

ACCESS TO PUBLIC RECORDS

The various records authorities of the Appleton Area School District shall maintain and provide access to public records in accordance with applicable laws and the policies and procedures of the District. In addition, all officials, employees, and authorized agents of the District shall, to the extent appropriate to the particular record, safeguard the confidentiality of personally-identifiable information in their possession and in the records created or maintained by any school District authority.

The superintendent's designee shall serve as the legal custodian of records for the following District records authorities:

1. The District, including the School Board as the governing body;
2. All committees which are subunits of the Board;
3. Other District records authorities created by law or by rule or order;
4. The individual members of the School Board, including the individual officers of the Board (i.e., President, Vice President, Clerk, Treasurer). However:
 - a. Each Board member remains a records authority and co-custodian of the records of their individual public office.
 - b. As to any records of his/her office that a Board member may create or maintain solely at any location or on any computer system that is not owned or controlled by the District, the Board member shall have responsibility for the proper maintenance and retention of such records.
 - c. Board members and officers shall cooperate with the Board-designated custodian of records in responding to public records requests encompassing records of their individual office, except that an individual board member may take sole responsibility for responding to a request if all of the following apply: (1) the Board member (and not the Board-designated custodian of records) has individually received a request for records in the Board member's capacity as an individual records authority; (2) the Board member assumes all legal responsibility for responding to the request; and (3) the request deals exclusively with records of such Board member's office that are in the possession or control of the Board member and that are **not** otherwise available to the Board-designated custodian.

The legal custodian of records is vested with full legal power to render decisions and carry out the duties of each school District records authority designated above, as such duties are identified under the Wisconsin Public Records Law. For example, the legal custodian shall:

1. Receive, evaluate, and respond to requests to inspect or copy records;

2. Compel the prompt assistance of other District employees in responding to requests for access to public records, to the extent the custodian deems necessary;
3. Take an active role, either personally or via a designee or via written procedures, in supervising the proper maintenance and retention of records by District employees; and
4. Ensure that all employees who are entrusted with the records that are subject to the legal custodian's supervision are notified of the identity of the legal custodian and provided with a description of the legal custodian's duties under applicable law.

The Superintendent, or his/her designee, working in conjunction with the individual school official who has been assigned specific responsibility for ensuring the confidentiality of all personally-identifiable data, information, and records collected or maintained by the District under the Individuals with Disabilities Education Act (IDEA), shall (1) develop rules of conduct for District employees who are involved in collecting, maintaining, using, providing access to, sharing or archiving personally-identifiable information; and (2) ensure that all such employees know their duties and responsibilities relating to protecting personal privacy, including applicable state and federal laws.

Neither the designation of a legal custodian of records nor any other provision of this policy shall be interpreted to affect the powers and duties of any District records authority under the Public Records Law.

The District's public records notice, as adopted by the Board, shall be prominently posted in the District's buildings. The notice shall also promptly be made available to any member of the public for inspection and copying. *For additional convenience, the notice will be posted on the District's website.*

Authorized Fees under the Public Records Law

Fees may be charged for costs associated with locating and/or copying requested records and for related postage/shipping costs in accordance with the fee schedule adopted by the Board. The fee schedule shall be included in the District's posted public records notice.

The legal custodian of records may provide copies of a record without charge or at a reduced charge where the custodian determines that a waiver or reduction of the fee is in the public interest. These situations include, but are not necessarily limited to, situations where the records custodian determines that the costs the District would be likely to incur in processing a payment would be likely to exceed the amount of the payment itself; or where the requester is an elected official, the records in question are reasonably necessary for the proper performance of official duties, and the location costs associated with the request are negligible. The legal custodian shall apply any such waiver or reduction of fees with reasonable uniformity and without discrimination as to any status protected by law (e.g., race, sex, disability, etc.)

In a situation where any fees differing from the fees approved by the Board are established by law, or are authorized to be established by law, those other fees may be charged.

Assistance from Legal Counsel

When the legal custodian of records, or a deputy custodian in the absence of the legal custodian, determines that it is necessary or prudent to do so, he/she is authorized to seek specific legal advice from and engage the assistance of District legal counsel.

Local Public Offices

The offices and positions that are considered “local public offices” for purposes of the Wisconsin Public Records Law are listed in the District’s posted public records notice.

Cross References: Student Records, 347 and 347-Rule
Records Management and Retention, 822
Access to Public Records Procedures, 823 and 823-Rule
Board Member Use of Electronic Communications- 166

Legal References: Wisconsin State Statutes 19.21 through 19.39, 19.65, 19.70, 118.125, 120.13(28)
Federal Laws 34 C.F.R. Part 99 and 34 C.F.R. §300.623
Wisconsin Records Retention Schedule for School Districts

Adoption Date: April 11, 2011

Amended Date: July 23, 2012, March 12, 2018, February 10, 2020, February 24, 2025

**APPLETON AREA SCHOOL DISTRICT
WISCONSIN OPEN RECORDS LAW NOTICE**

Section 19.34, Wis. Stats. requires the Appleton Area School District to adopt, prominently display, and make available for inspection and copying at its offices, for the guidance of the public, a notice containing a description of its organization and the established times and places at which, the legal custodian from whom, and the methods whereby, the public may obtain information and access to records in its custody, make requests for records, or obtain copies of records and the costs thereof. Section 19.34(1), Wis. Stats., also requires the district to separately identify each position in the district that constitutes a local public office.

Notice is hereby provided of the following information required by the Wisconsin Open Records Law:

1. **Description of the District:** The Appleton Area School District is a Wisconsin public school district providing instruction to students in grades pre-K-12. The District comprises three (3) high schools, four (4) middle schools, sixteen (16) elementary schools, seventeen (17) charter/magnet schools, and select alternative programs. The District is governed by a school board made up of seven (7) members.
2. **Legal Custodian:** Sheree Garvey-Assistant Superintendent of School Services
3. **Means of Requesting Records:** The public may seek access to records and/or request copies of records in the District's custody in person between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, at the District Offices located at 131 E. Washington Street, Suite 1A, Appleton, Wisconsin. In addition, the public may seek access to records and/or request copies of records in the District's custody by writing to the Assistant Superintendent of School Services at 131 E. Washington Street, Suite 1A, Appleton, WI 54911 or by email to vandenbergkelly@aasd.k12.wi.us.
4. **Costs of Obtaining Records:** The District will impose a fee of \$0.0135 per page for a black and white copy and \$0.0632 per page for a color copy upon any individual requesting records from the District as provided for in §19.35(3)(a)-(e), Wis. Stats. There may be additional fees for labor costs associated with photography and photography reproduction, computer programming, transcription, location, contractor costs, mailing/shipping, etc. The District may require prepayment from any individual requesting records from the District if the total amount exceeds \$5.00.
5. **Local Public Offices:** The District has deemed the following positions in the District as "local public offices" as defined by §19.32(1dm), Wis. Stats.:
 - a. Superintendent of Schools
 - b. Executive Director of Finance
 - c. Assistant Superintendent of School Services
 - d. Executive Director of Student Services
 - e. Executive Director of Special Education
 - f. Executive Director of Operations
 - g. Chief Human Resources Officer
 - h. Assistant Superintendent Assessment, Curriculum and Instruction (ACI)
 - i. ACI Directors and Coordinators
 - j. Associate Directors
 - k. School Principals

General Procedures for Handling Public Record Requests

Individuals may obtain access to records maintained by the Appleton School District and the various District records authorities in accordance with applicable law, District policy, and the additional procedures outlined below.

A. Definitions

1. "Authority" means any of the following having custody of a record:
 - a. The Appleton Area School District School Board (including its officers, all Board committees, or other authorities created by the Board)
 - b. Superintendent of Schools
 - c. Those designated by the Superintendent of Schools
2. "Record" means any material on which written, drawn, printed, spoken, visual, or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by the authority. "Record" includes, but is not limited to: handwritten, typed or printed pages, maps, charts, photographs, recordings, emails, computer printouts, and archived social media posts and their responses on approved channels.
3. "Record" does not include drafts, notes, preliminary computations and like materials prepared for the originator's personal use or prepared by the originator in the name of a person for whom the originator is working; materials which are purely the personal property of the custodian and have no relationship to his/her office; materials to which access is limited by copyright, patent or bequest; and published materials in the possession of an authority other than a public library which are available for sale, or which are available for inspection at a public library.

B. Public Records Notices

The Superintendent/designee shall inform any authority identified in A 1 above about the notice requirements in section 19.33(4) and section 19.34(1) of the State Statutes and shall assist each identified authority in meeting the authority's obligations under those statutes.

C. Authorized Fees

The fees that the District may charge in connection with a public records request are determined under Board policy and the fee schedule that appears in the District's posted public records notice. Information about such fees can also be obtained from the office of the District's legal custodian of records."

The following fees are authorized to be charged to persons who request to inspect or copy the records of a District authority, to the extent such request is submitted, or responded to, under the Wisconsin Public Records Law:

1. Hard Copies of Records:

- Black and White – The District will impose a fee of \$0.0135 per page for a black and white copy per side of a page for each paper copy that is made of any standard-size paper record or for any standard-sized printed copy of an electronic record that can be readily printed without substantial modification. There is no separate charge for any staff time that is required to make such standard-sized copies.
- Color – The District will impose a fee of \$0.0632 for color per side of a page for each paper copy that is made of any standard-size paper record or printed copy or for any standard-sized printed copy of an electronic record that can be readily printed without substantial modification. There is no separate charge for any staff time that is required to make such standard-sized copies.

2. Electronic Copies of Records (includes any electronic records provided by email, PDF, DVD, flash drive, or other electronic format):

- The unit cost of any physical medium supplied by the District when providing electronic copies of records via such medium, such as a DVD [\$.50, or other actual amount] or an 8GB flash drive [\$3.00, or other actual amount].

PLUS

- The lesser of the following:
 - The actual, necessary, and direct costs of applicable staff time to prepare the electronic copies for the format in which they will be transferred to the requester; or
 - To the extent the request involves creating standard, scanned electronic copies of standard-sized paper records, the per-page costs that would have applied to providing black-and-white physical copies of an equal number of record pages (as determined above).

The references, above, to the fees that are authorized to be charged for modifying the format of records in order to provide copies is not a commitment to modifying the format of any record when the District is not legally required to do so.

3. Photographs: The actual, necessary and direct cost of photographing and photographic processing (which may include any costs of processing or reproducing an electronic photograph), including applicable costs of staff time, will be charged for providing a photograph of a record when the record does not permit standard copying.

4. **Non-Standard Reproductions:** For any transcription or other specialized copying or reproduction of a record not otherwise covered in this fee schedule, a fee equal to the actual, necessary, and direct costs of such reproduction and transcription, including applicable costs of staff time.
5. **Location Costs:** There shall be no charge for the costs associated with locating a record unless the actual, necessary and direct location costs associated with the request exceed \$50, in which case the entire actual cost shall be imposed upon the requester. "Locating" a record means to find it by searching, examining, or experimenting. The cost of staff time required for the location of records will be charged at the hourly rate of total compensation of the lowest-paid employee who is reasonably capable of performing the task.
6. **Shipping/Postage:** If records are mailed or shipped to the requester, the actual, necessary, and direct postage/shipping costs will be charged.
7. **Special Circumstances:** Notwithstanding the provisions above regarding copying or reproduction fees for records produced and maintained by the District or a District records authority:
 - a. If a record is produced or collected by a person who is not a records authority pursuant to a contract entered into by that person and the District, the fee charged for copying the record shall be the actual, direct, and necessary cost of reproduction incurred by the person making the reproduction or transcription of the record, unless a fee is otherwise authorized or established by law.
 - b. In a situation where any fees differing from the fees identified in these fee provisions are established by law or are authorized to be established by law for producing a particular record or type of record, those other fees may be charged.

If applicable, staff time that is charged in connection with any copying or reproduction costs will be calculated and charged at the hourly rate of total compensation of the lowest-paid employee capable of performing the applicable copying/reproduction.

Prepayment of authorized fees may be required for any request where the total fees exceed \$5. A request for any prepayment of or deposit on fees shall be based upon a good-faith estimate of the likely costs of responding to the request, with any difference to be refunded or collected once the actual amount is known.

Requesters shall make checks for fees payable to Appleton Area School District.

D. Accessibility of Records

1. Members of the public may request access to the public records that are under the supervision of the legal custodian by submitting a request to the records

custodian during the regular business hours of the District's main Administrative Office, which are Monday through Friday from 8:00 A.M. - 4:00 P.M., except for holidays and such other exceptions as may be established in connection with the school calendar.

2. A requester will be permitted to use facilities comparable to those available to District employees to inspect or copy a record.
3. The legal custodian of records or his/her designee may require supervision of the requester during inspection or may impose other reasonable restrictions to maintain the security of the record(s).
4. The legal custodian, upon request for any record, shall, as soon as practicable and without delay, either fill the request or notify the requester of the authority's denial.

E. Record Requests under the Wisconsin Public Records Law

1. All requests to inspect or copy a public record shall be made to the legal custodian of records or his/her designee.
2. All requests must be reasonably specific as to the subject matter and time period of the records covered by the request.
3. Record requests may be made orally or in writing. Requesters may, but are not required to, contact the District to ensure receipt of the request.
4. At the discretion of the records custodian, and where there are legitimate reasons for doing so, the records custodian may promptly contact the requester to seek clarification of an ambiguous request prior to seeking responsive records or providing a formal response.
5. A requester may be required to show acceptable identification whenever the requested record is kept at a private residence, whenever security reasons require such measures, or where applicable state or federal law otherwise requires or permits an authority to request identification.
6. Neither any records authority nor any legal custodian of records is required to create new records that do not presently exist in response to any request for information from the authority.
7. The records custodian is authorized by applicable law to reject "standing requests" for access to records that do not exist at the time of the request, but that may be created at a later date.
8. The legal custodian of records or his/her designee shall not sell or rent a record containing an individual's name or address of residence, unless specifically authorized by state law. The collection of general fees applicable to a records request is not a sale or rental under these procedures.

F. Responses to Records Requests

1. All requests will be processed as soon as practicable and without delay. The time it takes the custodian to respond to the request will depend on factors including the nature and extent of the request and the availability of staff and other resources necessary to process the request. Access to inspect or copy records on the same day that the request is submitted is available only in limited circumstances.
2. Not all records created or maintained by the District are subject to inspection or copying by the public. Examples of records to which access may be prohibited or restricted include, but are not limited to, certain student records and certain records concerning applicants for positions, district employees, or public officers. In some cases, only a portion of the record is subject to public inspection, while the remaining portion must remain confidential.
3. If the legal custodian decides to permit access to certain types of records concerning employees or individuals who hold a local public office, the custodian shall first determine whether the law requires the custodian to provide the record subject with advance notice of the decision to release the records. If such notice is required, it shall be provided prior to any release of the records, and the record subject shall be afforded the rights further outlined in state law.
4. In the event a records custodian denies a records request, either in whole or in part, the custodian shall identify the reasons that access to the records is being denied.
5. If a written request is denied in whole or in part, the requester shall receive a written statement of the reasons for the denial. Verbal requests may be denied verbally unless the requester makes a demand for a written statement of the reasons denying the request within five business days of the oral denial.
6. If the records custodian issues a written denial of a request, the custodian must also expressly notify the requestor within the response that the denial is subject to review in an action for mandamus under section 19.37(1) of the Wisconsin Statutes, or by application to the district attorney or attorney general.

Cross References: Student Records, 347 and 347-Rule
Records Management and Retention, 822
Access to Public Records Procedures, 823 and 823-Rule

Legal References: Wisconsin State Statutes Chapter 19 (Subchapter II), 16.61(7), 19.21 through 19.39, 19.65, 19.70, 118.125, 120.13(28), 120.44
Federal Laws 34 C.F.R. Part 99 and 34 C.F.R. §300.623

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