

Supreme Court rules against Spokane teachers on records requests

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SEATTLE – The Washington Supreme Court said Thursday that public employees don't have a right to privacy about the fact that they're being investigated.

The ruling came after two teachers with the Spokane Public Schools, Christopher Katke and Anthony Predisik, sought to have their names redacted on documents released under a 2012 public records request from The Spokesman-Review and KREM2.

In a 5-4 decision, the court said the documents – which didn't detail the substance of the allegations against the workers – could be released with the identities.

Spokane Public Schools Superintendent Shelley Redinger said the ruling “gives us clearer direction as a district about what we are allowed to provide.” The district's stance has always been full disclosure of what the public has a right to know, she said, and “this helps us to define that.”

Although The Spokesman-Review and Spokane Public Schools had initially joined to fight for the disclosure of the names in 2013, the newspaper declined to continue with the suit to the state Supreme Court.

Justice Mary Yu wrote in the majority opinion that public employees are paid with tax dollars and accountable to the public, giving citizens a right to know when those employees are not performing their duties.

Yu quoted from the state public records act in her opinion, writing “free and open examination of public records is in the public interest, even though such examination may cause inconvenience or embarrassment to public officials or others.”

Yu noted the right to privacy does exist in public records if the information is truly private, such as sexual relations, family quarrels, some illnesses, intimate letters, details of a person's life at home and some past history.

The dissenting opinion, written by Justice Mary Fairhurst, argued that public employees who are the subject of unsubstantiated allegations and pending investigations do have a right to keep their identities private.

Previous court decisions contended an allegation might hold a teacher up to ridicule in the community, which led Fairhurst to argue that this standard applies in the case involving Spokane Public Schools.

She said one of the documents released by the district said Predisik was placed on paid administrative leave “pending completion of the district’s investigation into an allegation of inappropriate interactions with a former student.”

Predisik remains on paid administrative leave and under investigation, school district spokesman Kevin Morrison said Thursday.

Katke, a former Glover Middle School teacher, resigned Oct. 31, 2014, following an investigation that began in January 2012 stemming from a relative’s allegation of sexual assault.

Salary amounts received by the two men while on leave were not immediately available.

Toby Nixon, president of the Washington Coalition for Open Government, said his group wrote a friend of the court brief on the case, and the majority decision mirrored their point of view that the records did not violate anyone’s right to privacy.

“I think the majority’s argument is very persuasive,” Nixon said.

Spokesman-Review reporter Jody Lawrence-Turner contributed to this report.