

# ***POLICY***

2000-12

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## **BOARD OF SCHOOL TRUSTEES OPERATIONS - ACCESS TO PUBLIC RECORDS**

Adoption Date: January 23, 1990  
Revised August 13, 1996; Revised May 8, 2001; July 12, 2005; December 10, 2019  
Legal Ref: IC 5-14-3-3 *et. seq.*; 20 U.S.C. 1232(g); 34 C.F.R. Part 99, Indiana PAC Opinion 12-PAC-175; 13-INF-68  
Cross Ref:

### **Definitions**

“Commercial entity” is any business or individual or entity soliciting business.

“Commercial entity” is not limited to a for-profit organization.

“Commercial purpose” is any activity which is generally an attempt to solicit business, including but not limited to selling, advertising, or soliciting the purchase of merchandise, goods, or services, or selling, loaning, giving away, or otherwise delivering information obtained to any other person for these purposes.

“Political purposes” is defined by I.C. 5-14-3-3(f).

“Reasonable particularity” identifies the record being requested with enough information to enable Westfield Washington Schools (“WWS”) to search for, locate, and retrieve the records requested. When requesting emails, requests made with “reasonable particularity” must include the sender, recipient, and timeframe (for example, “emails sent from Jane Smith to John Doe between January 1-14, 2017”).

“Records Access Officer” is the WWS employee responsible for decisions relating to requests for public records. The Superintendent serves as the “Records Access Officer,” while delegating the procedures to another WWS employee.

### **Policy**

A person may inspect WWS public records in accordance with Indiana’s Access to Public Records Act (APRA).

WWS will not create or provide lists of names, address, or telephone numbers unless it is required to publish such lists and disseminate them pursuant to statute. WWS shall not create lists or records which do not exist at the time of the request in order to comply with the request. WWS prohibits disclosures of any records to any commercial entity for commercial purposes or to any individual or entity for political purposes. In addition,

records may not be used by individuals or entities for commercial purposes or political purposes.

WWS shall not disclose records that are exempt from disclosure under APRA, including but not limited to any records subject to the Family Educational Rights and Privacy Act (FERPA). In accordance with FERPA and Indiana Public Access Counselor Opinion, WWS shall not disclose information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.

### **Procedures for Request for Public Records**

1. Requests for public records must be made in writing on forms provided by WWS and will be received between 8:00 A.M. and 4:00 P.M. on regular business days. The Requestor must identify the record for which disclosure is sought with reasonable particularity.
2. The Records Access Officer shall have seven (7) business days after receipt of the Request to acknowledge WWS has received the request. After reviewing the request, WWS may respond in writing in one of the following ways:
  - a. request clarification if the request does not provide the information which enables WWS to search for, locate, and retrieve the records;
  - b. inform the Requestor that the records requested are not available;
  - c. deny the request;
  - d. grant the request.

If the request is denied, WWS will provide the statutory citation and authority for not disclosing the record, and the name and title of the person responsible for the denial.

If the request is granted, WWS will inform the Requestor of the estimated fees to be paid. Fees must be paid before any record will be copied. After receiving the fee, WWS will produce copies of the records within a reasonable amount of time, depending on the complexity and size of the request. If the Requestor elects to review and inspect the record in person, instead of being provided a copy, fees will not be charged.

2. The fees for black and white copies are as follows:
  - a. pages not larger than 8-1/2 x 14 inches \$0.10
  - b. other: the actual cost of copying

Fees must be paid before any record is duplicated and shall be paid in cash or money order payable to Westfield Washington Schools. The Superintendent has the right to waive fees.

3. Whether or not the Requestor seeks copies of the requested records, WWS may charge a search fee for any time spent searching for records that are in an electronic format that exceeds five (5) hours. This search fee shall not exceed the lesser of:
  - a. the hourly rate of the person making the search; or
  - b. twenty dollars (\$20) per hour.

Search and/or copying fees shall be paid to WWS before any record is copied, disclosed, or made available for inspection. Fees may be paid by cash or money order payable to WWS. The Superintendent has the right to waive fees. After receiving the fee, WWS shall make the requested records available within a reasonable amount of time, depending on the complexity and size of the request.

4. If the Requestor elects to review and inspect the records in person, records may be inspected only at the office or location where they are regularly maintained or unless otherwise designated, during regular business hours, in the presence of a WWS employee. The Requestor will work with WWS in good faith to schedule a time for inspection. A Requestor who does not schedule a meeting with WWS to inspect the records may not be permitted to inspect records. The Requestor may not take any records with him or her and may not make any copies or duplicates (including a photograph from a cell phone) of the records.