

<p>DESCRIPTOR TERM:</p> <p>Personnel</p>	<p>Millard Policy File Code: GBAA August 1993</p>
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PUBLIC RECORDS

Access to School Records - Employment Requirements and Restrictions

Purpose of Policy -

This policy is adopted pursuant to the Government Records Access and Management Act Utah Code Ann. (1992) 63-2-701 ("GRAMA) and applies to District records relating to information practices, including classification, access, appeals, management and retention of documents.

Appropriate Requestor of Records -

A person may request access to the District's records if that person meets the requirements set forth in this policy.

Public Records -

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.

Utah Code Ann. 63-2-103(17) and (18)(b)

Availability of Public Records -

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

Private Documents -

Private documents 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 and military status.

Student Records -

All student records are designated as "education records" and the disclosure of such education records is not governed under GRAMA but under 20 U.S.C. 12-32 (g) and 34 C.F.R. 99 *et seq.* and 34 C.F.R. 300 *et seq.* The District may not release information related to educational records without parental consent, except as provided in the Family Educational Rights and Privacy Act (FERPA).

Availability of Private Records -

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 (See Policy regarding Student Records).

Controlled Records -

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.

Availability of Controlled Records -

Controlled records shall be open only to authorized person or agencies but are not open to the subject of the records.

Protected Records -

Protected records include any information that, if disclosed, would jeopardize the life or safety of an individual or security of District property or program. Document 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.

Availability of Protected Records -

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

Exempt Records -

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

Copyrighted or Patented Materials -

Any document which is copyrighted, either by formal filing under federal copyright laws or by informal claim of copyright, or which is covered by a patent, trademark or other protected designation, shall not be copied or provided to any person without an order of a court of competent jurisdiction ordering such disclosure or written permission from the author of the record.

Access To District Records -

1. Request to view District records should be addressed to the appropriate records officer during regular business hours.
2. Individuals requesting to view records classified as "Private, Controlled and Protected" shall be required to submit their request in writing. Requestors 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.
3. The records officer shall determine whether access to the requested records is to be granted or denied.
 - a. If the request is approved, the record shall be provided as soon as possible and not more than ten (10) working days from the date the request is received.
 - b. If the request is denied, the records officer must specify the reason in writing and the requestor shall be informed of the right to appeal.

Fees For Search And/Or Duplication of Records -

A fee shall be charged for the District's actual cost of duplicating a requested record and also for the personnel time in compiling and obtaining the record as follows:

- a. Ten cents (.10) per page for each single sided copy and twenty cents (.20) per page for each double sided copy;
- b. Eight dollars per hour for the time spent by any District personnel searching for and compiling documents for copying. However, no fee may be charged for; (i) making a record available to be viewed in the same context that the record is kept in the regular course of carrying on business to determine whether the record is subject to disclosure or; (ii) the requestor's inspecting the record.
- c. An additional charge of \$2.00 shall be charged per each page of a document which has been requested to be certified.
- d. The District shall require all past fees of the requestor to be paid before copying if fees are expected to exceed \$50.00, or if the requestor has not paid fees from a previous request. *Utah Code Ann. 63-2-203(h)*

Procedures -

Each requestor shall submit a written request specifically identifying those documents requested. The request shall specifically state whether the documents sought are: (1) to be copied; or (2) identified to determine whether they are subject to disclosure; or (3) to be allowed to inspect a specific record. In the event that a document is specifically identified and designated for copying, the requestor shall submit sufficient funds with the written request to pay for all copies requested to be copied.

Response Times -

The District shall respond to the request to copy within fifteen (15) days. The District hereby finds that it does not have adequate resources to respond to document requests and appeals in the time period set forth in 63-2-204 of GRAMA and therefore it opts these alternative time periods. The District shall respond to an appropriate request by:

- a. Approving the request and providing the records;
- b. Denying the request;
- c. Notifying the requestor that it does not maintain the records; or
- d. Notifying the requestor 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.

Appeals Process -

1. Appeals to the District Administration: The requestor shall file a written request for a hearing with the District Administrative Services at least ten (10) working days prior to the desired hearing date.

Upon receiving the request, the Director of Administrative Services shall schedule a mutually convenient time, date and location for the hearing and notify all parties.

The requestor has the right to be represented by legal counsel at the hearing. If the requestor is to be represented by legal counsel, the Administration must be notified at least ten (10) working days in advance of the hearing and a list of all persons to be called and documents to be submitted in evidence into evidence shall be given to the District. If the requestor has legal counsel present at the hearing, the Administration may also be represented by legal counsel.

Within ten (10) working days after the hearing, the Director of Administrative Services shall notify the requestor in writing of the action recommended.

If the requestor is not satisfied with the action recommended an appeal may be filed with the Board of Education.

2. Appeals to the Board of Education shall follow the same procedures and time lines outlined above.
3. If the Board upholds the action recommended in the hearing with the District Administration, the requestor has the right to appeal the Board's decision to a court of competent jurisdiction.

Retention Of District Records -

The District shall adhere to the general schedule for records retention approved by the State Records Committee. Records which are not covered by the general schedule shall be submitted to the State Records Committee for scheduling.

Rights To Copies -

If an appropriate requestor requests to have copies of more than fifty (50) pages of records, the District may in its sole discretion provide the requestor with facilities to make copies and require the requestor to make copies him or herself at his or her own expense.

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 of the record keeping system.

Request To Amend -

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

Response -

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 requestor 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.

Records Administrator -

Mr. Jay Richman is hereby designated as Records Administrator of the District.