary of Bill

- Requires all school district board meetings to be audio recorded, subject to exceptions for executive sessions and emergencies, with recordings kept for one year.
- Specifies that a public records request for recordings of meetings of a school district board of directors must include the date of the meetings requested or a range of dates.
- 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.

SENATE COMMITTEE ON STATE GOVERNMENT & ELECTIONS

Majority Report: Do pass.

Signed by Senators Hunt, Chair; Valdez, Vice Chair; Wilson, J., Ranking Member; Dozier, Fortunato, Hasegawa and Kuderer.

Staff: Samuel Brown (786-7470)

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.

Background: Public Records Act. The Public Records Act (PRA), enacted in 1972 as part of Initiative 276, requires that all state and local government agencies make all public records available for public inspection and copying unless an exemption applies. Over 500 specific references in the PRA and other statutes remove certain information from application of the PRA, provide exceptions to the public disclosure and copying of certain information, or designate certain information as confidential. The provisions requiring public records disclosure must be interpreted liberally while the exemptions are interpreted narrowly to effectuate the general policy favoring disclosure.

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

Open Public Meetings Act. The meetings of the governing body of a public agency must, with limited exceptions, be open to the public. Any member of the public who wants to attend such a meeting must be permitted to do so without conditions, such as requiring the provision of a name or address, imposed on attendance. Governing bodies may not adopt any ordinance, resolution, rule, regulation, order, or directive outside of a properly noticed meeting that is open to the public.

The governing body of a public agency may enter into executive session for deliberations, and exclude the members of the public from the executive session, under certain circumstances. Minutes must be taken at all regular and special meetings and subsequently made available for public inspection

Summary of Bill: Recording School Board Meetings. Audio of comments made by the directors and the public at all regular and special meetings of a school district board of directors at which final action is taken or formal public testimony is accepted must be recorded. Executive sessions and emergency meetings need not be recorded. Audio recordings must be kept for at least one year.

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.

Requests for Recordings of School Board Meetings. Requests 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 must only consider whether the date of a meeting has been given.

A school district does not violate the Open Public Meetings Act or PRA if, after attempting in good faith, it is unable to record or provide a recording of a meeting of the board of directors because of technical issues.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony: PRO: This bill will require school board meetings to at least be audio recorded and partially available to the public via request. There are concerns by some that clips of students could be misused, but so far those have been unfounded. The retention period has been reduced. A budget proviso has been requested for grants to fund purchases of recording systems.

OTHER: This bill, concerning, only targets school boards. It should be expanded to other types of public meetings such as for public transit agencies. This could be used for “gotcha” politics with the educational industry.

Persons Testifying: PRO: Representative Skyler Rude, Prime Sponsor.

OTHER: Joe Kunzler, None.

Persons Signed In To Testify But Not Testifying: No one.