10. Records Management Policy

It is the policy of Cache County Board of Education to provide fair and timely public access to information contained in district records and at the same time protect an individual's right to privacy in relation to personal data gathered by the school district.

Cache County Board of Education has adopted this policy in compliance with the Government Records Access Management Act (GRAMA), Utah Code 63-2-701, annotated 1991. The board directs the superintendent to develop the district's records access and management procedures in accordance with this policy.

a. Policies

(1) Public Records

(a) Public records shall include official minutes, actions and decisions of the Board of Education and District Administration unless the record involves information which is classified as private, controlled or protected. Public records also include official district and school policies, contracts, minutes, accounts, employment records to the extent they disclose only names, gender, job titles, job descriptions, business addresses, business telephone numbers, gross salaries, working hours and dates of employment. Public records shall also include formal criminal charges against an employee unless in the judgment of the superintendent, or superintendent's designee, the charges are without foundation and fact.

(b) Public records shall be open for public inspection during regular office hours.

(2) Private Records

(a) Private records shall include personnel files including but not limited to applications, nominations, recommendations, evaluations, proposals, for advancement or appointment, all documents related to eligibility for unemployment benefits, social services, welfare benefits, personal finances, individual medical conditions, military status, and immunization records.

(b) Student records are designated as "Educational Records" and the disclosure of such educational records is not governed under GRAMA but under 20 U.S.C.s12-32(g) and 34C.F.R.s99 et seq. and 34 C.F.R.s300 et seq. The District may not release information related to educational records without parental consent, except as provided in the Family Education Rights and Privacy Act (FERPA).

(c) Private records shall be open only to the subject of the record and other authorized individuals or agencies. Access to student records shall be provided in accordance with FERPA. The district may assume that either parent (in the case of the parents being divorced or separated) of the student has the authority to inspect and review educational records of the student, unless the district has received evidence that there is a legally binding instrument, law, or court order governing the matter which provides to the contrary.

{1} Under authority of Utah code 63-2-201 (5) (b) immunization records will be disclosed only to those with a need to know based on the rationale that such disclosure will:

{a} increase the accuracy of immunization records;

{b} remove a barrier to increase immunization levels;

{c} outweigh any interest favoring restrictions of access to the immunization record.

{2} Individuals or organizations with a need to know are defined as:

{a} physician offices

{b} other patient care facilities

{c} local health departments

{d} schools

{e} childcare facilities

{f} others who maintain immunization records and\or administer vaccines.

(3) <u>Controlled Records</u>

(a) Controlled records shall include medical, psychiatric or physiological data of an individual which, if disclosed, could be detrimental to the individual's mental health or safety.

(b) Controlled records shall be open only to the authorized persons or agencies but are not open to the subject of the records.

(4) <u>Protected Records</u>

(a) Protected records include any information that, if

disclosed, would jeopardize the life or safety of an individual or security of district property or program. Documents that, if disclosed, would place the district at a disadvantage in contract negotiations, property transactions, or bargaining positions or could enable circumvention of an audit; records related to potential litigation or personnel or hearing; records generated in meetings which are closed in accordance with the Utah Open Public Meetings Law; and test questions.

(b) Protected records shall only be open to authorized individuals and agencies or in response to court order.

(5) Exempt Records

Exempt records include student records which are protected by the Family Educational Rights and Privacy Act.

b. Guidelines

Beginning March 1, 1992, all records or record series that are created shall be examined and classified as to whether the majority of the information in the record series is public, private, confidential, or protected. If there is information within a classification other than the primary classification, the appropriate classifications for this information should be indicated. Although it is not necessary to classify records or record series created before April 1, 1992, until information is added to the record series or a person requests access to the information, all active files should be classified before March 1, 1992. A record or record series may be reclassified at any time.

(1) Management

Documents shall be managed by the administration in each school and by each separate department of the district office.

(2) Access to District Records

(a) Request to view district records should be addressed to the Director of Human Resources during regular business hours.

(b) Individuals requesting to view records classified as "Private, Controlled and Protected" shall be required to submit their request in writing. Requesters must prove their right to access to the records through personal identification, written release from the subject of the record, power of

attorney, court order or other appropriate means.

(c) The Director of Human Resources shall determine whether access to the requested records is to be granted or denied.

(3) Fees for Search and\or Duplication of Records

Fees will be charged for photocopying information at the rate of $.10 per copy. In the case of voluminous requests (more than 50 pages), the number of pages may be limited to 50. Fees will also be charged for requests for information involving extensive searches. The fee will be $15.00 per hour for research taking longer than one-half hour and a fee of $25.00 per hour for creating reports that are not already compiled.

There is no requirement that a record must be created in response to a request, but can be done if it does not unreasonably interfere with regular duties and responsibilities of district staff and the requester agrees to pay the additional cost of providing the record.

(4) Procedures

Each requester shall submit a written request specifically identifying those documents requested. The request shall specifically state whether the documents sought are: (1) to be copies; or (2) identified to determine whether they are subject to disclosure; or (3) to be allowed to inspect a specific record.

(5) Response Time

The district shall respond to the request to copy records within fifteen (15) days. If the district finds that it does not have adequate resources to respond to document requests and appeals in the time period set forth in section 63-2-204 (6) of the Utah Code, it may delay approval or deny the request for an additional number of days as specified in Utah Code. That district shall respond to an appropriate request by:

(a) Approving the request and providing the records;

(b) Denying the request;

(c) Notifying the requester that it does not maintain the records; or

(d) Notifying the requester that extraordinary

circumstances exist which make it impractical to approve or deny the request and specifying the earliest time when the records will be available.

(6) Appeals Process

(a) In the event that the district either denies access of the right to copy a requested document, the requester shall submit an appeal of the request to the Board of Education of the district in writing which specifically states the documents which have been designated for copying or for inspection, the date of the request, the date of the denial of the request, all circumstances surrounding the denial, and the reasons stated for the denial. The Board of Education shall respond to such request within thirty (30) days after the requester has submitted the appeal to the Board of Education. The Board of Education shall submit a written response either granting the requester's request or affirming the denial of the request for documents.

(b) Any party may appeal the Board of Education's decision to the district court in the county where the district is located. The petition shall be filed no later than fifteen (15) days after the date of the Board of Education's decision or order.

(7) Retention of District Records

The district shall adhere to the general schedule for records retention approved by the State Records Committee.

(8) Amendment of Records

An individual may contest the accuracy or completeness of any public, or private, or protected record concerning him\her by requesting the school district to amend the record. However, this provision does not affect the right of access to private or protected records. This provision does not apply to records relating to title of real property, medical records, judicial case files, or any other records that the school district determines must be maintained in their original form to protect the public interest or preserve the integrity or the record keeping system.

The request to amend shall contain the requester's name, mailing address, day-time telephone number and a brief description explaining why the specific record should be amended.

The school district shall issue an order either approving or disapproving the request to amend no later than thirty (30) days after the request is made. The order shall state reasons for the decision. If the request is denied, the requester may submit a written statement contesting the information in the record. The school district shall place the statement with the record, if possible, and disclose the statement whenever the contested record is disclosed.