

Human Resources
Maurene Stanton
Executive Director of Human Resources

Date: January 16, 2018

To: Stanwood Camano School Board

From: Maurene Stanton

RE: Policy 4040 Public Access to District Records

The attached Board of Director Policy 4040, Public Access to District Records, has been re-written to reflect changes to Chapter 42.56 RCW Public Records Act

This policy will come before the Board for second reading on February 5, 2018. If you have any questions regarding this policy please contact me.

PUBLIC ACCESS TO DISTRICT RECORDS

Mindful of the right of individuals to privacy and of the desirability of efficient administration of the district, full access to information concerning the administration and operations of the district shall be afforded to the public as provided by the Public Disclosure Law. Public access to district records shall be afforded according to the procedures developed by the superintendent and periodically reviewed by the board.

"School district records" include any writing, printing, photostating, 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. "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings and other documents including existing data compilations from which information may be obtained or translated. "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.

The superintendent shall 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 shall 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 42.17, the district shall 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 42.17.310(l)(a). Information from student records shall 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 will not be disclosed. Performance evaluations that do not discuss specific instances of misconduct are private and not of legitimate public concern. They will not be disclosed) (RCW 42.17.310(l)(b));
- C. Test questions, scoring keys, or other examination data used to administer academic tests (RCW 42.17.310(l)(f));
- 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 shall disclosure be denied for more than three years after the appraisal (RCW 42.17.310(l)(g)).
- E. Preliminary drafts, notes, recommendations, and intra-district memoranda in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by the district in connection with any district action (RCW 42.17.310(l)(i));
- 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 42.17.310(l)(j);
- G. Records or portions of records the disclosure of which would violate personal rights of privacy—RCW 42.17.260(1) and RCW 42.17.310(2);

- H. ~~Records or portions of records the disclosure of which would violate governmental interests—RCW 42.17.310(2);~~
- I. ~~The residence addresses and telephone numbers of staff members and volunteers held in personnel records, rosters, and mailing lists—RCW 42.17.310 (i)(u).~~
- J. ~~Personally identifiable information for special education students—WAC 392.172-422~~

~~If the district denies any request, in whole or in part, for inspection and copying of records, the district shall provide the requesting party with a written statement of the reason for the denial setting forth the specific exemption (and statutory section) which applies.~~

~~If the record which is requested for inspection and/or copying contains both information exempted from disclosure and nonexempt 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 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 coordinator is authorized to seek an injunction to prevent the disclosure of records otherwise disclosable 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 shall inform any employee and appropriate collective bargaining unit representative when a record naming the employee has been requested. The employee and representative shall be informed of the district's intended response to the request.~~

~~Cross Reference: _____~~

~~_____ Board Policy 3231 _____ Student Privacy~~

~~Legal Reference: _____~~

~~_____ Ch. 42.17 RCW _____ Disclosure _____ Campaign _____ Finances _____ Lobbying _____ Records~~

The district will afford full access to public records concerning the administration and operations of the District in accordance with the Public Records Act. The District will retain and make available public records in compliance with state law and regulations. Public access to district records shall be provided according to procedures adopted by the Superintendent.

Because of the tremendous volume and diversity of records continuously generated by a 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. Additionally, the Board hereby finds that it would be unduly burdensome to calculate the costs of producing public records, given the multiple different electronic and manual devices used to produce public records, as well as the fluctuating costs of District supplies and labor.

The Superintendent will develop procedures consistent with state law to implement this policy. The Su-

perintendent will also appoint a Public Records Officer who will serve as a point of contact for members of the public who request the disclosure of public records. The Public Records Officer will have responsibility for ensuring compliance with the provisions of state and federal law and this policy and will authorize the inspection and copying of records. The Public Records Officer will be trained in the laws and regulations governing the retention and disclosure of records, and shall oversee the District's compliance with this policy and state law.

Cross References: 3231 - Student Records
 3231 – Student Records Procedure

Legal References: RCW 5.60.060 Privileged communications
 RCW 13.04.155(3) RCW Notification to school principal of conviction, adjudication, or diversion agreement — Provision of information to teachers and other personnel — Confidentiality.
 RCW 26.44.010 Declaration of purpose.
 RCW 26.44.030(9) 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.
 RCW 28A.605.030 Student education records — Parental review — Release of records — Procedure.
 RCW 28A.635.040 Examination questions — Disclosing — Penalty.
 Chapter 40.14 RCW Preservation and destruction of public records
 Chapter 42.56 RCW Public Records Act
 WAC 392-172A-05180 - 05245 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)
 34 CFR Part 99 Federal Education Rights Privacy Act (FERPA)
 20 U.S.C. 1400 § 617 Individuals with Disabilities Education Act (IDEA)
 42 U.S.C. 1758(b)(6) School Lunch Programs
 34 CFR § 300.610 and 34 CFR § 303.402—ASSISTANCE TO STATES FOR THE EDUCATION OF CHILDREN WITH DISABILITIES
 45 CFR Part 164—SECURITY AND PRIVACY

Adoption Date: 12.89
Stanwood-Camano School District
Revised: 12.92; 08.93; 02.97; 06.03.03; 1.16.18