

## PUBLIC ACCESS TO DISTRICT RECORDS

Full access to information records concerning the administration and operations of the District. Such access promotes important public policy, maintains public confidence in the fairness of governmental processes, and protects the community's interest in the control and operation of its common school district ~~will be afforded to the public as provided by the Public Disclosure Law.~~ At the same time, the ~~district recognizes of the right of individuals to privacy and of the desirability of Board desires to preserve the~~ efficient administration of ~~the government and~~ acknowledges the privacy rights of individuals whose records may be maintained by the District. This policy and the accompanying procedure are intended to facilitate access to school district records without compromising operational efficiency or privacy rights.

~~As used in this policy and the accompanying procedure, "school 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 records" is a broad term that includes any writing, printing, photocopying, photographing, etc., containing information relating to the conduct of operations and functions of the district which is the District or the performance of any District governmental or proprietary function 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. District regardless of physical form or characteristics. A "writing" as defined by the Public Records Act means" as used in this policy and procedure is likewise a broad term that means any handwriting, typewriting, printing, photocopying, photographing, or other means of recording any form of communication or representation.~~

~~The superintendent or designee~~ Included within these definitions are digital and electronic forms of communication, including emails, texts or messages through any medium or application, pages, postings and comments from any District-operated or District-sponsored website. The District will retain public records in compliance with state law and regulations.

~~Because of the tremendous volume and diversity of records continuously generated by a public school district, the Board has declared by formal resolution that trying to maintain a current index of all of the District's records would be impracticable, unduly burdensome, and ultimately interfere with the operational work of the District.~~

~~The Superintendent will develop—and the Board will periodically review—procedures consistent with state law that will facilitate this policy. The Superintendent will also appoint a Public Records Officer who 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 this policy.~~

~~In accordance with RCW Chapter 42.56, the district will make available for public inspection and copying all district records, or portions thereof, 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 a point of contact for members of the public who request the disclosure of public records. The Public Records Officer 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 42.17.56.070;~~
- ~~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 and volunteers at a public agency held in personnel records, rosters, and mailing lists — RCW 42.56.3250 (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-A.~~

~~L. The annual declaration of intent filed by parents for a child to receive home-based instruction RCW 42.56.320~~

~~If the district denies any request, in whole or in part, for inspection and copying of records, the district will provide the requesting party with a written statement of the reason for the denial setting forth the specific exemption (and statutory section) which applies. No request will be denied solely on the basis that the request was overbroad.~~

~~If the record which is requested for inspection and/or copying contains both information exempted from disclosure and nonexempt information, the district will, to the extent practicable, produce the record with the exempt portion deleted and will provide a written explanation for the deletion.~~

~~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.~~

~~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 public records coordinator is authorized to seek an injunction to prevent the disclosure of records otherwise disclose-able when he/she determines that there is reasonable cause to believe that the disclosure would clearly not be in the public interest and would substantially and irreparably damage any person or would substantially or irreparably damage vital governmental functions.~~

~~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.~~

#### 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 trained in 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~~

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~~software required to read the data, unless the data has been successfully migrated to a new system. The district will retain records in and disclosure of records, and shall oversee the District's 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](http://www.sos.wa.gov/archives/recordsretentionschedules.aspx). this policy and state law.~~

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### ~~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 a contract, final payment of a contract, or 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.~~

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Cross References:	Board Policy 3231	Student Records
Legal References:	Chapter 5.60 RCW Chapter 13.04.155(3) RCW  Chapter 26.44.010 RCW Chapter 26.44.030(9) RCW  Chapter 28A.605.030 RCW  Chapter 28A.635.040 RCW	WITNESSES — COMPETENCY Notification to school principal of conviction, adjudication, or diversion agreement — Provision of information to teachers and other personnel — Confidentiality. Declaration of purpose. Reports — Duty and authority to make — Duty of receiving agency — Duty to notify — Case planning and consultation — Penalty for unauthorized exchange of information — Filing dependency petitions — Investigations — Interviews of children — Records — Risk assessment process. Student education records — Parental review — Release of records — Procedure. Examination questions — Disclosing — Penalty.

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Chapter 40.14 RCW	Preservation and destruction of public records
Chapter 42.17A RCW	Campaign Disclosure and Contribution
Chapter 42.56 RCW	Public Records Act
WAC 392-172A	Rules for the provision of special education
Public Law 98-24	Section 527 of the Public Health Services Act, 42 USC 290dd-2
20 U.S.C. 1232g	Federal Education Rights Privacy Act (FERPA)
20 U.S.C. 1400 et. seq.	Individuals with Disabilities Education Act (IDEA)
42 U.S.C. 1758(b)(6)	
34 CFR Part 300—	ASSISTANCE TO STATES FOR THE EDUCATION OF CHILDREN WITH DISABILITIES
45 CFR Part 160—164—	GENERAL ADMINISTRATIVE REQUIREMENTS, ADMINISTRATIVE REQUIREMENTS AND SECURITY AND PRIVACY

Management Resources:      2015 - December Issue  
   2015 - April Issue  
   2012 - April Issue  
   2010 - February Issue  
   Policy News, June 2006  
   Policy News, October 2005  
   Washington State Office of the Attorney General – Open  
   Government Training  
   Washington State Office of the Attorney General – Model Rules  
   on Public Disclosure

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