

SENATE BILL REPORT

EHB 1973

As of February 16, 2022

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: Passed House: 2/8/22, 95-0.

Committee Activity: State Government & Elections: 2/16/22.

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 five years.
- 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

Staff: Samuel Brown (786-7470)

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

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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 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, if formal public testimony was accepted, at 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 recorded. Executive sessions and emergency meetings need not be recorded.

Audio recordings must be kept for at least five years. 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.

Technological Issues. A school district does not violate the OPMA or PRA if it is unable to record, after attempting in good faith, 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, 2023.

Staff Summary of Public Testimony: PRO: I discovered I couldn't go back and watch school board meetings that I was unable to attend, and reading the minutes lacked context. This is crafted in a narrow way to keep administrative burdens down for school districts. School districts already posting meetings online would be in compliance with the bill. Audio requires less storage space than video, and administrators only have to respond to a specific date range rather than look for content or subject matter. This is a great step toward transparency in the school system that will increase collaboration between school board members and parents. This will enable the public to hear all the information that's presented to school boards. Newspapers and broadcasters appreciated the outreach while the bill was being perfected.

OTHER: It's curious that only school boards have to take on these requirements. Minutes are always published, associated with documents before boards, and represent an accurate record. Transcripts are almost always requested along with recordings, and the impact of publishing, transcribing, and translating transcripts is quite significant. The Legislature is already adding eight new requirements for school districts this year alone. This should be voluntary so it's not an unfunded mandate. Some school districts are doing this already. Flexibility and financial support are needed, especially for smaller school districts which will need to purchase equipment and use staff time.

Persons Testifying: PRO: Representative Skyler Rude, Prime Sponsor; Julie Barrett, Conservative Ladies of Washington; Joe Kunzler; Rowland Thompson, Allied Daily Newspapers and Washington State Association of Broadcasters.

OTHER: Marissa Rathbone, Washington State School Directors' Association; Travis Hanson, Superintendent, Deer Park School District.

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