Public Access to School District Records

Purpose of these Procedures and General Principles

These procedures have been established by the Superintendent and published pursuant to Board Policy 4040 and RCW 42.56.040 to explain the process for public access to school district records and to provide guidance in how the District will respond to such requests.

School district records relating to the conduct of operations and functions of the District that have been prepared, owned, used, or retained by the District in any format are, in fact, *public records* to which members of the public may request access consistent with this procedure.

When processing such requests, the District will provide the fullest assistance to the requestor and provide a response in the most timely manner possible.

District Public Records Officer

Public Records Officer

For the most timely and efficient response, requests for school district records should be directed in writing to the Public Records Officer listed below, whose responsibilities include serving as a point of contact for members of the public in this process and overseeing the District's compliance with the Washington Public Records Act, Chapter 42.56 RCW, and Policy 4040.

The current Public Records Officer of the District may be reached at the District's Central Administrative Building as follows:

David E. Smith
1380 W. 5TH St PO Box 70 Newport, WA 99156
Phone: 509-447-3167
Fax: 509-447-3167
Email: smithdave@newportgriz.com

Information regarding contacting the Public Records Officer is also available at the District website at: newport.wednet.edu

Public Records Officer Training

Consistent with state law, the Public Records Officer shall complete trainings related to the Washington Public Records Act and public records retention no later than ninety (90) days after assuming the responsibilities of the Public Records Officer. After the initial training(s), the Public Records Officer must complete refresher training at intervals of no more than four years as long as he or she remains the District's Public Records Officer.

Availability of Public Records

Hours for Inspection

Public records are available for inspection and copying during normal business hours of the District, Monday through Friday, 8:00 a.m. to 5:00 p.m., during the school year, and 8:00 a.m. to

4:30 p.m., on days school is not in session, excluding legal holidays. Records must be inspected at the offices of the District.

Organization of Records
The District will maintain its records in a reasonable, organized manner and take reasonable actions to protect records from damage and disorganization. A requestor shall not take District records from District offices without the permission of the Public Records Officer or designee. During the inspection of records, a District employee will typically be present protect records from damage or disorganization.

Information Online
A variety of records and information are available on the District website at newport.wednet.edu . Requestors are encouraged to view the documents available on the website prior to submitting a records request.

Making a Request for Public Records

Request to Public Records Officer
Any person wishing to inspect or copy public records of the District shall make the request in writing by letter, fax, or email addressed to the Public Records Officer and including the following information:

- Name, address, telephone number, and email address of requestor;
- Identification of the public records adequate for the Public Records Officer or designee to locate the records; and
- The date the request is submitted to the District.

The District's Public Records Request Form is available for use by requestors at the District's central office and online at newport.wednet.edu.

Identifiable Records
A request under the Washington Public Records Act, Chapter 42.56 RCW and District Policy 4040 must seek an identifiable *record*. General requests for information from the District that do not seek identifiable records are not covered by Policy 4040. Similarly, the District is not obligated by law to create a new record to satisfy a records request for information. The District may choose to create a record depending on the nature of the request and the convenience of providing the information in a new document, such as when data from multiple locations is requested and can be more easily combined into a single new record.

Copies of Records
If the requestor wishes to have copies of the records made instead of inspecting them, he or she shall make this clear in the request and make arrangements to pay for copies of the records or a deposit.

Requests Not in Writing
The Public Records Officer or designee may accept informal requests for public records by telephone or in person. To avoid any confusion or misunderstanding, however, requestors should

be mindful that a request reduced to writing is always the preferred method. If the Public Records Officer or designee receives a request by telephone or in person, the Public Records Officer will confirm his or her understanding of the request with the requestor in writing.

Processing of Public Records Requests

Order of Processing Requests
The District will typically process requests in the order received. However, requests may also be processed out of order if doing so allows the most requests to be processed in the most efficient manner.

Central Review
Records requests not made to the Public Records Officer of the District will be forwarded by building level administrators, program administrators, or other staff receiving the request to the Public Records Officer for processing.

Five-Day Response
Within five (5) business days of receipt of a request, the Public Records Officer will do one or more of the following:

1. Provide copies of the record(s) requested or make the record available for inspection—or, in the alternative, provide an internet address and link to the District's website where the specific record can be accessed (provided that the requestor has not notified the District that he or she cannot access the records through the internet) ; or
2. Acknowledge that the District has received the request and provide a reasonable estimate of the time it will require to fully respond; or
3. Seek clarification of the request; or
4. Deny the request (although no request will be denied solely on the basis that the request is overbroad).

In unusual circumstances, the District may also seek a court order enjoining disclosure pursuant to law.

If the District does not respond in writing within five business days of receipt of the request for disclosure, the requestor should contact the Public Records Officer to determine the reason for the failure to respond.

Purpose of Request
The District may inquire into the purpose for which a record is requested and may use the answer to aid in gathering responsive records and determining whether the public has a legitimate interest in obtaining the information. However, a requester is not required to provide a purpose and the District may not decline to furnish the records solely because the requester refuses to furnish a purpose for the request.

Protecting Rights of Others
In the event that the requested records contain information that may affect rights of others and may be arguably exempt from disclosure, the Public Records Officer may, prior to providing the records, give notice to such others. The notice may make it possible for the others to contact the requestor

and ask him or her to revise the request, or, if necessary, seek a court order to prevent or limit the disclosure. The notice to the affected persons may also include a copy of the request.

Records Exempt from Disclosure
Some records are exempt from disclosure, in whole or in part, under a specific exemption contained in chapter 42.56 RCW or another statute which exempts or prohibits disclosure of specific information or records.

If the District believes that a record is exempt from disclosure and should be withheld, the Public Records Officer will state in writing the specific exemption (and statutory section) which applies and provide a brief explanation of how the exemption applies to the record being withheld or redacted. This exemption and explanation will be provided to the requestor in a withholding index or log.

If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the Public Records Officer will redact the exempt portions, provide the nonexempt portions, and indicate to the requestor why portions of the record are being redacted in the withholding index or log.

List of Laws Exempting or Prohibiting Disclosure
Pursuant to RCW 42.56.070 (2), these rules contain a list of laws—other than those specifically listed in the Washington Public Records Act, Chapter 42.56 RCW—which may exempt disclosure of certain public records or portions of records. The District has identified the following laws:

- The Family Educational and Privacy Rights Act (FERPA), 20 USC § 1232g (regarding student educational records);
- Washington State Student Education Records Law, RCW 28A.605.030;
- The Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1400 et. seq. and 34 C.F.R. Part 300 (protecting the confidentiality of personally identifying information contained in student records of students with disabilities).
- Privileged communications and attorney work product, such as set forth in Chapter 5.60 RCW;
- Information on students receiving free or reduced lunch, 42 USC § 1758(b)(6);
- Health Insurance Portability and Accountability Act (HIPPA), 45 CFR parts 160-164 (regarding health care information privacy and security);
- Abuse of Children – Protection and Procedure, RCW 26.44.010; RCW 26.44.030(9);
- Notification of Juvenile Offenders, RCW 13.04.155(3);
- Examination Questions, RCW 28A.635.040;
- Public Law 98-24, Section 527 of the Public Health Services Act, 41 USC § 290dd-2 (confidentiality of alcohol and drug abuse patient records);
- United States and Washington Constitutional provisions including, but not limited to, the right of privacy and freedom of association.

In addition to these exemptions, RCW 42.56.070 (9) prohibits providing access to lists of individuals requested for commercial purposes, and the District may not do so unless specifically

authorized or directed by law.

The above list is for informational purposes only and is not intended to cover all possible exemptions from the public records law. The above list includes only exemptions which may be in addition to those set forth in Chapter 42.56 RCW. Under appropriate circumstances, the District may rely upon other legal exemptions which are not set forth above or contained within the public disclosure law.

Inspection of Records
Consistent with other demands, and without unreasonably disrupting District operations, the District shall promptly provide for the inspection of nonexempt public records. No member of the public may remove a document from the viewing area without the permission of the Public Records Officer, nor may he or she disassemble or alter any document. The requestor shall indicate which documents he or she wishes the District to copy. There is no cost to inspect District records.

Providing Copies of Records
After inspection is complete, the Public Records Officer or designee shall make the requested copies or arrange for copying. The cost for copies is __ cents per page for copies that exceed twenty-five (25) pages. Payment may be made by cash, check, or money order payable to the District.

The District may also charge actual costs of mailing, including the cost of the shipping container.

Before beginning to make the copies, the Public Records Officer or designee may require a deposit of up to ten percent of the estimated costs of copying all the records selected by the requestor. The Public Records Officer or designee may also require the payment of the remainder of the copying costs before providing all the records, or the payment of the costs of copying an installment before providing that installment.

Providing Records in Installments
When the request is for a large number of records, the Public Records Officer or designee has the right to provide access for inspection and copying in installments. If, within thirty (30) days, the requestor fails to inspect the entire set of records or one or more of the installments, the Public Records Officer or designee may stop searching for the remaining records and close the request and discussed further below.

Completion of Inspection
When the inspection of the requested records is complete and all requested copies are provided, the Public Records Officer or designee will indicate that the District has completed a diligent search for the requested records and made any located nonexempt records available for inspection.

Closing Withdrawn or Abandoned Request
The requestor must claim or review the assembled records within thirty (30) days of the District's notification to him or her that the records are available for inspection or copying. The District should notify the requestor in writing of this requirement and inform the requestor that he or she should contact the District to make arrangements to claim or review the records. If the requestor or a representative of the requestor fails to claim or review the records within the thirty-day period or make other arrangements, the District may close the request and refile the assembled records.

When the requestor either withdraws the request or fails to fulfill his or her obligations to inspect the records or pay the deposit or final payment for the requested copies, the Public Records Officer

will close the request and indicate to the requestor that the District has closed the request.

Later Discovered Documents
If, after the District has informed the requestor that it has provided all available records, the District become aware of additional responsive documents existing at the time of the request, it will promptly inform the requestor of the additional documents and provide them on an expedited basis.

Processing of Public Records Requests for Electronic Records

Requesting Electronic Records
The process for requesting electronic public records is the same as for requesting paper public records. However, to assist the District in responding to a request for electronic records, a requestor should provide specific search terms that will allow the Public Records Officer or designee to locate and assemble identifiable records responsive to the request.

Providing Electronic Records
When a requestor requests records in an electronic format, the Public Records Officer or designee will provide the nonexempt records or portions of such records that are reasonably locatable in an electronic format that is used by the District and is generally commercially available, or in a format that is reasonably translatable from the format in which the District keeps the record.

Cost for Electronic Records
The cost of electronic copies of records shall be $2.50 for information provided by CD or DVD. There will be no charge for smaller requests which can be fulfilled by e-mailing electronic records to a requestor. The Public Records Officer or designee may also require the payment of the costs of the CD or DVD before providing that installment.

The District may also charge actual costs of mailing, including the cost of the shipping container.

Internal Review of Denials of Public Records

Petition for Internal Administrative Review of Denial of Access
Any person who objects to the initial denial or partial denial of a records request may petition in writing (including email) to the Public Records Officer for a review of that decision. The petition shall include a copy of or reasonably identify the written statement by the Public Records Officer or designee denying the request.

Consideration of Petition for Review
The Public Records Officer shall immediately consider the petition and shall either affirm or reverse the denial within two business days following the receipt of the petition, or within such other time as the District and the requestor mutually agree to.

Adoption Date:
Classification: **Priority**

Revised Dates: **08.98; 10.05; 12.11; 06.15**