



November 17, 2025

Re: Formal Comments on Proposed Amendments to Model Public Records Act Rules
(WAC 44-14)

Dear Attorney General's Office Rulemaking Team,

The Wenatchee School District (WSD) appreciates the efforts of the Attorney General's Office (AGO) to enhance transparency and responsiveness under the Public Records Act (PRA). As an educational institution, we are fundamentally committed to open government and ensuring timely access to public records for our community.

While we share the goal of streamlining the records process, the proposed amendments, particularly concerning triage, prioritization, and resource allocation, introduce significant operational burdens and legal ambiguities that we feel compelled to address.

1. Unfunded Mandate and Strain on Resources

The Wenatchee School District operates with significant staffing constraints. Our Public Records Officer (PRO) fills a dual, high-demand role as both the PRO and the Executive Assistant to the Superintendent and School Board. Crucially, no other staff in the entire district are currently assigned to assist in the management, review, or production of public records requests (PRRs).

The proposed rules mandate changes like immediate triage into "simple" and "complex" tracks, accelerated production of single records within the five-day acknowledgment window, and maintaining "sufficient staff time." These operational requirements will unavoidably necessitate the dedication of additional staff hours—a resource the District simply does not possess. WSD has been operating under a strict budget reduction model since 2022 and is actively minimizing administrative overhead to protect classroom funding. Imposing new compliance tasks that demand more dedicated personnel time, without any funding, constitutes a severe unfunded mandate. These rules would directly divert resources away from essential educational services and place an unacceptable burden on a single employee. We respectfully urge the AGO to recognize the fiscal realities of school districts and provide appropriate financial support for any increased operational requirements.

2. Conflict with Equitable Access and Prioritization

We are concerned with language that encourages, or could be interpreted as requiring, the prioritization of requests based on external factors like whether the request is "time-sensitive" or relates to certain classes of requestors (e.g., media). The core of the PRA is the principle of equitable access for all members of the public, regardless of who they are or why they are seeking the records.

Introducing subjective criteria for prioritization undermines this fundamental equity. It places PROs in the untenable position of having to make subjective judgments about the urgency of a requestor's needs, which increases the risk of inconsistency and potential litigation from those whose requests are subsequently placed on a slower track.

3. Increased Legal Risk and Ambiguity

The proposed amendments include the use of broader terms like "promptly" without clear, measurable definitions tied to the existing statutory framework (RCW 42.56). Introducing such ambiguity into advisory rules creates a strong possibility that courts will view these terms as new, mandatory legal thresholds, exposing public agencies to increased penalties and litigation risk.

Furthermore, any changes to the standards for third-party notice, especially concerning student records protected under FERPA and other sensitive information, must be executed with extreme caution. School districts handle highly protected privacy information, and any modification to the notice process must ensure the continued robust protection of individual rights and privacy.

Conclusion and Request

The Wenatchee School District is a steadfast advocate for government transparency. However, we firmly believe that modifications to the model rules should clarify existing statutory requirements, not impose new, costly, or ambiguous operational obligations.

We respectfully request that the AGO re-evaluate the proposed language to:

1. Remove or clarify requirements that impose unfunded operational burdens on local government and school districts.
2. Maintain the PRA's commitment to equitable and neutral processing for all requestors.
3. Ensure all language remains consistent with and does not create legal ambiguities beyond the clear standards established in RCW 42.56.

We appreciate your consideration of the practical realities faced by local education agencies as you finalize these important advisory rules.

Sincerely,



Dr. Kory Klalahar
Superintendent