

SUPREME COURT OF WASHINGTON

Lindeman v. Kelso School District No. 458

Lindeman v. Kelso Sch. Dist. No. 458, 172 P.3d 329 (Wash. 2007) · No. No. 77253-3 · Decided November 15, 2007

SUMMARY

The Washington Supreme Court held that a school district could not withhold a school-bus surveillance videotape under the former Public Disclosure Act's student-file exemption. The court concluded that the district failed to establish that the videotape was personal information maintained in files for students, reversed the Court of Appeals, and remanded for disclosure and an award of fees, costs, and discretionary penalties. Separate opinions concurred in part and dissented regarding whether the record could potentially fall within the exemption.

CASE DETAILS

COURT	Supreme Court of Washington
WRITING FOR THE COURT	Owens, J.; Gerry L. Alexander, C.J.; Charles W. Johnson, J.; James M. Johnson, J.; Bobbe J. Bridge, J.; Richard P. Sanders, J.; Tom Chambers, J.; Barbara A. Madsen, J.; Mary I. Fairhurst, J.
JURISDICTION	Washington
DECIDED	November 15, 2007
DOCKET	No. 77253-3
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The Lindemans sought judicial review under Washington's Public Disclosure Act after the Kelso School District denied their request for a copy of a school-bus surveillance videotape. The superior court held that the videotape was exempt from disclosure, and the Court of Appeals affirmed. The Washington Supreme Court granted review.
STANDARD OF REVIEW	De novo. The Supreme Court stands in the same position as the trial court when reviewing a Public Disclosure Act request and reviews an agency's decision to withhold records de novo.
PRECEDENTIAL VALUE	Published Washington Supreme Court en banc opinion; precedential
PARTIES	Richard Lindeman, Ginger Lindeman v. Kelso School District No. 458

TOPICS

judicial review of agency action

administrative law

statutory interpretation

plain meaning rule

remedies

PRACTICE AREAS

administrative law

public records

statutory interpretation

remedies

QUESTIONS PRESENTED

1. Whether the Kelso School District established that the school-bus surveillance videotape was exempt from disclosure under former RCW 42.17.310(1)(a) as personal information in files maintained for students.
2. Whether the Lindemans were entitled to attorney fees, costs, and penalties under the Public Disclosure Act after prevailing on their disclosure request.

HOLDINGS

1. A school-bus surveillance videotape may be withheld under former RCW 42.17.310(1)(a) only if the agency establishes that it is both personal information and in files maintained for students. The District failed to establish the second requirement, so the videotape was not legally exempt and had to be disclosed.
2. Because the District failed to establish the exemption and the videotape should have been disclosed, the Lindemans were the prevailing party and were entitled to attorney fees, costs, and discretionary penalties under the Public Disclosure Act.

KEY QUOTATIONS

“The District cannot change the inherent character of the record by simply placing the videotape in the student's file or by using the videotape as an evidentiary basis for disciplining the student.” (332)

“I would remand to the trial court for a determination of whether, and to what extent, the information in the videotape is, in fact, “[p]ersonal information” that is “in any files maintained for students in public schools.”” (335)

FACTUAL BACKGROUND

A surveillance camera on a public school bus recorded an altercation between two elementary school students on October 8, 2003. The school district allowed the parents of one student to view the videotape but denied their subsequent requests for a copy under Washington's Public Disclosure Act, asserting that the videotape was exempt as personal information in files maintained for students. The trial court found that the videotape could identify a student and was maintained for potential discipline, but the Supreme Court concluded that the District had not established that the tape was maintained in student files.

PROCEDURAL HISTORY

After the District denied formal public-disclosure requests, the Lindemans filed an action in Cowlitz County Superior Court seeking disclosure, attorney fees, costs, and penalties. Following a show cause hearing, the trial

court ruled that the videotape was exempt under the student file exemption and dismissed the claim. The Court of Appeals affirmed, but the Supreme Court reversed and remanded for entry of an order requiring disclosure and awarding fees, costs, and discretionary penalties.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand to the trial court for entry of an order granting the Lindemans' disclosure request and awarding attorney fees, costs, and discretionary penalties under former RCW 42.17.340(4).

CASES CITED

- Progressive Animal Welfare Soc'y v. Univ. of Wash., 125 Wash. 2d 243, 252, 884 P.2d 592 (1994)
- State v. Sullivan, 143 Wash. 2d 162, 174-175, 19 P.3d 1012 (2001)
- State v. Alvarez, 128 Wash. 2d 1, 11, 904 P.2d 754 (1995)
- Dawson v. Daly, 120 Wash. 2d 782, 796-799, 845 P.2d 995 (1993)
- Weems v. N. Franklin Sch. Dist., 109 Wash. App. 767, 37 P.3d 354 (2002)
- Spokane Research & Def. Fund v. City of Spokane, 155 Wash. 2d 89, 103, 117 P.3d 1117 (2005)
- In re Det. of Williams, 147 Wash. 2d 476, 490, 55 P.3d 597 (2002)
- Amalgamated Transit Union Local 587 v. State, 142 Wash. 2d 183, 205, 11 P.3d 762, 27 P.3d 608 (2001)
- State v. Delgado, 148 Wash. 2d 723, 727, 63 P.3d 792 (2003)
- Davis v. Dep't of Licensing, 137 Wash. 2d 957, 964, 977 P.2d 554 (1999)
- Lindeman v. Kelso Sch. Dist. No. 458, 127 Wash. App. 526, 111 P.3d 1235 (2005)
- Lindeman v. Kelso Sch. Dist. No. 458, 156 Wash. 2d 1006, 132 P.3d 146 (2006)