

HOUSE BILL REPORT

HB 1973

As Reported by House Committee On:
State Government & Tribal Relations

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

Brief Description: Concerning the recording of school board meetings.

Sponsors: Representatives Rude, Dolan, Eslick, Sutherland and Gilday.

Brief History:

Committee Activity:

State Government & Tribal Relations: 1/24/22, 1/27/22 [DP].

Brief Summary of Bill

- 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.
- 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 five years.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL RELATIONS

Majority Report: Do pass. Signed by 7 members: Representatives Valdez, Chair; Lekanoff, Vice Chair; Volz, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Dolan, Graham and Gregerson.

Staff: Jason Zolle (786-7124).

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:

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 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. 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.

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 five years.

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.

Appropriation: None.

Fiscal Note: Requested on January 19, 2022.

Effective Date: The bill takes effect on June 30, 2023.

Staff Summary of Public Testimony:

(In support) Many school board meetings are recorded only through minutes, which are insufficient to describe the conversations held around motions and votes. It is important for people to have a certain level of access to school board meetings. The bill is designed narrowly to keep administrative costs for school districts low. People will not be able to request district recordings based on content—only by date. There are many ways a school district could comply: (1) a district could post recordings on YouTube; (2) Zoom allows for meetings to be recorded; or (3) cell phone applications can record meeting audio. But overall, this bill increases transparency for parents and members of the public who are unable to attend meetings.

(Opposed) None.

(Other) School boards are a space for safe, open, and transparent public comment. It is good that this bill provides relief to school districts when they face technical issues when recording. Some small school districts may need additional equipment and staff to satisfy the recording requirements, which will come at a cost. Perhaps executive sessions should also be recorded but made exempt from disclosure. This bill will help the media cover school districts, especially smaller ones that are not currently recording.

Persons Testifying: (In support) Representative Skyler Rude, prime sponsor.

(Other) Marissa Rathbone, Washington State School Directors' Association; and Rowland Thompson, Allied Daily Newspapers and Washington State Association of Broadcasters.

Persons Signed In To Testify But Not Testifying: None.