

A POLICY AMENDING THE ACCESS TO SCHOOL RECORDS POLICY OF THE TINTIC SCHOOL DISTRICT.

WHEREAS, the Tintic School Board has previously adopted a Public records policy for the Tintic School District; and

WHEREAS, The Utah State Legislature has adopted a Government Records Access and Management Act, and

WHEREAS, The Tintic School Board now desires to revise the school district's policy for access to school records to conform to the provisions of the Government Records Access and Management Act;

NOW, THEREFORE, BE IT HEREBY ENACTED BY THE TINTIC SCHOOL BOARD OF JUAB COUNTY:

Section 1 - The Access to School Records policy of the Tintic School District as amended shall read as follows:

PUBLIC RECORDS

Adoption of Utah Code Annotated Sections. Utah Code Annotated sections 63-2-701. This section provides standards for the classification of the records of the political subdivision as public, private, confidential, or protected in accordance with Sections 63-2-301, 63-2-302, 63-2-303, and 62-2-304. (b) require the classification of the records of the political subdivision in accordance with those standards; and (c) provide guidelines for establishment of fees in accordance with Section 63-2-203. Sections 63-1-101 through 63-2-105; 63-2-201, 63-2-202; 63-2-205; 63-2-206; 63-2-601; 63-2-602; 63-2-903; 63-2-905; 63-2-907; and 63-2-301 through 63-2-308, (1953) all of which are contained in that certain document, a copy of which is on file in the Tintic School District Office, being marked and designated as Utah Code Annotated, are hereby adopted as part of the Access to School Records Policy and are made part of this policy as if fully set forth herein.

FEEES

There is no charge for viewing or inspecting public records. A school district employee shall make all requested copies for the individual for a fee of .10 cents per copy. An hourly fee based upon the employee's pay scale shall also be charged if a school district employee is required to research the school district's records for more than thirty minutes in order to locate documents for a citizen or if it is necessary for a school district employee to place the records back in proper order after a citizen has been examining the records. A deposit fee of \$25.00 shall be required for requests for data or copying which will apparently take more than three hours of an employee's time. Requests for district employee assistance shall be subject to the employee's normal work schedule.

Under no circumstances shall school district records be allowed to be taken from the district's schools or offices where such records are stored. The school district employee who is locating documents for a citizen shall make every effort to insure that no documents are lost, destroyed or taken from the school district's offices by the citizen inspecting the public records. In this regard, all brief cases, purses, bags, sacks or other personal items belonging to the citizen shall be checked with a district employee and left outside the room where the documents are being examined or copied.

A \$5.00 fee will be charged per each page of a document which has been requested to be certified.

a. Records will not be released until payment has been received.

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

Any person aggrieved by the school district's access determination under this policy, including a person not a party to the school district's proceedings, may appeal the determination within 30 days to the Superintendent by filing a notice of appeal.

The notice of appeal shall contain the following information:

- 1: the petitioner's name, mailing address, and daytime telephone number; and
- 2: the relief sought.

The petitioner may file a short statement of facts, reasons, and legal authority in support of the appeal.

The Superintendent shall make a determination on the appeal with the following period of time:

- 1: within five business days after the Superintendent's receipt of the notice of appeal; or
- 2: If the Superintendent fails to make a determination within the time specified in (1) above, the failure shall be considered the equivalent of an order denying the appeal.

The Superintendent may, upon consideration and weighing of the various interests and public policies pertinent to the classification and disclosure or nondisclosure, order the disclosure of information properly classified as private under Section 63-2-302 or protected under Section 63-2-304 if the interests favoring access outweigh the interests favoring restriction of access.

The school district shall send written notice of the determination of the Superintendent to all participants. If the Superintendent affirms the denial in whole or in part, the denial shall include a statement that the requestor has the right to appeal the denial to either the Tintic School Board or district court and the time limits for filing an appeal.

A person aggrieved by the school district's classification or designation determination under this chapter, but who is not requesting access to the records, may appeal that determination using the procedures provided in this section. If a nonrequester is the only appellant, the procedures provided in this section shall apply, except that the determination on the appeal shall be made within 30 days after receiving notice of appeal.

The duties of the Superintendent under this policy may be delegated.

Section 2: This policy shall take effect immediately upon its adoption.