

ACCESS TO PUBLIC RECORDS PROCEDURE

823-Rule 1

A. Public Records Procedures to Implement Board Policy

1. Definition

- (a) "Authority" means any of the following having custody of a record:
The Board of Education, committees of the Board of Education, or officers of the Board of Education
- (b) "Legal custodian" means any person or position designated under section 2, policy 823. Or otherwise designated by law to carry out responsibilities under this policy and the public records law.
- (c) "Record" means any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by an authority. "Record" includes, but is not limited to, handwritten, typed or printed pages, maps, charts, photographs, films, recordings, tapes (including computer tapes), and computer printouts. "Record" does not include drafts, notes, preliminary computations and like materials prepared for the originator's personal use or prepared by the originator in the name of a person for whom the originator is working; materials which are purely the personal property of the custodian and have no relation to his or her office; materials to which access is limited by copyright, patent, or bequest; and published materials in the possession of an authority other than a public library which are available for sale, or which are available for inspection at a public library.

2. Public Access to Records; Fees

- (a) Except as provided in 4., any person has a right to inspect a record and to make or receive a copy of any record as provided in s.19.35(1) of the Statutes.
- (b) Records will be available for inspection and copying during all regular office hours. For the purposes of this policy, regular office hours shall be 8:00 AM to 4:30 PM except on holidays and certain school vacation days.
- (c) A requestor shall be permitted to use facilities comparable to those available to School District employees to inspect, copy or abstract a record.
- (d) The legal custodian may require supervision of the requestor during inspection or may impose other reasonable restrictions on the manner of access to an original record if the record is irreplaceable or easily damaged.
- (e) A requestor shall be charged a fee for the cost of copying and locating records as follows:
 - 1) The fee for photocopying shall be \$.20 per page. This cost will be reviewed and, if necessary, updated by the administration each year.
 - 2) If the form of a written record does not permit copying, the actual and necessary cost of photographing and photographic processing shall be charged.

- 3) The actual full-cost of providing a copy of other records not in printed form on paper, such as films, computer printouts and audio- to video-tapes shall be charged.
 - 4) If mailing or shipping is necessary, the actual cost thereof shall also be charged.
 - 5) There shall be no charge for locating a record unless the actual cost therefor exceeds \$50.00 in which case the actual cost shall be determined by the legal custodian and billed to the requestor.
 - 6) The legal custodian shall estimate the cost of all applicable fees and may require a cash deposit adequate to assure payment, if such estimate exceeds \$5.00.
 - 7) Elected officials and employees of the School District shall not be required to pay for public records they may reasonably require for the proper performance of their official duties.
 - 8) The legal custodian may provide copies of a record without charge or at a reduced charge where he or she determines that waiver or reduction of the fee is in the public interest.
 - 9) The legal custodian may require the payment of costs in advance.
3. Access Procedures (See s.19.35(1)(h)-(l) and (4) of the Statutes)
- (a) A request to inspect or copy a record shall be made to the legal custodian or deputy. The request shall be deemed sufficient if it reasonably describes the requested record or the information requested. However, a request for a record without a reasonable limitation as to subject matter or length of time represented by the record does not constitute a sufficient request. No request may be refused because the person making the request is unwilling to be identified or to state the purpose of the request. However, if the record is kept at a private residence or if security reasons or federal law so dictate, identification may be required. Mail requests may not be denied unless a fee prepayment is required under 1.05(e)6 and 9.
 - (b) The legal custodian, upon request for any record, shall, as soon as practicable and without delay, either fill the request or notify the requestor of the authority's denial.
 - (c) A request for a record may be denied as provided in 7. Oral requests may be denied orally unless a demand for a written statement of the reasons denying the request is made by the requestor within five business days of the oral denial. If a written request is denied in whole or in part, the requestor shall receive a written statement of the reasons for the denial. Written denials must include a statement informing the requestor that the denial may be reviewed by a court of mandamus under s.19.37(1) of the Statutes, or upon application to the attorney general or a district attorney.
4. Limitations on the Right to Access
- (a) As provided by s.19.36 of the Statutes, the following records are exempt from disclosure under these procedures:

- 1) Records specifically exempted from disclosure by state or federal law or authorized to be exempted from disclosure by state law. Pupil records are exempted as provided by 118.125 of the Statutes.
 - 2) Any record relating to investigative information obtained for law enforcement purposes if federal law or regulations require exemption from disclosure or if exemption from disclosure is a condition to receipt of aids by the state;
 - 3) Computer programs, although the material used as input for a computer program or the material produced as a product of the computer program is subject to inspection; and
 - 4) A record or any portion of a record containing information qualifying as a common law trade secret.
- (b) If a record contains information that may be made public and information that may not be made public, the authority having custody of the record shall provide the information that may be made public and delete the information that may not be made public from the record before release.
- (c) A legal custodian may deny access to a record, in whole or in part, only if he or she determines that the harm to the public through disclosure of the record outweighs the public benefit of access to the record. The legal custodian shall follow the procedures in 3.(c) and in s.19.35(4) of the Statutes when the access to a record in whole or part, is denied.
5. Destruction of Records (See s.19.21(6) and (7) and s.19.35(5) of the Statutes)
- (a) All School District records shall be kept for a period of not less than seven years unless a shorter period is fixed by the public records and forms board under s.16.51(3)(e) of the Statutes and except as proved in (b). This section does not apply to pupil records under s.118.125.
 - (b) Any taped recording of a meeting by a governmental body, in s.19.82(1) and (2) of the Statutes, may be destroyed no sooner than 90 days after the minutes have been approved and published if the purpose of the recording was to make minutes of the meeting.
 - (c) Prior to destruction of any records, the historical society shall be notified at least sixty days in advance to determine if historical interest justifies preservation of such records. The historical society may, upon application, waive this notice.
6. Preservation of Records by Microfilm (See s.19.21(4)(c) of the Statutes)
- The legal custodian may, subject to school board resolution, keep and preserve public records in his or her possession by means of microfilm or other photographic reproduction method. Such records shall meet the standards for photographic reproduction set forth in s.16.61(7) of the Statutes, and shall be considered original records for all purposes. Such records shall be preserved along with other files of the School District and shall be open to public inspection and copying according to the provisions of state law and these procedures.