The board of trustees recognizes that all the business and administrative records of the district are public records. Included within those records are hard copy paper records and those records made and/or retained in electronic or other media format. District administration shall determine appropriate procedures to be utilized for the indexing, storage and retrieval of all district records, including those that are in electronic format or other format, to safeguard records and facilitate compliance with the rights of the public to access public records and to comply with other legal requests for access to public records.

Subject to the limitations set forth herein, and as provided by state and federal law, the public has the right to examine and take a copy of any public record of Parma School District No. 137. This policy sets forth the procedure for accessing the district's public records.

The board of trustees confers upon the superintendent the authority to designate a custodian or custodians for all public records of the district. As defined in the Idaho public records law, the custodian is the person or persons having personal custody and control of the public records of the district or authorized access thereto, and includes all delegates of such officials, employees or representatives. The name and contact information for the district's designated custodian(s) is Emily Obenchain, District Secretary (208)779-4069 ext. 1602 and is available on the district's website.

All records of the district will be retained in accordance with the district's records retention policy (Policy 277). A written copy of the minutes from board of trustee meetings will be available to the public within a reasonable time after the meeting in which they are approved. Drafts of the board meeting minutes are considered to be public records and shall be produced upon request. However, such draft minutes will be marked as "unofficial draft minutes not yet reviewed or approved."

DEFINITIONS

"Custodian" means the district employee(s) having physical custody and control of public records of the district, or authorized access thereto, including those employees who have been appointed to respond to requests for public records and other district information on a routine basis, and the designees of all such appointed custodians.

"Public Record" includes, but is not limited to, any writing containing information relating to the conduct or administration of the district's business that is prepared, owned, used, or retained by the district, regardless of the physical form or characteristics, and includes e-mail containing information relating to the conduct and administration of district business.

"Writing" includes, but is not limited to, handwriting, typewriting, printing, photostating, photographing, and every means of recording, including words, pictures, sounds, symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, disks, drums, or other documents.

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REQUEST TO EXAMINE PUBLIC RECORDS

The district requires that a request for public records be submitted in writing upon a form provided by the district with the requester's name, mailing address, e-mail address, and telephone number. A request for public records and delivery of the public records may be made by electronic mail. Requests shall describe the public records sought with sufficient specificity to allow the records custodian to locate the records with reasonable effort. The custodian will make no inquiry of any person who requests a public record except to verify the identity of the requester or to ensure that the requested record or information will not be used for purposes of a mailing or telephone list as prohibited by Idaho Code §74-120. However, the district may provide the requester information to help the requester narrow the scope of the request or to help the requester make the request more specific when the response to the request is likely to be voluminous or require payment. The custodian will maintain vigilance to ensure that records are not altered or destroyed, but may not review, examine, or scrutinize any copy, photograph, or notes in the person's possession.

Examination of public records must be conducted during regular office or working hours. When necessary, a designated custodian may authorize an examination of records to be done outside of regular working hours. In this event, the persons designated to represent the custodian during such examination will be entitled to reasonable compensation to be paid to them out of funds provided in advance by the person examining the records.

All documentation relating to a public records request will be maintained by the district in accordance with the district's records retention schedule.

COSTS FOR PROVIDING PUBLIC RECORDS

Except for fees that are authorized or prescribed under other provisions of Idaho law, no fee shall be charged for the first two (2) hours of labor in responding to a request for public records, or for copying the first one hundred (100) pages of paper records that are requested. If the information is also available in publication form, the district may offer the published material to the individual or organization at the standard cost of selling the publication.

This district may charge the actual labor cost associated with locating and copying documents when:

1. The request is for more than one hundred (100) pages of paper records; or

2. The request includes records from which nonpublic information must be deleted; or

3. The actual labor associated with locating and copying documents for a request exceeding two (2) person hours.

Labor fees will not exceed reasonable labor costs necessarily incurred in responding to a public records request. Fees, if charged, will reflect the personnel and quantity of time that are reasonably necessary to process a request. Fees for labor costs will be charged at the per hour pay rate of the lowest paid administrative staff employee who is necessary and qualified to process the request.

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If a request requires redactions to be made by an attorney the rate charged will be no more than the usual and customary rate of the attorney who is retained by the district for that purpose.

The copying or conversion fee schedule will be made available to those individuals requesting copies and will be updated from time to time as necessary to reflect the actual copying and labor costs to the district.

The district will not charge any cost or fee for copies or labor when the requester demonstrates that the requester's examination and/or copying of public records:

1. Is likely to contribute significantly to the public's understanding of the operations or activities of the government.

2. Is not primarily in the individual interest of the requester including, but not limited to, the requester's interest in litigation in which the requester is or may become a party.

3. If the requester has insufficient financial resources to pay such fees.

The district's statements of fees will be itemized to show per page costs for copies, and hourly rates of employees and attorneys involved in responding to the request, and the actual time spent on the public records request. No lump sum costs will be assigned to any public records request.

The custodian may require advance payment of fees when deemed appropriate. If there is a request to mail copies of documents to an individual, the custodian may request advanced payment for the copies and a stamped, self-addressed envelope large enough for the number of copies. Any portion of an advance payment in excess of the actual costs of labor and copying incurred by the district in responding to the request will be returned to the requester.

A requester may not file multiple requests for public records solely to avoid payment of fees. When the district reasonably believes that one (1) or more requesters is segregating a request into a series of requests to avoid payment of fees authorized pursuant to this section, the district may aggregate such requests and charge the appropriate fees. The district may consider the time period in which the requests have been made in its determination to aggregate the related requests. The district will not aggregate multiple requests on unrelated subjects from one (1) requester.

RESPONSE TO REQUEST FOR EXAMINATION OF PUBLIC RECORDS

The district will either grant or deny a person's request to examine or copy public records within three (3) working days of the date of the receipt of the request for examination or copying. If it is determined by employees of the district that a longer period of time is needed to locate or retrieve the public records, the district will notify the requestor in writing and will provide the public records to the person no later than ten (10) working days following the person's request, if the person is an Idaho resident, and no later than twenty-one (21) working days following a request from a non-resident.

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If it is determined the existing electronic record requested will first have to be converted to another electronic format by the district or by a third party and that such conversion cannot be completed within ten (10) working days, the district will notify the requestor in writing. The district will provide the converted public record at a time mutually agreed upon between the district and the requester, with due consideration given to any limitations that may exist due to the process of conversion or due to the use of a third party to make the conversion.

If no answer is provided by this district within ten (10) working days, the request will be deemed to have been denied.

DENIAL OF REQUESTS

If a request for a record is denied in whole or in part, the person making the request will be notified in writing of the following:

1. A statement that an attorney for the district has reviewed the request, or that the district had the opportunity to consult with an attorney and has chosen not to do so;

2. The statutory basis for the denial;

3. A simple statement of the right to appeal and the time limit for an appeal as set forth in Idaho Code §§74-103 and 74-115.

A certificate of mailing must accompany the notice.

The time limit for filing an appeal is one hundred eighty (180) days from the date the notice of denial is mailed. The sole remedy for protesting the district's decision is to file a petition in the district court of the county where the records or some part of them are located, requesting the court to compel the district to make the information available or to correct the record.

When a request is denied, the requested records will be retained until the end of the appeal period, until there has been a decision on an appeal, or as otherwise provided by the public records law, whichever is longer. Whenever a request is denied, there should be some indication made on the record that it must not be purged without the approval of a designated custodian.

All documentation relating to the denial of a public records request will be maintained in accordance with the district's records retention schedule.

RECORDS EXEMPT FROM DISCLOSURE

The Idaho Legislature has set forth particular records that are exempt from disclosure to the public. All employees should be aware of the following exemptions that apply to this school district. The following list sets forth some of the designated exempt records:

1. Any public record exempt from disclosure by federal or state law or federal regulations to the extent specifically provided for by such law or regulation. This includes, but is not

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limited to, student records under the Family Educational Rights and Privacy Act (FERPA). Student records protected by FERPA will only be disclosed in accordance with the requirements of that law and district policy.

2. Records relating to the appraisal of real property, timber, or mineral rights, prior to its acquisition, sale, or lease by the district.

3. Any estimate prepared by the district that details the cost of a public project until such time as disclosed or bids are opened, or upon award of the contract for construction of the public project.

4. The records of a library that, when examined alone or when examined with other public records, would reveal the identity of the library patron checking out, requesting, or using an item from the library.

5. Computer programs developed and purchased by or for the district for its own use. For purposes of this policy, computer program does not include:

    a. The original data including, but not limited to, numbers, texts, voice, graphics, and images;

    b. Analysis, compilation, and other manipulative forms of the original data produced by use of the program;

    c. The mathematical or statistical formulas that will be used if the manipulative forms of the original data were to be produced manually.

6. Records of any risk retention or self-insurance program prepared in anticipation of litigation or for analysis of or settlement of potential or actual money damage claims against the district and its employees except as otherwise discoverable under the Idaho or federal rules of civil procedure. These records include, but are not limited to, claims evaluations, investigatory records, computerized reports of losses, case reserves, internal documents and correspondence relating thereto. At the time any claim is concluded, only statistical data and actual amounts paid in settlement will be deemed a public record unless otherwise ordered to be sealed by a court of competent jurisdiction. Provided, however, nothing in this paragraph is intended to limit the attorney-client privilege or attorney work product privilege otherwise available to the district, other public agency or independent public body corporate and politic.

7. Test questions, scoring keys, or other examination data used to administer standardized tests or other academic assessments.

8. Records relevant to a controversy to which the district is a party, but which records would not be available to another party under the rules of pretrial discovery for cases pending resolution.

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9. Records, other than public expenditure records, related to proposed or existing critical infrastructure held by or in the custody of the district when the disclosure of such information is reasonably likely to jeopardize the safety of persons, property or public safety. Such records may include emergency evacuation, escape or other emergency response plans, vulnerability assessments, operation and security manuals, plans, blueprints, or security codes. District systems to which this paragraph applies include electrical, computer and telecommunication, heating, ventilation, and air conditioning.

10. Retired employees' and retired public officials' home addresses, home telephone numbers, and other financial and non-financial membership records.

11. All personnel records of a current or former employee other than the employee's public service or employment history, classification, pay grade and step, longevity, gross salary and salary history, including bonuses, severance packages, other compensation or vouchered and unvouchered expenses for which reimbursement was paid, status, workplace, and employing district. All other personnel information relating to the employee or applicant, including, but not limited to, information regarding sex, race, marital status, birth date, home address and telephone number, social security number, driver's license number, applications, testing and scoring materials, grievances, correspondence, and performance evaluations, will not be disclosed to the public without the employee's or applicant's written consent. An employee or authorized representative may inspect and copy his or her personnel records, except for material used to screen and test for employment.

RECORDS CONTAINING A COMBINATION OF BOTH EXEMPT AND NON-EXEMPT MATERIALS

If any public record contains material which is not exempt from disclosure as well as material which is exempt from disclosure, the district will separate the exempt and nonexempt material and make the nonexempt material available for examination. The district will not deny a request to copy nonexempt material in a public record based upon the fact that the record contains both types of materials.

INSPECTION AND CORRECTION OF AN INDIVIDUAL'S RECORDS

An individual may inspect, copy, and request correction of public records pertaining to that person, except those portions of records that are exempt from disclosure. Such requests will be referred to a designated custodian immediately. Within ten (10) days of the receipt of a written request to amend any record pertaining to that person, the district will either:

1. Make any correction of any portion of the record which the person establishes is not accurate, relevant, or complete; or

2. Inform the person in writing of the refusal to amend with the reasons for the refusal and clearly indicate the person's right to appeal the refusal and the time period for doing so as

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set forth above in "Denial of Requests" and Idaho Code §§74-103 and 74-115. A certificate of mailing must accompany the notice.

DISTRIBUTION OR SALE OF MAILING OR TELEPHONE NUMBER LISTS PROHIBITED

This district will not distribute or sell for use as a mailing list or a telephone number list any list of persons, including students and employees, without first securing the permission of those individuals named on the list. This district will verify the identity of a person requesting a record to ensure that the requested record or information will not be used for purposes of a mailing or telephone list.

PENALTY AND IMMUNITY

The public records law provides a penalty of up to one thousand dollars ($1,000) for a deliberate, bad faith denial of information that should be disclosed. The public records law also provides immunity from liability for the release of records as long as there is a good-faith attempt to comply with the law's requirements. Therefore, it is important that any questions or any requests that seem doubtful be immediately referred to a designated custodian.

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LEGAL REFERENCE:
Idaho Code Sections
74-101 et seq. – Public Records Act
34 CFR Part 99 – Family Educational Rights and Privacy Act (FERPA)
Cowles Publishing Company v. Kootenai County Board of Commissioners, et al., 144 Idaho 259, 159 P.3d 896 (2007)

CROSS-REFERENCE:
Record Retention and Destruction – 277

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