

POLICY NO. 1325
Adopted: 4-22-81
Revised: 11-8-00
Replaced: 10-12-22

PUBLIC ACCESS TO DISTRICT RECORDS

POLICY:

Consistent with Washington State law and the Public Records Act, the Board is committed to providing the public full access to 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. At the same time, the Board desires to preserve the efficient administration of government and acknowledges the privacy rights of individuals whose records may be maintained by the District. This policy and the accompanying procedures are intended to facilitate access to school district records without compromising operational efficiency or privacy rights.

As used in this policy and the accompanying procedures, "school district records" is a broad term that includes any writing containing information relating to the conduct of the District or the performance of any District governmental or proprietary function prepared, owned, used, or retained by the District regardless of physical form or characteristics.

A "writing" as used in this policy and procedures is likewise a broad term that means any handwriting, typewriting, printing, photocopying, photographing, or other means of recording any form of communication or representation. 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.

"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 definition of "school district records" does not include records that are not otherwise required to be retained by the District and are held by volunteers who do not serve in an administrative capacity, have not been appointed by the District to a District board, commission, or internship, and do not have a supervisory role or delegated District authority.

The District will retain public records in compliance with the Public Schools (K-12) Records Retention Schedule found at:

<https://www.sos.wa.gov/archives/recordsmanagement/local-government-records-retention-schedules---alphabetical-list.aspx>

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. 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-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 a point of contact for members of the public who request the disclosure of public 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 Reference:

Policy No. 5230: Student Records

Legal References:

Chapter 5.60 RCW WITNESSES - COMPETENCY

Chapter 13.04.155(3) RCW Notification to school principal of conviction, adjudication, or diversion agreement - Provision of information to teachers and other personnel - Confidentiality

Chapter 26.44.010 RCW Declaration of purpose

Chapter 26.44.030(9) RCW 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

Chapter 28A.605.030 RCW Student education records - Parental review - Release of records - Procedure

Chapter 28A.635.040 RCW Examination questions - Disclosing - Penalty

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

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10-12-22
1-10-24

PUBLIC ACCESS TO DISTRICT RECORDS

PROCEDURES:

The following procedures shall be used to carry out the District's policy regarding public access to district records. These procedures have been established by the Superintendent and published pursuant to Board Policy No. 1325 and RCW 42.56.040.

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 requester 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 made through the "Request for Public Records" page on the district website. Requests will be filled by the Public Records Officer, 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 No. 1325.

The current Public Records Officer of the District may be reached at the District's Educational Services Center:

Executive Director of Communications & Community Services
Lake Stevens School District
12309 22nd St NE
Lake Stevens, WA 98258
425-335-1500
www.lkstevens.wednet.edu/publicrecords

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. Training must address particular issues related to the retention, production, and disclosure of electronic documents, including updating and improving technology information services.

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, 7:30 a.m. to 4:30 p.m., during the school year, and 8:30 a.m. to 3 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 requester 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 to protect records from damage or disorganization.

The District will also maintain a log of public records requests that have been submitted to and processed by the District. This log shall include, but not be limited to, the following information for each request: The identity of the requester if provided, the date the request was received, the text of the original request, a description of the records produced in response to the request, a description of the records redacted or withheld and the reasons therefor, and the date of the final completion of the request.

Information Online

A variety of records and information are available on the District website at www.lkstevens.wednet.edu/publicrecords. Requesters are encouraged to review the information 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 request a public record(s) shall follow the directions on the District website at www.lkstevens.wednet.edu/publicrecords and make a request through the District's public records portal.

Per the Washington Public Records Act, requests for public records will also be accepted in person, via telephone, via email and/or via postal mail. Requests should include the following information:

- Name, address, telephone number, and email address of requester;
- 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.

Identifiable Records

A request under the Washington Public Records Act, Chapter 42.56 RCW and District Policy No. 1325 must seek an identifiable *record or identifiable records*. A request for all or substantially all of the records prepared, owned, used, or retained by the District is not a valid request for identifiable records. General requests for information from the District that do not seek identifiable records are also not covered by Policy 1325. A request for all records discussing a particular topic or containing a particular keyword or name will not be considered a request for all of the District's 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 requester should provide specific search terms that will allow the Public Records Officer or designee to locate and assemble identifiable records responsive to the request.

Creating New Records

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 requester wishes to have copies of the records made instead of inspecting them, they 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, requesters should be mindful that a request through the District's public records portal, www.lkstevens.wednet.edu/publicrecords 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 their understanding of the request with the requester 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 requester has not notified the District that they 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. Acknowledge that the District has received the request, and ask the requester to provide clarification for a request that is unclear, while providing—to the greatest extent possible—a reasonable estimate of the time the District will require to respond to the request if it is not clarified; or
4. Deny the request (although no request will be denied solely on the basis that the request is overbroad).

If the requester fails to respond to the District's request for clarification within 30 days and the entire request is unclear, the District may close the request and not further respond to it. If the requester fails to respond to the District's request for clarification within 30 days, and part of the request is unclear, the District will respond to the portion of the request that is clear and may close the remainder of the request. In unusual circumstances, the District may also seek a court order enjoining disclosure pursuant to law.

The District may deny a bot request that is one of multiple requests from the requester within a 24-hour period if the District establishes that responding to the multiple bot requests would cause excessive interference with the District's other essential functions. The District may deem a request to be a bot request when the District reasonably believes the request was automatically generated by a computer program or script.

If the District does not respond in writing within five business days of receipt of the request for disclosure, the requester 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 others. The notice may make it possible for the others to contact the requester and ask them 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, and may include the opportunity to review the responsive records prior to disclosure.

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 requester in a withholding or redaction 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 requester why portions of the record are being redacted in a withholding or redaction log.

Requestors seeking to obtain video footage will be encouraged to first view the footage at the Educational Services Center or another district site deemed appropriate by the Public Records Officer. If after viewing this footage, the requestor desires a copy or copies of the footage, appropriate redactions will be applied in line with the Washington Public Records Act, Chapter 42.56 RCW. A redaction/exemption log will be produced by the Public Records Officer.

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;
- Criminal Records Privacy Act (CRPA), Chapter 10.97, RCW;
- Information on students receiving free or reduced lunch, 42 USC § 1758(b)(6);
- Health Insurance Portability and Accountability Act (HIPAA), 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 question for teachers or pupils prior to the 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 they disassemble or alter any document. The requester shall indicate which documents they wish the District to copy. There is no cost to inspect District records.

Providing Copies of Non-Electronic Records

After inspection is complete, the Public Records Officer or designee shall make

the requested copies or arrange for copying.

Providing Electronic Records

When a requester 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.

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 requester 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 as 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 requester must claim or review the assembled records within thirty (30) days of the District's notification to them that the records are available for inspection or copying. The District should notify the requester in writing of this requirement and inform the requester that he or she should contact the District to make arrangements to claim or review the records. If the requester or a representative of the requester 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 requester either withdraws the request or fails to fulfill their 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 requester that the District has closed the request.

Later Discovered Documents

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

COSTS OF PROVIDING RECORDS, WAIVER OF COSTS, AND AGREEMENTS REGARDING COSTS

Cost of Printed Copies and Mailing

There is a fifteen cents (\$0.15 cents) per page charge for a standard black and white photocopy of a requested record. Payment may be made by cash, check, credit card, or money order payable to Lake Stevens School District.

The District may also charge actual costs of mailing, including the cost of the shipping container or envelope. The District may also charge actual costs of storage devices for electronic records, including CDs and flash drives.

The Public Records Officer or designee may 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.

If requested, the District will provide a summary of the applicable charges before any copies are made. The requester will be allowed to revise the request in order to reduce the applicable charges.

Cost for Electronic Records

The cost for providing electronic records is as follows:

1. Ten cents per page for public records scanned into an electronic format or for the use of District equipment to scan the records;
2. Five cents per each four electronic files or attachment uploaded to email, cloud-based data storage service, or other means of electronic delivery;
3. Ten cents per gigabyte for the transmission of public records in an electronic format or for the use of District equipment to send the records electronically; and
4. The actual cost of any digital storage media or device provided by the District, the actual cost of any container or envelope used to mail the copies to the requester, and the actual postage or delivery charge.

The District will take reasonable steps to provide the records in the most efficient manner available to the District in its normal operations;

Alternatively, if the District determines and documents that the fees allowed under this procedure are clearly equal to, or more, than two dollars, the District may instead charge a flat fee of two dollars to provide the records. If the District charges a flat fee for the first installment, the District will not charge an additional flat fee or a per page fee for any subsequent installments.

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.

If requested, the District will provide a summary of the applicable charges before charges are imposed under this procedure. The requester will be allowed

to revise the request in order to reduce the applicable charges.

The District will not impose copying charges for access to or downloading of records that the District routinely posts on its website prior to the receipt of a request, unless the requester has specifically requested that the District provide copies of such records through other means.

Deposits

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 requester, including the cost of a customized service charge according to the provision above.

Waiver

The Public Records Officer may waive any charge assessed for a request. On behalf of the District, the Public Records Officer may also enter into any contract, memorandum of understanding, or other agreement with a requester that provides an alternative fee arrangement to the charges authorized in this Procedure, or in response to a voluminous or frequently occurring request.

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 promptly provide the petition and any other relevant information to the Superintendent or designee. That person will immediately consider the petition and either affirm or reverse the denial within two business days following the district's receipt of the petition, or within such other time, which the District and the requester mutually agree.

Reporting Costs of Producing Public Records

The District will provide the information specified in RCW Chapter 40.14 to the Joint Legislative Audit and Review Committee as required by law.