School Board of Directors
Cheney School District No. 360
Procedure No. 4040, Public Access to District Records

PURPOSE OF THESE PROCEDURES AND GENERAL PRINCIPALS

These procedures have been established by the Superintendent/designee 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 timeliest manner possible.

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 administrative office as follows:

Megan Kensok, Assistant to the Superintendent

Cheney Public Schools
12414 S. Andrus Road
Cheney, WA 99004
Phone: (509) 559-4502
Fax: (509) 559-4508
Email: mkensok@cheneysd.org

Information regarding contacting the Public Records Officer is also available at the district website at http://www.cheneysd.org.

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 (4) 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 of Inspection

Public records are available for inspection and copying during normal business hours of the district, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding legal holidays. Records must be inspected at the offices of the district and an appointment made to ensure requested records are available.

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 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 requestor if provided, the date the request was received, a summary of the original request, indication if the records were produced in full or partial response to the request, a notation if records were redacted or withheld and the reasons therefore, and the date of the final disposition of the request.

Information Online

A variety of records and information are available on the district website at http://www.cheneysd.org. 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 person during the district's normal office hours, or in writing by letter, fax, or email addressed to the Public Records Officer and including the following information:

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

The district recommends using its Public Records Request Form when submitting a request for records. This form is available for use by requestors at the district's central office and online at http://www.cheneysd.org.

Identifiable Records

A request under the Washington Public Records Act, Chapter 42.56 RCW and District Policy No. 4040 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 not covered by Policy No.

4040. 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 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.

Requesting Board Meeting Recordings

Effective June 30, 2024, requests for recordings of board meetings made pursuant to RCW 42.30.035 (2) will only be a valid request for an identifiable record when the date of the recording, or a range of dates, is specified in the request. When searching for and providing identifiable recordings, no search criteria except date must be considered by the district. Board meeting records are available online at http://www.cheneysd.org.

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 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 provide 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 request 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. Acknowledge that the district has received the request, and ask the requestor to provide clarification of the 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 requestor 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 requestor 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 requestor within a twenty-four-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 (5) 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 requestor 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:

1. The Family Educational and Privacy Rights Act (FERPA), 20 U.S.C. § 1232g (regarding student educational records);
2. Washington State Student Education Records Law, RCW 28A.605.030;
3. 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).
4. Privileged communications and attorney work product, such as set forth in Chapter 5.60 RCW;
5. Criminal Records Privacy Act (CRPA), Chapter 10.97, RCW;
6. Information on students receiving free or reduced lunch, 42 U.S.C. § 1758(b)(6);
7. Health Insurance Portability and Accountability Act (HIPPA), 45 CFR parts 160-164 (regarding health care information privacy and security);
8. Abuse of Children – Protection and Procedure, RCW 26.44.010; RCW 26.44.030(9);
9. Notification of Juvenile Offenders, RCW 13.04.155(3);
10. Examination question for teachers or pupils prior to the examination, Questions, RCW 28A.635.040;
11. Public Law 98-24, Section 527 of the Public Health Services Act, 41 U.S.C. § 290dd-2 (confidentiality of alcohol and drug abuse patient records);
12. United States and Washington Constitutional provisions including, but not limited to, the right of privacy and freedom of association.

The above list includes only exemptions that may be in addition to those set forth in Chapter 42.56 RCW. Under appropriate circumstances, the district may rely upon other legal exemptions that are not set forth above or contained within the public disclosure law.

In addition to these exemptions, here are a few notable exemptions identified in the Washington Public Records Act:

- 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.
- RCW 42.56.230(1) exempts personal information in any files maintained for students in public schools.
- RCW 42.56.230(2)(iii) exempts a student's personal information in any records pertaining to the student, including correspondence.
- RCW 42.56.250(1)(i) allows an employee who is a survivor of domestic violence, sexual assault, sexual abuse, stalking, or harassment to submit documentation to the district allowing the district to exempt their name and other personally identifying information from public disclosure. See Policy 6513P (Workplace Violence Prevention) for the process an employee must follow to submit the necessary documentation.

The above list is for informational purposes only and is not intended to cover all possible exemptions from the public records 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 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 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.

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 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 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 of 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 becomes 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.

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

Cost of Printed Copies and Mailing

The cost of providing photocopies or printed copies of electronic records is 15 cents per page. 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. 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 or envelope.

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 requestor will be allowed to revise the request in order to reduce the applicable charges.

Customized Service Charge

A customized service charge may be imposed if the District estimates that the request would require the use of information technology expertise to prepare data compilations, or to provide customized electronic access services when such compilations and customized access services are not used by the District for other District purposes. The customized service charge may reimburse the District up to the actual cost of providing the services in this paragraph.

The District will not assess a customized service charge unless it has notified the requestor of the customized service charge to be applied to the request, including an explanation of why the customized service charge applies, a description of the specific expertise, and a reasonable estimate cost of the charge. The notice will also provide the requestor the opportunity to amend their request in order to avoid or reduce the cost of a customized service charge.

Cost for Electronic Records

The cost for providing electronic records is as follows:

- Ten cents per page for public records scanned into an electronic format or for the use of District equipment to scan the records;
- Five cents per each four electronic files or attachment uploaded to email, cloud-based data storage service, or other means of electronic delivery;
- 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
- 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 requestor, 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 requestor 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 requestor 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 requestor, 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 requestor 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 customize as appropriate e.g., the district Superintendent or another administrative official who supervises the district Public Records Officer. That person will immediately consider the petition and either affirm or reverse the denial within two (2) business days following the district's receipt of the petition, or within such other, which the district and the requestor mutually agree to.

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.

Classification: Encouraged

Adopted: 04/12/2000

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Supersedes: 4340

Superintendent: Dr. Ben Ferney