

Policies of the Board of Education

Section K School Community Relations

ACCESS TO PUBLIC RECORDS

2000.20-Rule

A. Definitions

1. "Legal custodian" means any person or position designated by the Board or otherwise designated by law to carry out responsibilities under these procedures and the public records law.
2. "Record" means any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by an authority. "Record" includes, but is not limited to, handwritten, typed or printed pages, maps, charts, photographs, films, recordings, tapes (including computer tapes), computer printouts and optical disks. "Record" does not include drafts, notes, preliminary computations and like materials prepared for the originator's personal use or prepared by the originator in the name of the person for whom the originator is working; materials which are purely the personal property of the custodian and have no relation to his/her office; materials to which access is limited by copyright, patent or bequest; and published materials in the possession of an authority other than a public library which are available for sale, or which are available for inspection at a public library.
3. "Local public offices within the district" include: school board members, the district administrator, principal or assistant principal or any other elective or appointive office or position.
4. "Incarcerated person" means a person who is incarcerated in a penal facility or who is placed on probation and given confinement under s. 973.09 (4) as a condition of placement, during the period of confinement for which the person has been sentenced.

B. Custody and Delivery of Official Property

1. Except as provided in section H below, each officer and employee of the district shall safely keep and preserve all records received from his/her predecessor or other persons and required by law to be filed, deposited or kept in his/her office or which are in the lawful possession or control of which he/she or they may be lawfully entitled as such officers or employees.
2. Upon the expiration of an officer's term of office or an employee's term of employment, or whenever the office or position of employment becomes vacant, each such officer or employee shall deliver to his/her successor all records then in his/her custody and the successor shall receipt therefore to the officer or employee, who shall file said receipt with the school district clerk. If a vacancy occurs before a successor is selected or qualified, such records shall be delivered to and receipted for by the clerk, on behalf of the successor, to be delivered to such successor upon the latter's receipt.

C. Legal Custodians

1. On behalf of any district authority identified in A-1 above, the following person(s) or position(s) is (are) designated as legal custodian(s) of records:

- District Administrator
 - School Board President
2. *The legal custodian of records in a publicly owned or leased building shall designate one or more deputies to act as legal custodian of such records in his/her absence or as otherwise required to respond to requests for records*

-OR-

The following person(s) or position(s) is (are) designated as the deputy (deputies) to act as legal custodian of records maintained in a publicly owned or leased building in the absence of the legal custodian or as otherwise required to respond to requests for records:

- District Administrator
 - School Board President
3. The legal custodian(s) has (have) the full legal power to render decisions and carry out the duties of the authorities identified in A-1 above. The designation of a legal custodian does not affect the powers and duties of an authority under the public records law.
4. The legal custodian of records and other employees involved in collecting, maintaining, using, providing access to, sharing or archiving records information shall receive training on their duties and responsibilities relating to the collection, maintenance, use, providing access to, sharing or archiving record information. They shall also be informed of their duties and responsibilities relating to protecting personal privacy, including applicable state and federal laws.

D. Public Records Notices

The legal custodian shall provide the notices to the public and to employees as required by state law.

E. Public Access to Records and Fees

1. Except as provided in section G below, any person has a right to inspect a record and to make or receive a copy of any record as provided in state law.
2. Records shall be available for inspection and copying during all regular office hours.
3. A requestor shall be permitted to use facilities comparable to those available to school district employees to inspect, copy or abstract a record.
4. The legal custodian may require supervision of the requestor during inspection or may impose other reasonable restrictions on the manner of access to an original records if the record is irreplaceable or easily damaged.
5. A requestor shall be charged a fee for the cost of copying and locating records as follows:
 - A. The fee for photocopying shall be \$.05 per page.
 - B. If the form of a written record does not permit copying, the actual and necessary cost of photographing and photographic processing shall be charged.

- C. The actual full cost of providing a copy of other records not in printed form on paper, such as films, computer printouts and audio or videotapes shall be charged.
- D. If a record is produced or collected by a person pursuant to a contract entered into by that person and the District, the fee charged for copying the record shall be the actual, direct and necessary cost of reproduction incurred by the person making the reproduction or transcription of the record, unless a fee is otherwise authorized or established by law.
- E. If mailing or shipping is necessary, the actual cost of mailing or shipping the record information shall be charged.
- F. There shall be no charge for locating a record unless the actual cost therefore exceeds \$50 in which case the actual cost shall be determined by the legal custodian and billed to the requestor.
- G. The legal custodian shall estimate the cost of all applicable fees and may require a cash deposit adequate to assure payment, if such estimate exceeds \$5.
- H. Elected officials and employees of the District shall not be required to pay for public records they may reasonably require for the proper performance of their official duties.
- I. The legal custodian may provide copies of a record without charge or at a reduced charge where he/she determines that waiver or reduction of the fees is in the public interest.
- J. The legal custodian may not sell or rent a record containing in individual's name or address of residence, unless specifically authorized by state law. The collection of fees as outlined above is not a sale or rental under these procedures.
- K. If the requestor is a incarcerated person and he/she has failed to pay any fee that was imposed for a request made previously by that requestor, the legal custodian may require prepayment both of the amount owed for the previous request and the amount owed for the current request.

F. Record Request Procedures

1. A request to inspect or copy a record shall be made to the legal custodian or deputy. The request shall be deemed sufficient if it reasonably describes the requested record of the information requested. However, a request for a record without a reasonable limitation as to subject matter or length of time represented by the record does not constitute a sufficient request. No request may be refused because the person making the request is unwilling to be identified or to state the purpose of the request. However, if the record is kept at a private residence or if security reasons or federal law so dictate, identification may be required. Mail requests may not be denied unless a fee prepayment is required.
2. Each legal custodian, upon request for any record, shall, as soon as practicable and without delay, either fill the request or notify the requestor of the authority's denial. Record requests shall be approved or denied consistent with legal requirements and these procedures. If the legal custodian decides to permit access to certain types of records of employees or individuals who hold a local public office (e.g., records containing information related to an employee created or kept as a result of an investigation into a disciplinary matter; records obtained through a subpoena or search warrant), the following actions shall be taken before the records are released to the public:
 - a. The legal custodian shall give the appropriate notice to the record subject;

and

- b. The record subject shall be afforded the rights outlined in state law.
3. A request for a record may be denied as provided in section G below. Oral requests may be denied orally unless a demand for a written statement of the reasons denying the request is made by the requestor within five business days of the oral denial. If a written request is denied in whole or in part, the requestor shall receive a written statement of the reasons for the denial. Written denials must include a statement informing the requestor that the denial may be reviewed by a court by mandamus under state law or upon application to the attorney general or a district attorney.

G. Limitations on the Right to Access

1. As provided by state law, the following records are exempt from disclosure under these procedures:
 - a. Records specifically exempted from disclosure by state or federal law or authorized to be exempted from disclosure by state law. Student records are exempted by section 118.125 of the state statutes.
 - b. Any record relating to investigative information obtained for law enforcement purposes of federal law or regulations require exemption from disclosure or if exemption from disclosure is a condition to receipt of aids by the state.
 - c. Computer programs, although the material used as input for a computer program is subject to inspection.
 - d. Unless access is specifically authorized or required by statute, records containing the following information:
 - (1) Information relating to the current investigation of a possible criminal offense or possible misconduct connected with employment by an employee prior to disposition of the investigation.
 - (2) Information pertaining to an employee's employment examination, except an examination score if access to that score is not otherwise prohibited.
 - (3) Information relating to one or more specific employees that is used for staff management planning, including performance evaluations, judgments, or recommendations concerning future salary adjustments or other wage treatments, management bonus plans, promotions, job assignments, letters of reference or other comments or ratings relating to employees.
 - (4) The home address, home electronic mail address, home telephone number, or social security number of an employee or an individual who holds a local public office, unless the employee or individual authorizes the authority to provide access to such information. This does not apply to the home address of a school board member or to the home address of an individual who, as a condition of employment, is required to reside in the district.
 - (5) A record prepared or provided by an employer performing work on a public works project or on which the district is otherwise required to pay prevailing wages, if that record contains the name or other personally identifiable information relating to an employee of that employer, unless the employee authorizes the authority to provide access to that information. "Personally identifiable information" does not include an employee's work classification, hours of work, or wage or benefit payments received for work on such a project.
 - e. Except with respect to a final candidate, any record related to the application that may reveal the identity of the applicant if the applicant indicates in writing that the applicant

does not wish the authority to reveal his/her identity. "Final candidate" includes, whenever there are least five candidates for a position/office, each of the five candidates who are considered most qualified, and whenever there are less than five candidates, each such candidate.

- f. Any record containing personally identifiable information as defined in state law that is collected or maintained in connection with a complaint, investigation or other circumstances that may lead to an enforcement action, administrative proceeding, arbitration proceeding or court proceeding, or any such record that is collected or maintained in connection with such an action or proceeding, if the requestor is an individual or person authorized by the individual to inspect any record containing personally identifiable information pertaining to the individual.
 - g. Any record containing personally identifiable information as defined in state law that, if disclosed, would endanger an individual's life or safety or identify a confidential informant, if the requestor is an individual or person authorized by the individual to inspect any record containing personally identifiable information pertaining to the individual.
2. If a record contains information that may be made public and information that may not be made public, the legal custodian of records shall provide the information that may be made public and delete the information that may not be made public from the record before release.
 3. A legal custodian may deny access to a record, in whole or in part, only if he/she determines that the harm to the public through disclosure of the record outweighs the public benefit of access to the record. The legal custodian is authorized and encouraged to consult with the district's legal counsel in making such determinations. The legal custodian shall follow the procedures in F-3 above and instate law when the access to a record in whole or part, is denied.

H. Destruction and Retention of Records

1. District records shall be retaining for the periods of time outlined in the Wisconsin Records Retention Schedule for School District, which has been adopted by the Board.
2. The legal custodian of records may, subject to Board resolution, keep and preserve public records in his/her possession by means of microfilm or another reproductive device, optical imaging or electronic formatting. Such records shall meet the standards for photographic reproduction set forth in state law, and shall be considered original records for all purposes. Such records shall be preserved along with other files of the district and shall be open to public inspection and copying according to the provisions of state law and these procedures.

Legal Reference: Wisconsin Statutes

16.61(7)

19.21(6)

19.32 (1c)

118.125(1)(2m) and (3)

Cross Reference: Wisconsin Records Retention Schedule for School Districts