

REQUESTS FOR PUBLIC RECORDS

Definitions

Custodian of Records – Employee appointed by the board who is responsible for the maintenance of the board's records. The following employee serves as the custodian of records: Secretary to the Board of Education.

Requests for records must be submitted utilizing the following link:

www.ssdmo.org/departments/communications/mo-sunshine-law

In addition, the district will train the secretary to the superintendent to serve as custodian of records in the absence of the official custodian.

Public record - As defined by state statute, public records include but are not limited to reports, surveys, memoranda, documents/studies prepared and presented to the board by consultants or other professional service paid for in any part by public funds, provided that such "records" are retained by the district.

If a board member or a member of a district committee subject to the Missouri Sunshine Law transmits any message to enough members that, when counting the sender, a majority of the board or committee members receive the message, the message shall also be concurrently transmitted to the custodian of records or the member's district office computer, if applicable, in the same format. The message shall be considered an open record unless it is a closed record in accordance with law.

The phrase *public records* does not include:

1. Creation of a document not retained or creation of a summary/compilation of district data where such compilation or summary is not an existing, retained record. (For example, creating a spreadsheet by aggregating scores from various sites in the district.)
2. Internal memoranda or correspondence received by or prepared by or on behalf of the board where such documents involve advice, opinions, or recommendations related to the board's decision-making process. (For example, an email from a board member discussing how an issue will be considered.) However, if such memoranda or correspondence is retained by the district or are presented at a public meeting, they will be deemed public records subject to public access.
3. District records closed to public access by the board including but not limited to appropriate legal actions, real estate matters, information related to the performance or merit of individual employees, academic discipline and testing records of personally identifiable students, testing and examination materials, software codes, preparation for employee negotiations, specifications for competitive bidding, personnel records, and sealed bidding.

Records are presumed to be public unless they meet one of the above criteria.

Requests for Inspection and/or Duplication

Except as otherwise provided by law, the custodian of records on behalf of the board will shall provide access to, and upon request, furnish copies of public records subject to the following:

1. Requests for access or duplication of the district's public records must be made to the district's designated custodian of records.

2. Upon receipt, the custodian/designee will provide or deny access within three (3) business days of the request. The date the request is received will not be counted as one of the three (3) business days provided for response. Where reasonable cause exists the three-day response period may be exceeded.
3. If access is not immediately provided, the custodian/designee will provide the person requesting access with a detailed explanation of the reason for the delay. The custodian/designee will advise of the earliest date, time, and place when access will be provided.
4. If access is denied, the custodian/designee will provide the person requesting access with a written explanation of the reason for denial of access. The written explanation will provide the specific provision of law relied upon in denying access and will be provided within three (3) days of the date when access was denied.
5. If a public record contains material which is not exempt from disclosure as well and material which is exempt from disclosure, the custodian of records will separate the exempt material and non-exempt materials and make the non-exempt material available for examination and copying.
6. The district may charge fees for copying, duplicating time and research time.
 - a. Copying fees shall not exceed ten (10) cents per page for a paper copy not larger than nine (9) by 14 inches.
 - b. The hourly fee for duplicating time will not exceed the average hourly rate of pay for district clerical staff.
 - c. Research time required for fulfilling records requests may be charged at the actual cost of the research time.
 - d. The district will produce the copies using the employees that result in the lowest amount of charges for search, research, and duplication time.
7. For providing access to computer records, recorded tapes, disks, videotapes, films, pictures, maps, slide graphics, illustration, or audio or visual items in print or digital format.
 - a. Fees shall include only the cost of copies, staff time and the cost of the disk, tape or other medium used for the duplication.
 - b. Charges for staff time will not exceed the average hourly rate of pay for district staff required for making copies and programming, if necessary.
 - c. Fees may include the actual costs of programming if programming is required beyond the customary and usual level to comply with a request for records or information.
8. Payment of fees may be requested prior to copying. The person requesting the records may request an estimate of the cost prior to copying.
9. Copies may be furnished free or at a reduced rate if the board determines that doing so is in the public interest because it is likely to contribute to public understanding of the operations or activities of the district and is not primarily based on commercial interests.
10. If the records are requested in a certain format, the custodian of records will provide the records in the requested format if such format is available.
11. The custodian of records shall inform the district staff of the mandated retention schedules from the Secretary of State's office and work closely with district technology staff on the retention of computer records.
12. Once the district has been served with a summons, petition, complaint, counterclaim or cross-claim in a civil action to enforce the Sunshine Law, the custodian of records shall not transfer custody, alter, destroy or otherwise dispose of the public records sought to be inspected and examined until the court directs otherwise, regardless of the applicability of

an exemption or the assertion that the requested record is not a public record.

Unauthorized Removal of Public Records

No person is permitted to remove original public records from district facilities without written permission of the custodian of records/designee. Employees who violate this provision are subject to discipline up to and including termination. Violators may be referred to law enforcement officials.

Commercial Use of District Records

No person or business entity will be provided with the exclusive right to have access to, control over, duplication of, and dissemination of the public records of the district.

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Superintendent of Schools