
HOUSE BILL 2522

State of Washington

59th Legislature

2006 Regular Session

By Representatives Nixon and Ericks

Read first time 01/10/2006. Referred to Committee on State Government Operations & Accountability.

1 AN ACT Relating to disclosure of documented investigations of and
2 complaints against public school employees; amending RCW 28A.320.160
3 and 42.56.070; and providing an effective date.

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

5 **Sec. 1.** RCW 28A.320.160 and 2005 c 274 s 244 are each amended to
6 read as follows:

7 (1) School districts must, at the first opportunity but in all
8 cases within forty-eight hours of receiving a report alleging sexual
9 misconduct by a school employee, notify the parents of a student
10 alleged to be the victim, target, or recipient of the misconduct.
11 School districts shall provide parents with information regarding their
12 rights under the public records act, chapter 42.56 RCW, to request the
13 public records regarding school employee discipline. This information
14 shall be provided to all parents on an annual basis.

15 (2)(a) All documented information maintained by a public school
16 district relating to complaints against or investigations of any school
17 district employee for alleged or actual sexual abuse, harassment,
18 physical abuse, or any other allegation of misconduct involving a
19 student, is subject to disclosure, except as follows: Names,

1 addresses, telephone numbers, dates of birth, and any other information
2 that would reasonably lead to the identification of the victims or
3 witnesses named in the documented information must be redacted before
4 disclosure.

5 (b) As used in this subsection (2), documented information includes
6 correspondence, writing, notes, statements, and records of school board
7 or other administrative action considered or taken, regardless of
8 physical form or characteristics.

9 **Sec. 2.** RCW 42.56.070 and 2005 c 274 s 284 are each amended to
10 read as follows:

11 (1) Each agency, in accordance with published rules, shall make
12 available for public inspection and copying all public records, unless
13 the record falls within the specific exemptions of subsection (6) of
14 this section, this chapter, or other statute which exempts or prohibits
15 disclosure of specific information or records. To the extent required
16 to prevent an unreasonable invasion of personal privacy interests
17 protected by this chapter, an agency shall delete identifying details
18 in a manner consistent with this chapter when it makes available or
19 publishes any public record; however, in each case, the justification
20 for the deletion shall be explained fully in writing.

21 (2) For informational purposes, each agency shall publish and
22 maintain a current list containing every law, other than those listed
23 in this chapter, that the agency believes exempts or prohibits
24 disclosure of specific information or records of the agency. An
25 agency's failure to list an exemption shall not affect the efficacy of
26 any exemption.

27 (3) Each local agency shall maintain and make available for public
28 inspection and copying a current index providing identifying
29 information as to the following records issued, adopted, or promulgated
30 after January 1, 1973:

31 (a) Final opinions, including concurring and dissenting opinions,
32 as well as orders, made in the adjudication of cases;

33 (b) Those statements of policy and interpretations of policy,
34 statute, and the Constitution which have been adopted by the agency;

35 (c) Administrative staff manuals and instructions to staff that
36 affect a member of the public;

1 (d) Planning policies and goals, and interim and final planning
2 decisions;

3 (e) Factual staff reports and studies, factual consultant's reports
4 and studies, scientific reports and studies, and any other factual
5 information derived from tests, studies, reports, or surveys, whether
6 conducted by public employees or others; (~~and~~)

7 (f) Correspondence, and materials referred to therein, by and with
8 the agency relating to any regulatory, supervisory, or enforcement
9 responsibilities of the agency, whereby the agency determines, or
10 opines upon, or is asked to determine or opine upon, the rights of the
11 state, the public, a subdivision of state government, or of any private
12 party; and

13 (g) Documented information maintained by a public school district
14 relating to complaints against or investigations of any school district
15 employee for alleged or actual sexual abuse, harassment, physical
16 abuse, or any other allegation of misconduct involving a student.

17 (4) A local agency need not maintain such an index, if to do so
18 would be unduly burdensome, but it shall in that event:

19 (a) Issue and publish a formal order specifying the reasons why and
20 the extent to which compliance would unduly burden or interfere with
21 agency operations; and

22 (b) Make available for public inspection and copying all indexes
23 maintained for agency use.

24 (5) Each state agency shall, by rule, establish and implement a
25 system of indexing for the identification and location of the following
26 records:

27 (a) All records issued before July 1, 1990, for which the agency
28 has maintained an index;

29 (b) Final orders entered after June 30, 1990, that are issued in
30 adjudicative proceedings as defined in RCW 34.05.010 and that contain
31 an analysis or decision of substantial importance to the agency in
32 carrying out its duties;

33 (c) Declaratory orders entered after June 30, 1990, that are issued
34 pursuant to RCW 34.05.240 and that contain an analysis or decision of
35 substantial importance to the agency in carrying out its duties;

36 (d) Interpretive statements as defined in RCW 34.05.010 that were
37 entered after June 30, 1990; and

1 (e) Policy statements as defined in RCW 34.05.010 that were entered
2 after June 30, 1990.

3 Rules establishing systems of indexing shall include, but not be
4 limited to, requirements for the form and content of the index, its
5 location and availability to the public, and the schedule for revising
6 or updating the index. State agencies that have maintained indexes for
7 records issued before July 1, 1990, shall continue to make such indexes
8 available for public inspection and copying. Information in such
9 indexes may be incorporated into indexes prepared pursuant to this
10 subsection. State agencies may satisfy the requirements of this
11 subsection by making available to the public indexes prepared by other
12 parties but actually used by the agency in its operations. State
13 agencies shall make indexes available for public inspection and
14 copying. State agencies may charge a fee to cover the actual costs of
15 providing individual mailed copies of indexes.

16 (6) A public record may be relied on, used, or cited as precedent
17 by an agency against a party other than an agency and it may be invoked
18 by the agency for any other purpose only if:

19 (a) It has been indexed in an index available to the public; or

20 (b) Parties affected have timely notice (actual or constructive) of
21 the terms thereof.

22 (7) Each agency shall establish, maintain, and make available for
23 public inspection and copying a statement of the actual per page cost
24 or other costs, if any, that it charges for providing photocopies of
25 public records and a statement of the factors and manner used to
26 determine the actual per page cost or other costs, if any.

27 (a) In determining the actual per page cost for providing
28 photocopies of public records, an agency may include all costs directly
29 incident to copying such public records including the actual cost of
30 the paper and the per page cost for use of agency copying equipment.
31 In determining other actual costs for providing photocopies of public
32 records, an agency may include all costs directly incident to shipping
33 such public records, including the cost of postage or delivery charges
34 and the cost of any container or envelope used.

35 (b) In determining the actual per page cost or other costs for
36 providing copies of public records, an agency may not include staff
37 salaries, benefits, or other general administrative or overhead

1 charges, unless those costs are directly related to the actual cost of
2 copying the public records. Staff time to copy and mail the requested
3 public records may be included in an agency's costs.

4 (8) An agency need not calculate the actual per page cost or other
5 costs it charges for providing photocopies of public records if to do
6 so would be unduly burdensome, but in that event: The agency may not
7 charge in excess of fifteen cents per page for photocopies of public
8 records or for the use of agency equipment to photocopy public records
9 and the actual postage or delivery charge and the cost of any container
10 or envelope used to mail the public records to the requestor.

11 (9) This chapter shall not be construed as giving authority to any
12 agency, the office of the secretary of the senate, or the office of the
13 chief clerk of the house of representatives to give, sell or provide
14 access to lists of individuals requested for commercial purposes, and
15 agencies, the office of the secretary of the senate, and the office of
16 the chief clerk of the house of representatives shall not do so unless
17 specifically authorized or directed by law: PROVIDED, HOWEVER, That
18 lists of applicants for professional licenses and of professional
19 licensees shall be made available to those professional associations or
20 educational organizations recognized by their professional licensing or
21 examination board, upon payment of a reasonable charge therefor:
22 PROVIDED FURTHER, That such recognition may be refused only for a good
23 cause pursuant to a hearing under the provisions of chapter 34.05 RCW,
24 the Administrative Procedure Act.

25 NEW SECTION. **Sec. 3.** This act takes effect July 1, 2006.

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