

Records Available to Public

The following persons are the designated record custodians for this District:

1. Superintendent
2. Clerk
3. Treasurer

The above-named custodians may delegate responsibility for routine information requests. The Superintendent shall serve, or appoint someone to serve, as "Public Records Custodian" with the responsibility and authority for ensuring compliance with the display, indexing, availability, inspection, retention, and copying requirements of federal law, state law, and this policy. Responsibility and authority for indexing shall include identifying the general subject matter of all public records kept or maintained by the District, the custodian of these records, and their physical location. The identified physical location of the District's records is provided in the Retention of District Records Policy. The public records coordinator shall authorize the inspection and copying of the District's records only in accordance with the criteria set forth in this policy and in compliance with state and federal laws.

A written copy of the Board's minutes shall be available to the general public within a reasonable time (1 week) after the meeting in which they are approved, unless extenuating circumstances beyond our control prevents posting for public view. Drafts of the Board's minutes are considered to be public records and shall be produced upon request. However, the District shall watermark such public records with the statement "Unofficial Draft Minutes not yet reviewed or approved by Board."

Definitions

A "Public record" includes but is not limited to any writing containing information relating to the conduct or administration of the public's business prepared, owned, used or retained by any state agency, independent public body corporate and politic or local agency regardless of physical form or characteristics.

Public records of the District do not include the personal notes and memoranda of staff that remain in the sole possession of the maker and which are not generally accessible or revealed to other persons.

A "Writing" includes, but is not limited to, handwriting, typewriting, printing, photocopying, photographing, and every means of recording, including letters, words, pictures, sounds or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums or other documents.

“To inspect” includes the right to listen to, view, and make notes of public records, so long as the public record is not altered or damaged.

“To copy” includes transcribing by hand writing, photocopying, duplicating machine, and reproducing by any other means, so long as the public record is not altered or damaged.

A “custodian” is a District employee who has physical custody and control of the public records, including those employees who respond to requests for information on a routine basis.

“Custodian” also includes the person, whether elected or appointed, who is legally responsible for administration of the District, or that person’s designee.

“Designated custodians” Those employees authorized to perform specific responsibilities that are described in this policy, including denying requests for information when appropriate to do so.

### Records Exempt from Disclosure

In accordance with Title 74, Chapter 1, Idaho Code, the following records shall **not** be subject to public inspection and/or copying. All employees should be aware of the following exemptions that apply to this School District:

1. Any public record exempt from disclosure by federal or state law or federal regulations to the extent specifically provided for by such law or regulation;
2. Retired employees' and retired public officials' home addresses, home telephone numbers, and other financial and non-financial membership records;
3. Records of a current or former employee other than the employee’s public service or employment history, classification, pay grade and step, gross salary and salary history, status, the employee's duration of employment with the District, position held, and location of employment. This exemption from disclosure does not include the contracts of employment or any remuneration, including reimbursement of expenses. All other personnel information relating to an employee or applicant including, but not limited to, information regarding sex, race, marital status, birth date, home address and telephone number, applications, testing and scoring materials, grievances, correspondence, retirement plan information and performance evaluations, shall not be disclosed to the public without the employee's or applicant's written consent. An employee or authorized representative may inspect and copy his or her personnel records, except for material used to screen and test for employment;
4. Employment security information and unemployment insurance benefit information, except that all interested parties may agree to waive the exemption.
5. Records relating to the appraisal of real property, timber, or mineral rights prior to its acquisition, sale, or lease by the District;
6. Any estimate prepared by the District that details the cost of a public project until such time as disclosed or bids are opened, or upon award of the contract for construction of the public project;
7. Records of any risk retention or self-insurance program prepared in anticipation of litigation, or for analysis of, or settlement of potential or actual money damage claims

against the District and/or its employees except as otherwise discoverable under the Idaho or federal rules of civil procedure. These records shall include, but are not limited to, claims evaluations, investigatory records, computerized reports of losses, case reserves, internal documents, and correspondence relating thereto. At the time any claim is concluded, only statistical data and actual amounts paid in settlement from public funds shall be deemed a public record unless otherwise ordered to be sealed by a court of competent jurisdiction. Provided however, nothing in this subsection is intended to limit the attorney client privilege or attorney work product privilege otherwise available to any public agency or independent public body corporate and politic;

8. Computer programs developed or purchased by or for the District for its own use. As used in this subsection, "computer program" means a series of instructions or statements which permit the functioning of a computer system in a manner designed to provide storage, retrieval, and manipulation of data from the computer system, and any associated documentation and source material that explain how to operate the computer program. Computer program does not include:
  - a. The original data including, but not limited to, numbers, text, voice, graphics, and images;
  - b. Analysis, compilation, and other manipulated forms of the original data produced by use of the program; or
  - c. The mathematical or statistical formulas that would be used if the manipulated forms of the original data were to be produced manually.
9. Personal information from any file maintained for students. Information from student records shall be disclosed only in accordance with the requirements of the Family Educational Rights and Privacy Act, Idaho Code, and adopted District policy;
10. Facts contained in any records of a juvenile maintained under the Juvenile Correction Act will be furnished upon request to any District where the juvenile is enrolled or is seeking enrollment. If a juvenile is fourteen (14) years or older and is adjudicated guilty of an offense that would be a felony if committed by an adult, the name, the offense of which the juvenile was adjudicated and the disposition of the court will be disclosed.
11. Test questions, scoring keys, or other examination data used to administer academic tests;
12. Records relevant to a controversy to which the District is a party but which records would not be available to another party under the rules of pre-trial discovery for cases pending resolution;
13. Records of buildings, facilities, infrastructures, and systems when the disclosure of such information would jeopardize the safety of persons or the public safety. Such records may include emergency evacuation, escape or other emergency response plans, vulnerability assessments, operation and security manuals, plans, blueprints or security codes.
14. The records of a library that, when examined alone or when examined with other public records, would reveal the identity of the library patron checking out, requesting or using an item from the library.

However, all personnel records of a current or former public official reflecting public service or employment history, classification, pay grade and step, longevity, gross salary and salary history, status, workplace, and employing agency are subject to public inspection and/or copying.

If the record requested for inspection and/or copying contains both information exempted from disclosure and non-exempt information, the District shall, to the extent practicable, produce the record with the exempt portion deleted and shall provide a written explanation for the deletion. The Public Records Law prohibits denying access based on the fact that the record contains both types of materials. Even if an exemption applies to a record, the law allows disclosure of statistical information that does not identify any particular person.

### Response to Requests

Although the Public Records Law allows this District to require written requests for information, the District may waive the formal requirement in those cases where the information requested is readily available and routinely provided by this District (e.g. media requests).

The District will ask the individual or organization seeking the information to put the request in writing on the district approved form. When the District requires that a public records request be submitted in writing, it shall be submitted upon a form prescribed by the District with the requester's name, mailing address, email address, and telephone number. A request for public records may be submitted by electronic mail with or without an electronic signature, provided that the district approved form is used. The law prohibits asking why the information is needed, except to verify the identity of a person requesting a record to ensure that the requested record or information will not be used for purposes of a mailing or telephone list prohibited by Idaho Code. This District is permitted to explain what records are available and to help identify the material that is desired. This District is also permitted to allow the person to examine non-exempt files in order to select the specific records needed. Staff must maintain vigilance to see that records are not altered or destroyed, but the law prohibits examination of any copy, photograph or notes in the person's possession.

The District shall either grant or deny a person's request to examine or copy public records within three (3) working days of the date of the receipt of a request for public records. If a longer period of time is needed to locate or retrieve the records, the District shall notify the person requesting the records of the same and provide the records to such person not later than ten (10) working days following the request. In the event an individual requests a record be provided in electronic format, the District shall provide the record in electronic format if the record is available in that format. If a record is requested in electronic format and the record cannot easily be converted to electronic format within ten (10) working days, the District shall notify the person requesting the records of this fact and provide them with an estimate of the time necessary to complete the conversion. The documents shall then be provided at a time mutually agreeable to the parties giving consideration to any limitations that may exist regarding electronic conversion.

If the District fails to respond, the request shall be deemed to be denied within ten (10) working days following the request. If there is any doubt about whether information should be disclosed, the person who is making the request will be asked to submit that request in writing. The written request will immediately be directed to a designated custodian. If the District denies the request

for examination or copying the public records or denies in part and grants in part the request for examination and copying of the public records, the public records coordinator shall notify the person in writing of the denial or partial denial of the request for the public record. The notice of denial or partial denial shall state that the attorney for the District has reviewed the request or shall state that the District has had an opportunity to consult with an attorney regarding the request for examination or copying of a record and has chosen not to do so. The notice of denial or partial denial also shall indicate the statutory authority for the denial and indicate clearly the right to appeal the denial or partial denial and the time periods for doing so. A certificate of mailing must accompany the notice.

The time limit for filing an appeal is one hundred eighty (180) days from the date the notice of denial is mailed. The sole remedy for protesting the District's decision is to file a petition in the District court of the county where the records or some part of them are located, requesting the court to compel the District to make the information available or to correct the record.

When a request is denied, the requested records must be retained until the end of the appeal period, until there has been a decision on an appeal, or as otherwise provided by the Public Records Law, whichever is longer. Whenever a request is denied, there must be some indication made on the record that it must not be purged without the approval of a designated custodian.

The public records coordinator is authorized to seek an injunction to prevent the disclosure of records otherwise suitable for disclosure when it is determined that there is reasonable cause to believe that the disclosure would not be in the public interest and would substantially or irreparably damage any person or would substantially or irreparably damage vital governmental functions.

### Fee Waiver

The copying fee schedule will be made available to those individuals requesting copies and will be updated from time to time as necessary to reflect the actual copying costs to the District. The District will adhere to its copying fee schedule unless it is determined by the Public Records Coordinator that the individual making such a request has demonstrated information sufficient to fulfill the following test:

1. That the requester's examination and/or copying of public records is likely to contribute significantly to the public's understanding of the operations and activities of the government;
2. That the requester's examination and/or copying of public records is not primarily in the individual interest of the requester including, but not limited to, the requester's interest in litigation in which the requester is or may become a party; and
3. That the requester's examination and/or copying of public records will not occur if fees are charged because the requester has insufficient financial resources to pay such fees.

Upon a request that fees not be charged, and the Public Records Coordinator's consideration of the above factors, the public records coordinator shall notify the requester in writing of their decision within ten (10) working days following the request. If the fee waiver is denied, the requester shall then have seven (7) days to file an appeal of the denial with the Superintendent. The Superintendent shall review the denial and either affirm or reverse the denial of the public records custodian in writing within ten (10) working days of receipt of the appeal. In the event that the Superintendent is the public records coordinator then the appeal shall be filed within seven (7) days to the Board. At the Board's next regularly scheduled meeting, the Board shall review the denial of fee waiver and either affirm or reverse it. There shall be no further appeal beyond the Board.

The request shall not be fulfilled or prepared, and the time for response will not begin to run, until such time as the final determination as to fees has been addressed and any fees to be charged have been paid.

A requester may not file multiple requests for public records solely to avoid payment of fees. If the District suspects that this is the case then it can aggregate the related requests and charge based upon its copying fee schedule.

### Fee Schedule

The copying fee schedule of the District is as follows:

- a) The District shall not charge a fee for the first 100 pages of records or the first two (2) hours of labor in responding to a request;
- b) Copies of public records – 7.5¢ per page (cannot exceed actual cost) for black and white copies beyond the first 100 pages or beyond the first (2) hours of labor in responding to a request;
- c) The District will charge for the labor costs associated with locating and copying documents if:
  - (1) The request is for more than 100 pages of records;
  - (2) The request includes non-public information that must be redacted from the public records; and/or
  - (3) The labor associated with locating and copying the records exceeds two (2) hours.
- d) The fees for labor associated with responding to a public records request shall be charged at the per hour pay rate of the lowest paid administrative staff employee of the District who is necessary and qualified to process the request.
- e) The fees associated with redactions required to be made by an attorney employed by the District shall be charged at the lowest paid hourly rate of the lowest paid attorney employed by the District or if there are no attorneys employed by the District than the rate shall be no more than the usual and customary rate of the attorney retained by the District.
- f) Copy of a duplicate computer disc or similar record system the fee shall not exceed:
  - (1) The District's cost of copying the information in that form;

- (2) The District's cost of conversion, or the cost of conversion charged by a third party, if the electronic record must be converted to electronic form.

Fees shall be collected in advance. The District shall provide requesters with an itemized statement of fees to show the per page costs for copies and the hourly rate of employees and attorneys involved in responding to the request. If the information is also available in publication form, the District may offer the published material to the individual or organization at the standard cost of selling the publication.

When necessary, a designated custodian may authorize an examination of records to be done outside of regular working hours. In this event, the persons designated to represent the custodian during such examination will be entitled to reasonable compensation to be paid to them out of funds provided in advance by the person examining the records.

If there is a request to mail copies of documents to an individual, the custodian may request advanced payment for the copies and a stamped, self-addressed envelope large enough for the number of copies. If the information requested is unusual, or if there is confusion about what is being sought, the individual may be asked to submit the request in writing, along with advance payment for copies and a stamped, self-addressed envelope large enough for the number of copies. If it is deemed unnecessary to receive a written request, advance payment or a self-addressed, stamped envelope, any or all of the requirements may be waived. Any questions should be referred to a custodian of the records.

This District may require advance payment of the photocopying charges for major copying work. A decision on whether to require advance payment will be made by a custodian of the records.

#### Penalty and Immunity

The Public Records Law provides a penalty of up to one thousand dollars (\$1,000) for deliberate, bad faith denial of information that should be disclosed. The Public Records Law also provides immunity from liability for the release of records as long as there is a good-faith attempt to comply with the law's requirements. Therefore, it is important that any questions or any requests that seem doubtful be immediately referred to a designated custodian.

#### Distribution or Sale of Mailing or Telephone Number Lists Prohibited

This District will not distribute or sell for use as a mailing list or a telephone number list any list of persons, including students and employees, without first securing the permission of those individuals named on the list. This District will verify the identity of a person requesting a record to ensure that the requested record or information will not be used for purposes of a mailing or telephone list.

#### Procedure History:

Promulgated on: November 4, 2013

Revised on: February 1, 2016