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ENGROSSED HOUSE BILL 1973

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State of Washington

67th Legislature

2022 Regular Session

By Representatives Rude, Dolan, Eslick, Sutherland, and Gilday

Read first time 01/13/22. Referred to Committee on State Government & Tribal Relations.

1 AN ACT Relating to the recording of school board meetings;  
2 amending RCW 42.56.080 and 42.30.035; adding a new section to chapter  
3 42.56 RCW; adding a new section to chapter 28A.320 RCW; and providing  
4 an effective date.

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

6 **Sec. 1.** RCW 42.56.080 and 2017 c 304 s 2 are each amended to  
7 read as follows:

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

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

1 (2) Public records shall be available for inspection and copying,  
2 and agencies shall, upon request for identifiable public records,  
3 make them promptly available to any person including, if applicable,  
4 on a partial or installment basis as records that are part of a  
5 larger set of requested records are assembled or made ready for  
6 inspection or disclosure. Agencies shall not deny a request for  
7 identifiable public records solely on the basis that the request is  
8 overbroad. Agencies shall not distinguish among persons requesting  
9 records, and such persons shall not be required to provide  
10 information as to the purpose for the request except to establish  
11 whether inspection and copying would violate RCW 42.56.070(8) or  
12 42.56.240(14), or other statute which exempts or prohibits disclosure  
13 of specific information or records to certain persons. Agency  
14 facilities shall be made available to any person for the copying of  
15 public records except when and to the extent that this would  
16 unreasonably disrupt the operations of the agency. Agencies shall  
17 honor requests received in person during an agency's normal office  
18 hours, or by mail or email, for identifiable public records unless  
19 exempted by provisions of this chapter. No official format is  
20 required for making a records request; however, agencies may  
21 recommend that requestors submit requests using an agency provided  
22 form or web page.

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

30 NEW SECTION. **Sec. 2.** A new section is added to chapter 42.56  
31 RCW to read as follows:

32 The failure to provide a recording of a school district board of  
33 directors meeting that is required to be recorded under RCW  
34 42.30.035(2) shall not be a basis for finding that a requester has  
35 been denied an opportunity to inspect or copy a public record if the  
36 recording, despite the good faith efforts of the school district  
37 board of directors to create a recording, is unavailable or  
38 unintelligible due to technical issues.

1       **Sec. 3.** RCW 42.30.035 and 1953 c 216 s 3 are each amended to  
2 read as follows:

3       (1) The minutes of all regular and special meetings except  
4 executive sessions of such boards, commissions, agencies or  
5 authorities shall be promptly recorded and such records shall be open  
6 to public inspection.

7       (2) Except in the case of an emergency as provided for in RCW  
8 42.30.070, and excluding executive sessions, all regular and special  
9 meetings of school district boards of directors at which a final  
10 action is taken or formal public testimony is accepted shall be audio  
11 recorded and such recordings shall be maintained for a period of not  
12 less than five years. The recording shall include the comments of the  
13 directors and the comments of members of the public, if any formal  
14 testimony was accepted from the public during the meeting. Subject to  
15 the limitations on identifiable records in RCW 42.56.080(1), such  
16 recordings must be provided electronically to the public upon  
17 request. It is not a violation of this chapter if a school board  
18 attempts to record a meeting in good faith and, due to technological  
19 issues, a recording is not made or if any or all of a recording is  
20 unintelligible. Whenever possible, school districts are encouraged to  
21 make the content of school board of directors meetings, or a summary  
22 thereof, available in formats accessible to individuals who need  
23 communication assistance and in languages other than English.

24       NEW SECTION.   **Sec. 4.** A new section is added to chapter 28A.320  
25 RCW to read as follows:

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

28       NEW SECTION.   **Sec. 5.** This act takes effect June 30, 2023.

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