

Public Access to District Records

Full access to information concerning the administration and operations of the district will be afforded to the public as provided by the Public Disclosure Law. At the same time, the district recognizes the right of individuals to privacy and the desirability of efficient administration of the district. Public access to district records will be afforded according to the procedures developed by the superintendent and periodically reviewed by the board.

"School district records" include any writing, printing, photocopying, photographing, etc., containing information relating to the conduct of operations and functions of the district which is prepared, owned, used, or retained by the district. "School district records" do not include the personal notes and memoranda of staff which remain in the sole possession of the maker and which are not generally accessible or revealed to other persons. A "writing" as defined by the Public Records Act means handwriting, typewriting, printing, photocopying, photographing, and every other means of recording any form of communication on representation.

The superintendent or designee will serve as "public records coordinator" with responsibility and authority for ensuring compliance with the display, indexing, availability, inspection, and copying requirements of state law and this policy. As coordinator, he/she will authorize the inspection and copying of the district's records only in accordance with the criteria set forth.

In accordance with RCW Chapter 42.56, the district will make available for public inspection and copying all district records, or portions, except those which contain the following information:

- A. Personal information from any file maintained for students -- RCW 42.56.230(1). Information from student records will be disclosed only in accordance with the requirements of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g and adopted district policy;
- B. Personal information in files maintained for staff to the extent that disclosure would violate their right to privacy. (Requests for verification of employment are not public records and are not subject to the Public Records Act. Performance evaluations that do not discuss specific instances of misconduct are private and not of legitimate public concern. They will not be disclosed.) -- RCW 42.56.230(2);
- C. Test questions, scoring keys, or other examination data used to administer academic tests -- RCW 42.56.250(1);

- D. The contents of real estate appraisals, made for or by the district relative to the acquisition of property, until the project is abandoned or until such time as all of the property has been acquired, but in no event will disclosure be denied for more than three years after the appraisal -- RCW 42.56.260;
- E. Preliminary drafts, notes, recommendations, and intra-district memoranda in which opinions are expressed or policies formulated or recommended except that a specific record will not be exempt when publicly cited by the district in connection with any district action -- RCW 42.56.280;
- F. Records which are relevant to a controversy in which the district is a party but which records would not be available to another party under the rules of pretrial discovery for cases pending in the superior courts -- RCW 42.56.290;
- G. Records or portions of records the disclosure of which would violate personal rights of privacy – RCW 42.56.210 and RCW 42.56.070;
- H. Records or portions of records the disclosure of which would violate governmental interests -- RCW 42.56.210;
- I. The residence addresses, telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, social security numbers and emergency contact information of employees or volunteers at a public agency held in personnel records, rosters, and mailing lists -- RCW 42.56.250(3);
- J. The names, dates of birth, residential addresses and telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, social security numbers and emergency contact information of dependents of employees and volunteers of a public agency;
- K. Personally identifiable information for special education students -- WAC 392-172-422; and
- L. The annual declaration of intent filed by parents for a child to receive home-based instruction – RCW 42.56.320.

Public Records Custodian

At each facility where district records are kept, the superintendent's designee will serve as public records custodian and be responsible for the maintenance of district records in accordance with district policy. The custodian will permit access to, and copying of, district records by the public with authorization from the superintendent who is the public records coordinator. The public records coordinator will be listed in the district directory and student/parent handbook.

Display of Descriptions, Policies and Procedures

The public records coordinator will compile, prominently display and make available the following for inspection and copying by the public at the district's central office or electronically:

- A. Descriptions of the district's organizational structure;
- B. Descriptions or statements of the general course and method by which the district operates;
- C. Descriptions of how, where and from which employees the public can obtain information and copies of public records (this policy and procedure);
- D. Descriptions or statements of all formal and informal district procedures; and
- E. All statements of general policy.

The public records coordinator will update the displayed materials identified above whenever an item is amended, revised or repealed.

Index of Certain Records

The coordinator is responsible for the preparation, maintenance and making available for inspection and copying by the public of current indexes of the following records:

- A. Statements and interpretations of district policies;
- B. Administrative staff manuals and instructions to staff that may affect a member of the public;
- C. Planning policies and goals and interim and final planning decisions; and
- D. Factual staff reports, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports or surveys, whether conducted by district staff or others.

The indexes described above will be kept at the district's central office.

If the coordinator determines that the indexing of one or more of the categories of records described above or one or more of the subcategories within such categories would be unduly burdensome or interfere with district operations, he/she will request that the board adopt a formal resolution exempting such categories or subcategories from the indexing required by this section. The resolution will specify the reasons and the extent to which indexing would unduly burden or interfere with district operations.

Requests for Inspection and Copying Upon written request, the district will make available to any person for inspection and copying any record or records not exempted by district policy.

A written request for inspection and/or copying of records may include:

- A. Name, address, and signature of the party requesting disclosure and the date of request;
- B. Specification of the records or types of records requested; and
- C. A statement of the intended use of requested documents if lists of individuals are included. The district will not deny a request solely due to refusal to furnish a reason for the request.

Written requests for inspection and/or copying of records will be made to the coordinator at the district's central office or to the student record's custodian at the place where the requested records are kept. If a request is significant/broad, the district may make the records available on a partial or installment basis.

Written requests should be submitted and records made available for inspection and copying during the customary business hours of the district's central office and/or the facility where the requested records are kept.

With respect to those records, which the coordinator has designated in writing as "open to inspection," the public record's custodian at the facility where the record is kept will have authority to grant a request for inspection and copying. With respect to all other records, a request for inspection and copying will be granted only after review and approval of the request by the coordinator.

A response to each written request for inspection and copying of the district records will be provided within five business days. The district may respond by providing the requested record denying the request, or acknowledging receipt of the request and providing a reasonable estimate of the time the district will require to respond. Any denial of a request will contain an explanation of the statutory basis of the denial. If a record contains disclosable information, the district will disclose the record with the nondisclosable portion deleted and provide a written explanation of the statutory basis for the deletion.

If a requested record contains personally identifiable information about a person, prior to release the person and appropriate bargaining unit, if any, will be notified of the request and the district's intended response.

If the public record's coordinator concludes that disclosure of a requested record that is not exempt from disclosure is not in the public interest and would substantially and irreparably damage any person or vital governmental function, the coordinator will seek a court injunction to prevent disclosure.

Staff will provide full assistance to members of the public making inquiries or requests related to district records. Staff will locate and produce for inspection requested records which are not exempt from disclosure and which have been sufficiently identified in a request for inspection. Staff may respond to a request by providing the requester with an Internet address and link on the district's website where the requested information can be found. However, if the requester indicates that he/she cannot access the records through the internet, the district will provide the records another way.

Staff may request a clarification of any request that is unclear and need not respond if the request is not clarified. On request, the district will make copies of public records for a per-page fee of fifteen cents (\$.15) and the actual cost of postage and an envelope, if any.

Determining the actual cost of copying is excessively burdensome; therefore, the district is using the statutory fifteen cents (\$.15) per page charge. The district may require a deposit not to exceed 10 percent of the estimated cost of providing copies of a request and may charge per installment. The district may stop filling a request if an installment is not claimed.

The coordinator and public record's custodian will have authority to impose reasonable conditions on the manner of inspection of records so as to minimize the risks of damage or disorganization of the records and to prevent excessive interference with other essential operations of the district.

The district may condition access to a public record containing a list of individuals on the requester's promise that the record will not be used for a commercial purpose, but may not require the requester to enter into a hold harmless agreement to that effect.

The coordinator will inform any employee and appropriate collective bargaining unit representative when a record naming the employee has been requested. The employee and representative will be informed of the district's intended response to the request.

The district may inquire into the purpose for which a record is requested and may use the answer to aid in determining whether the public has a legitimate interest in obtaining the information, but the district may not decline to furnish the records for public inspection and copying solely because the requester refuses to furnish a reason for the request.

Electronic Records

Electronic records (including e-mail and web content) created and received by the district in the transaction of public business are public records for the purposes of RCW 40.14 and will be managed consistent with all of the laws and regulations governing the retention disclosure, destruction and archiving of public records. The district will manage electronic records according to the same provisions as paper documents as set forth in the records retention schedules. Electronic records will be retained in electronic format and remain usable, searchable, retrievable and authentic for the length of the designated retention period.

The district will retain electronic records designated as archival in the original format along with the hardware and software required to read the data, unless the data has been successfully migrated to a new system. (The district will retain records in compliance with the General Records Retention Schedule For School Districts And Educational Service Districts in Washington State found at: www.sos.wa.gov/archives/recordsretentionschedules.aspx.)

Cut-Off

Whenever applicable, the retention period starts with the "cut-off." "Cut-off" is a term used to indicate files or records may be terminated on a predetermined date. "Cut-off" prevents current records from attaining unmanageable size and facilitates the filing of new records. Calendar year records may be "cut-off" on December 31, and a new file established on January 1; all fiscal year records can be "cut-off" only upon the completion of an action or event, such as termination of contract, final payment of a contract, termination of employment, etc. Regardless of the duration of the retention period, records series should be kept in the office files after "cut-off" only as long as is necessary to satisfy: (1) active reference; (2) audit, when required; and (3) other operational requirements. Once these three factors have been satisfied, the records should be transferred to a records center or to an appropriate alternative format, including electronically for the remainder of the retention period.

Legal Reference:	Ch. 40.14 RCW	Preservation and destruction of public records
	Ch. 42.17 RCW	Disclosure - Campaign - Finances - Lobbying – Records
	Ch. 42.56	Public Records Act
	WAC 392-172A	Rules for the provision of special Education
	20 U.S.C. § 1232g	Federal Education Rights Privacy Act (FERPA)

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