

Public Records Act (PRA) and  
Records Retention Training for  
School District Directors

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**Target Audience for this Training**

**Specifically for Directors serving  
on public school district boards in  
Washington State**

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**Why Must Directors Be Familiar  
With Washington Public Record Laws?**

1. As an elected official, what you say becomes available to public;
2. State law mandates training;
3. Compliance is costly budget item;
4. Violations are even more costly.

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**Purpose of the PRA**

The people of this state do not yield their sovereignty to the agencies that serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may maintain control over the instruments that they have created. . .

RCW 42.56.030

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**Purpose of the PRA**

In order to further public purpose:

- PRA broadly interpreted
- No document volume or scope limit
- Tight deadlines (5 day response)
- Cost largely absorbed by District
- Stiff penalties for violations

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**What Directors Should Know  
About Public Records**

1. What is a public record?
2. What happens to the public records you create?
3. What happens when someone requests records from your school district?
4. Why is it so costly to respond to record requests?

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**What Directors Should Know**  
**About Public Records**

What is a public record?

A writing (including electronic) containing information related to the conduct of government, which is prepared, used or retained by the District.

Defined very broadly to include nearly all records held or used by the District

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**What Directors Should Know**  
**About Public Records**

What is a public record?

Keep in mind that you, as an elected representative of the District, are potentially creating a public record every time you email, text or tweet about district business

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**What Directors Should Know**  
**About Public Records**

**Legally Required to Retain Public Records:**

RCW 40.14.020: All public records shall be and remain the property of the state of Washington. They shall be delivered by outgoing officials and employees to their successors and shall be preserved, stored, transferred, destroyed or disposed of, and otherwise managed, only in accordance with the provisions of this chapter. . .

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**What Directors Should Know**  
**About Public Records**

What happens to the public records you create?

1. Triggers retention requirements;
2. District must be able to search and retrieve to respond to Public Records Act requests.

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**What Directors Should Know**  
**About Public Records**

Record retention requirements depend on subject, not form, of writing, *e.g.*:

1. School board meeting minutes (6 years after calendar year, then transfer to state);
2. Student official records = 100 years
3. Student discipline files = 3 years
4. *Generally* your communications – 2 years
5. Employee investigations – 3 years after closed if misconduct found.

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**What Directors Should Know**  
**About Public Records**

Detailed rules and schedules re records retention requirements :

Washington State Archives, Office of the Secretary of State

Local Government Common Records Retention Schedule (CORE):  
<http://www.sos.wa.gov/archives/recordsretentionschedules.aspx>

Additional schedules expressly for school districts and ESDs:  
<http://www.sos.wa.gov/assets/archives/RecordsManagement/School-Districts-and-Educational-Service-Districts-RRS-ver-8.0.pdf>

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**What Directors Should Know**  
**About Public Records**

**What you should know:**

1. Detailed rules and schedules re records retention requirements;
2. Must be able to search and retrieve to respond to Public Records Act requests.

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**What Directors Should Know**  
**About Public Records**

**What happens when someone requests public records from your school district?**

1. Required to respond within 5 business days;
2. If can't gather all documents in 5 days, must provide reasonable time estimate;
3. Not permitted to claim request is too burdensome;
4. District is responsible to find all responsive documents;
5. Must produce all responsive documents or give specific legal reason for withholding all of part of a document;
6. Severe penalties for not locating, failing to provide or wrongfully withholding a document.

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**What Directors Should Know**  
**About Public Records**

**What happens when someone requests public records from my school district?**

7. After responsive documents are located, need to review for exemptions from PRA disclosure requirements;
8. Long list in multiple locations;
9. Redact exempt/confidential information;
10. If any document is withheld or redacted, need to provide legal basis;
11. Notify requestor that documents are available for inspection and copying.

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### What Directors Should Know About Public Records

Why does it cost school districts so much to respond to Public Records Act requests?

1. Steps 1-11 on prior two slides must be done at District cost—may not charge for anything but actual copying costs (max. 15¢/page) and mailing cost if requestor wants documents mailed;
2. Document management systems often have limited capabilities;
3. Users sometimes have personal caches of documents;
4. After documents are located, need to review for exemptions from PRA disclosure requirements; may require legal assistance;
5. PRA requests must be responded to within 5 days regardless of other needs—even in July or the week school starts.

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### What Directors Should Know About Public Records

Why does it cost school districts so much to respond to Public Records Act requests?

Errors in responding to PRA requests are even more costly:

1. Fines up to \$100 per day,
  - a) Even if innocent mistake,
  - b) Even if duty to disclose was unclear;
2. Pay attorneys' fees and costs to anyone who sues and prevails;
3. Pay District's own attorneys' fees and costs;

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### What Directors Should Know About Public Records

What can you and other District officials do to maximize public access to documents while minimizing the cost to your District?

1. Training;
2. Be mindful when you text, tweet or email that a District employee will likely need to catalog and be able to retrieve and produce your communication;

*Tips:*

- a) Use clear re line and stick to topic
- b) Avoid intermixing with your personal account
- c) Avoid lengthy email strings
- d) Talk to District IT and make sure you know how you should be saving these communications

3. Consider electronic updates as budgets allow; e.g., PRA allows District to refer requestor to District's website for documents.

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**End of Training**

Congratulations on your election to serve on the board of directors of a Washington public school district.

AND

Thank you for taking the time to complete this training on Washington's Public Records Act and retention requirements.

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