



Washington School Law Update

A brief summary of legal developments relevant to Washington public school districts from the previous calendar month.

Washington Court of Appeals

Public Records Act

Hood v. City of Langley

No. 86209-0-I (10/6/25) (unpublished)

The Washington Court of Appeals affirmed dismissal of Eric Hood's public records lawsuit against the City of Langley, holding that the City did not impermissibly narrow the scope of Hood's request. In July 2018, the media reported that the City had fired its police chief in connection with a use-of-force incident. Later that month, Hood submitted a records request to the City, asking in part for "any records related to the City's decision to terminate" its police chief. In response, the City provided Hood a report authored by an outside consultant who had been hired to investigate the use-of-force incident. The report included a list of materials that the investigator had reviewed, but which the City did not provide in response to Hood's request. Hood filed a complaint in superior court, alleging that the City violated the Public Records Act (PRA) by not reading his request to broadly encompass any records related to the police chief's reported misconduct, and for also not providing copies of all records that the outside consultant had reviewed as part of the

investigation. The City filed a motion seeking judicial review and dismissal of Hood's complaint, which the trial court granted. Hood appealed, and the Court of Appeals affirmed dismissal of his lawsuit. The Court rejected Hood's argument that his request should have been broadly interpreted to include all records related to the incident that led to the police chief's termination, given that the plain language of Hood's request sought documents related to the City's "decision" to terminate. The Court held that Hood's request was qualified by the term "decision," and therefore the City had appropriately responded by providing Hood with the report it relied upon when deciding to terminate its police chief, as well as internal communications related to that decision. The Court further held that the records reviewed by the outside consultant as part of the investigation were not responsive to Hood's request because they were not relied upon by anyone within the City with actual decision-making authority to terminate the police chief. As a result, the Court affirmed dismissal of Hood's lawsuit in its entirety.

Public Records Act

Scales v. Washington State Office of the Attorney General
No. 88033-1-I (10/20/25) (unpublished)

The Washington Court of Appeals reversed dismissal of a public records lawsuit filed against the Washington State Attorney General's Office (AGO), holding that

the agency improperly withheld certain records under the attorney-client privilege exemption to the Public Records Act (PRA). Robert Scales submitted a request for all records related to the AGO's efforts to comply with recent legislation requiring the agency to create a statewide data collection program on the use of force by law enforcement. In response, the AGO produced 405 pages of records and closed the request. The agency redacted many of the records produced, including e-mails among non-attorney staff, citing attorney-client privilege. Scales filed a lawsuit challenging the redactions as improper, and following in camera review of the records at issue, the trial court dismissed Scales' lawsuit. The Court of Appeals reversed, and relying on established precedent it held that the attorney-client privilege protection only protects legal advice and requests for legal advice, and that communication prepared for another purpose is not privileged. The Court further held that at least some portions of records that the AGO had redacted in response to Scales's request were not privileged, such as communications from employees simply stating that they planned to work over the weekend and one email to a group of non-attorneys asking if any information was "owed." As a result, the Court reversed dismissal of the lawsuit and remanded for the trial court to review the documents again using the correct legal standard.

PERC

Duty to Bargain

City of Vancouver

Decision 14220 (PECB, 2025) (10/16/25)

A PERC Examiner held that the City of Vancouver did not have a duty to bargain over its decision to deploy single-responder squad trucks as part of its fire department's response to low-priority emergency calls. The City operates its fire and emergency services through the Vancouver Fire Department (VFD), which employs more than 200 emergency services personnel. The International Association of Fire Fighters, Local 452 ("Local 452") represents two separate bargaining units at VFD, one of which includes fire suppression personnel, including

firefighters, firefighter-paramedics, engineers, and captains. For many years, the City received complaints about the level of service provided by VFD, particularly around the response times to full alarm structure fires. In December 2021, the City decided to submit a levy lid proposition designed to fund new squad and engine trucks as well as additional vehicles to support the City's emergency services. The voters passed the proposition in February 2022, and the City ordered new equipment, including squad trucks, and outlined a plan to deploy squad trucks to respond to lower priority emergency calls. The City expected that this plan would reduce response times for "high acuity" medical incidents and residential fires because the fire engine and ladder trucks would be prioritized for high emergency incident responses. Because squad trucks are not staffed with a fire captain, Local 452 believed that an engine or ladder truck should always be deployed to protect the health and safety of its employees. The union further argued that the change impacted their members' working conditions because a squad truck only has two firefighters, so those members would be required to do the work that was previously done by five or more people when deployed to an emergency scene with an engine or ladder truck. The City ultimately implemented its plan without obtaining agreement with the union over the changes, and in response, Local 452 filed an unfair labor practice (ULP) complaint with PERC, arguing that the decision to change the response protocol to emergency calls was a mandatory subject of bargaining due to the significant impact on their working conditions. Following an evidentiary hearing, Examiner Christopher Casillas dismissed the complaint. The Examiner held that the City had an overriding managerial interest in improving its response times and providing better service to the public, as well as deploying the squad trucks in a manner consistent with how the City represented its response plan to the voters who approved the levy. The Examiner acknowledged that the decision implicated safety and workload issues for the employees, but he determined that those impacts were outweighed by the City's overriding managerial interests. Finally, the Examiner held that even though the decision to deploy the squad trucks was not a mandatory subject of bargaining, the City still had a

duty to bargain the impacts, which the City had fulfilled here by offering the union an opportunity to bargain over the impact. As a result, the Examiner dismissed the complaint.

PFR Announcements

2025 Bargaining Skills Workshops

January 26, January 30, and February 2-3
Two Union Square Conference Center, Seattle

Porter Foster Rorick is once again partnering with the Washington School Personnel Association (WSPA) to present our annual workshops on collective bargaining skills. *Bargaining University: Collective Bargaining Basics for the Whole Team* offers a primer on the legal rules for collective bargaining and the practical negotiating skills which all management team members can use to be helpful at the bargaining table. *Effective Collective Bargaining* is a new two-day course for administrators who lead or serve on multiple bargaining teams and focuses on the negotiating strategies which result in successful outcomes in collective bargaining. The courses are taught by PFR attorneys who regularly represent school districts at bargaining tables with certificated and classified employee unions in Washington State and collectively have negotiated settlements for more than 800 open labor contracts over the past 30 years.

The *Bargaining University* workshop will be offered twice, on Monday, January 26, and Friday, January 30. *Effective Collective Bargaining* will be offered once as a two-day workshop on Monday and Tuesday, February 2-3. The workshops will be held at the Two Union Square Conference Center in downtown Seattle with each section limited to 42 participants to facilitate small group activities and personal interaction with the instructors.

Register to attend by sending an email to info@pfrwa.com with the name and email address for each attendee, the date(s) you wish to attend, and a purchase order number for invoicing your school district. The cost for Bargaining University is \$295 for WSPA members and \$395 for non-members, with a \$295 discount for districts who send a team of four or

more. The cost for Effective Collective Bargaining is \$395 for WSPA members and \$495 for non-members. More information is available on our website or by contacting us at (206) 622-0203 or info@pfrwa.com.

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