

PUBLIC ACCESS TO DISTRICT RECORDS: 4040

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 containing information relating to the conduct of operations and functions of the District that is prepared, owned, used, or retained by the District, regardless of physical form or characteristics. "Writing" means handwriting, typewriting, printing, photocopying, photographing, and every other means of recording any form of communication on 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 that remain in the sole possession of the maker and which are not generally accessible or revealed to other persons.

The Superintendent or designee 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 42.56, 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 42.56.230(1)]. 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 42.56.230(2)];
- C. Test questions, scoring keys, or other examination data used to administer academic tests [RCW 42.56.250(1)];

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- D. Except as provided by law, 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 (3) years after the appraisal (RCW 42.56.260);
- E. Preliminary drafts, notes, recommendations, inter-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 42.56.280);
- 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. Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user (RCW 42.56.210 and RCW 42.56.070);
- H. Records or portions of records the disclosure of which would violate vital 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 or volunteers at a public agency held in personnel records, rosters, and mailing lists [RCW 42.56.250(3)];
- J. The names, dates of birth, residential addresses, 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 392-172A);
- L. Information that identifies a person who, while a District employee seeks advice, under any informal process established by the District, in order to ascertain his or her rights in connection with a possible unfair practice under Washington's Law Against Discrimination, and requests that his or her identity or any identifying information not be disclosed;
- M. Information revealing the identity of a child victim of sexual assault who is under the age of eighteen (18), including the child victim's name, address, location, photograph, and in cases where the child victim is a relative or stepchild of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator;

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- N. Information revealing the identity of persons who are witnesses to or victims of crimes, if disclosure would endanger any person's life, physical safety, property and the victim or witness has indicated a desire for nondisclosure to the District; and,
- O. Any other record deemed exempt from public inspection and copying, pursuant to federal and state law.

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. No request shall be denied solely on the basis that the request is over-broad.

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 public records coordinator or designee 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 or designee may 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 References: Administrative Policy – 3231 Student Records
 Administrative Policy – 5260 Personnel Records

Legal References: RCW 5.60.060 Who are disqualified–Privileged immunities
 RCW 42.17 Disclosure–Campaign finances–Lobbying
 RCW 42.56 Public records act
 RCW 43.43 Washington state patrol

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20 U.S.C. § 1232g The Family Educational Rights and Privacy Act of
34 CFR § 99.30(subpart D) 1974, and implementing regulations
42 U.S.C. § 12122(c) The Americans with Disabilities Act

Management Resources: *Policy News*, February 2010 Federal Education Rights and Privacy
Act Revisions
Policy News, June 2006 Public Records Act
Policy News, October 2005 Public Disclosure