

OPEN RECORDS POLICY AND PROCEDURES FOR ACCESS TO PUBLIC RECORDS

The Evansville Community School District Board of Education recognizes individuals may have access to public records maintained by the District in accordance with state law and the procedures outlined below.

A. Legal Custodian of Records

The District Administrator or designee shall serve as the legal custodians of all public records of the District. The legal custodian is responsible for the maintenance of all District records under his/her charge and is vested with full legal power to render decisions and carry out the duties of school authorities under the public records and property law.

B. Accessibility of Records

1. Public records will be available for inspection and copying at the District Office during regular school district office hours, ordinarily 8:00 a.m.- 4:00 p.m., Monday through Friday. Hours may vary when school is not in session.
2. A requester shall be permitted to use facilities comparable to those available to District employees to inspect or copy a record.
3. The legal custodian of records or the designee will supervise each requester during inspection of any records and may impose other reasonable restrictions to maintain the security of the record.

C. Record Requests

1. All requests to inspect or copy a public record shall be made to the legal custodian of records or the designee. As per state statute, the District need not create a record. Unapproved minutes and other documents in progress that are considered drafts under the Public Records Law are not considered to be records. The request must reasonably describe the requested record or document. Written requests are preferred.
 - a. No request will be refused because the person making the request is unwilling to be identified or to state the purpose of the request.
 - b. No request will be refused because the request is received by mail, unless prepayment of a fee is required under this policy.
 - c. A requester may be required to show acceptable identification whenever the requested record is kept at a private residence or whenever security reasons or federal law or regulations so require.
2. Upon receiving the request for any public record, the legal custodian of records or the designee shall, as soon as practicable and without delay, review the request and determine whether to approve or deny the request. The legal custodian of records or the designee shall consider provisions outlined in state and federal laws when making such determinations. The legal custodian of records or the designee is authorized to consult with the District's legal counsel in making such determinations.

- a. The legal custodian of records or the designee shall restrict access to certain types of District records to the extent required by law. These records include, but are not necessarily limited to, student records and certain types of records of District employees and individuals holding local public office in the District. "Local public office" positions in the District include the following: school board members, district administrator, building principals, designated district office administrators.
 - b. Oral requests may be denied orally unless a demand for a written statement of the reasons denying the request is made by the requester within five business days of the oral denial.
 - c. If a written request is denied in whole or in part, the requester shall receive a written statement of the reasons for the denial. Written denials must include a statement informing the requester that the denial may be reviewed by a court of mandamus, or upon application to the attorney general or district attorney.
3. If a record contains information that may be made public and information that may not be made public, the legal custodian or the designee shall provide the information that may be made public and delete the information that may not be made public from the record before release.

D. Fees

A requester shall be charged a fee for the cost of copying and locating records as follows:

1. The legal custodian of records or the designee shall estimate the cost of all applicable fees and will require full payment prior to releasing records if the total cost exceeds \$5.00.
 - a. If the form of a written record does not permit copying, the actual and necessary cost of photographing and photographic processing shall be charged.
 - b. The actual full cost of providing a copy of other records not in printed form on paper, such as films, DVD, flash drive, computer printouts and audio or videotapes shall be charged.
 - c. If mailing or shipping is necessary, the actual cost thereof shall also be charged.
2. There shall be no additional charge for locating a record unless the actual cost of locating the record exceeds \$50.00, in which case the entire actual cost, including staff time, shall be imposed upon the requester.
3. If a record is produced or collected by a person pursuant to a contract entered into by that person and the District, the fee charged for copying the record shall be the actual, direct and necessary cost of reproduction incurred by the person making the reproduction or transcription of the record, unless a fee is otherwise authorized or established by law.
4. Elected officials and employees of the District shall not be required to pay for public records they may reasonably require for the proper performance of their official duties.
5. The legal custodian of records or the designee may waive the above fees, or reduce the fees, when it is determined to be in the public interest.
6. The legal custodian of records or the designee may not sell or rent a record containing an individual's name or address of residence, unless specifically authorized by state law. The collection of fees as outlined above is not a sale or rental under these procedures.

Consistent with a Wisconsin Supreme Court decision, the District will not charge the requestor for the costs associated with (1) reviewing the record for information/data that is not subject to

disclosure (e.g., information within a record that would constitute a protected student record), or (2) redacting (i.e. deleting) such non-disclosable information/data prior to releasing the record.

E. Records Retention

District records shall be retained and destroyed in accordance with the Wisconsin Record Retention Schedule for school districts, which has been adopted by the Board.

Legal Ref.: Chapter 19, Subchapters II and IV Wisconsin Statutes (General Duties of Public Officials)
Sections 103.13 (Records Open to Employee)
118.125 (Pupil Records)
120.13(28) (School Board Powers)
146.81-146.84 (Miscellaneous Health Provisions)
767.27(7) (Medical and Medical History Information)
938.396 (Law Enforcement Records)
Family Educational Rights and Privacy Act (FERPA)
Americans With Disabilities Act of 1990
Health Insurance Portability and Accountability Act (HIPAA)
USA Patriot Act of 2001
Wisconsin Records Retention Schedule for School Districts