

ESHB 1329 - S AMD TO SGE COMM AMD (S-4761.1/22) **1416**
By Senator Dozier

NOT ADOPTED 03/03/2022

1 On page 12, after line 15, insert the following:

2 "Sec. 15. RCW 42.56.080 and 2017 c 304 s 2 are each amended to
3 read as follows:

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

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

18 (2) Public records shall be available for inspection and copying,
19 and agencies shall, upon request for identifiable public records,
20 make them promptly available to any person including, if applicable,
21 on a partial or installment basis as records that are part of a
22 larger set of requested records are assembled or made ready for
23 inspection or disclosure. Agencies shall not deny a request for
24 identifiable public records solely on the basis that the request is
25 overbroad. Agencies shall not distinguish among persons requesting
26 records, and such persons shall not be required to provide
27 information as to the purpose for the request except to establish
28 whether inspection and copying would violate RCW 42.56.070(8) or
29 42.56.240(14), or other statute which exempts or prohibits disclosure
30 of specific information or records to certain persons. Agency
31 facilities shall be made available to any person for the copying of
32 public records except when and to the extent that this would

1 unreasonably disrupt the operations of the agency. Agencies shall
2 honor requests received in person during an agency's normal office
3 hours, or by mail or email, for identifiable public records unless
4 exempted by provisions of this chapter. No official format is
5 required for making a records request; however, agencies may
6 recommend that requestors submit requests using an agency provided
7 form or web page.

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

15 NEW SECTION. **Sec. 16.** A new section is added to chapter 42.56
16 RCW to read as follows:

17 The failure to provide a recording of a school district board of
18 directors meeting that is required to be recorded under RCW
19 42.30.035(2) shall not be a basis for finding that a requester has
20 been denied an opportunity to inspect or copy a public record if the
21 recording, despite the good faith efforts of the school district
22 board of directors to create a recording, is unavailable or
23 unintelligible due to technical issues.

24 **Sec. 17.** RCW 42.30.035 and 1953 c 216 s 3 are each amended to
25 read as follows:

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

30 (2) Except in the case of an emergency as provided for in RCW
31 42.30.070, and excluding executive sessions, all regular and special
32 meetings of school district boards of directors at which a final
33 action is taken or formal public testimony is accepted shall be audio
34 recorded and such recordings shall be maintained for a period of not
35 less than five years. The recording shall include the comments of the
36 directors and the comments of members of the public, if any formal
37 testimony was accepted from the public during the meeting. Subject to
38 the limitations on identifiable records in RCW 42.56.080(1), such

1 recordings must be provided electronically to the public upon
2 request. It is not a violation of this chapter if a school board
3 attempts to record a meeting in good faith and, due to technological
4 issues, a recording is not made or if any or all of a recording is
5 unintelligible. Whenever possible, school districts are encouraged to
6 make the content of school board of directors meetings, or a summary
7 thereof, available in formats accessible to individuals who need
8 communication assistance and in languages other than English.

9 NEW SECTION. Sec. 18. A new section is added to chapter 28A.320
10 RCW to read as follows:

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

13 NEW SECTION. Sec. 19. Sections 15 through 18 of this act take
14 effect June 30, 2023."

15 Renumber the remaining section consecutively and correct any
16 internal references accordingly.

17 On page 12, line 23, after "42.30.110," strike "and 42.30.900"
18 and insert "42.30.900, 42.56.080, and 42.30.035"

19 On page 12, line 23, after "RCW;" insert "adding a new section to
20 chapter 42.56 RCW; adding a new section to chapter 28A.320 RCW;"

21 On page 12, line 24, after "section;" insert "providing an
22 effective date;"

EFFECT: (1) Requires that audio recordings be made of all school board meetings except for executive sessions and emergency meetings.

(2) Requires retention of school board meeting audio recordings for at least five years.

(3) Specifies that a public records request for school board meeting audio recordings include the date or range of dates requested.

(4) Encourages school districts to make the content of school board meetings available in formats accessible to individuals who need communication assistance and in languages other than English.

(5) Clarifies that school districts do not violate open government laws for being unable to record a school board meeting in good faith if technical issues are encountered.

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