

P2115 PUBLIC ACCESS TO RECORDS

BOARD POLICY:

In accordance with the Kansas Open Records Act (K.S.A. 45-215, et seq.), school district records shall be open for inspection by any person, except as otherwise provided by law.

Administrative Implemental Procedures/Definitions:

1. **Public Records.** "Public Record" means any recorded information, regardless of form, characteristics or location, which is made, maintained or kept by or is in the possession of:
 - a. any public agency, or
 - b. any officer or employee of a public agency pursuant to the officer's or employee's official duties, and which is related to the functions, activities, programs or operations of any public agency.

Notwithstanding the above, "Public Record" does not include:

- a. records which are owned by a private person or entity and are not related to the functions, activities, programs or operations funded by public funds; as used in this subparagraph, "private person" does not include an officer or employee of a public agency who is acting pursuant to the officer's or employee's official duties;
- b. records which are maintained or kept by an individual who is a member of the legislature or of the governing body of any political or taxing subdivision of the state.

All Public Records as defined in the Kansas Open Records Act (K.S.A. § 45-215 *et seq.*) ("KORA") shall be open to the public for their inspection or copying.

2. **Excluded and Exempt Records.** For specific excluded and exempt records, see K.S.A. § 45-217 and 45-221 *et seq.* "Excluded and Exempted Records" mean Public Records specifically excluded or exempted from the definition of Public Records under KORA.
3. **Student Records.** Disclosure of information contained in student education records must be done in compliance with the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, as amended, and its interpretive regulations, 34 C.F.R. § 99.1, *et seq.* and the Student Data Privacy Act (K.S.A. 72-6312 *et seq.*).
4. **Records Custodians.** For purposes of access to school district Public Records, the designated official custodian is the Clerk of the Board or in his/her absence, the Clerk's designee. The Clerk of the Board or in his/her absence, the Clerk's designee, may request an employee (employee/custodian) who is the custodian of a Public Record to respond to a request for Public Records. The principal office for USD 259 and its Board of Education is Alvin E. Morris Administrative Center, 903 S. Edgemoor, Wichita KS, 67218, Phone: 316-973-4553. The Clerk of the Board shall distribute KORA Guidelines for administrative reference and KORA brochures for public display at the beginning of each fiscal year. Board counsel shall approve these publications and the district's ongoing implementation of the open records act.
5. **Freedom of Information Officer.** The Board of Education shall, at the first meeting of July of each year, appoint a local Freedom of Information Officer who shall serve until a replacement person is designated. Duties of the Freedom of Information Officer shall include:
 - a. Prepare and provide to district staff educational material and information concerning the Open Records Act;

- b. Assist district employees and members of the general public to resolve disputes related to the Open Records Act;
 - c. Respond either directly or through an employee/custodian to inquiries related to the Open Records Act; and
 - d. Establish requirements for a brochure required to be displayed or distributed, or otherwise made available to the public under the Open Records Act.
6. **Requests for Public Records.** All requests for access, inspection, and copying of Public Records must be submitted to the Clerk of the Board/employee custodian. The Clerk of the Board or in his/her absence, the Clerk's designee, shall be available during business hours to carry out these duties.
- a. The request for access, inspection, or copies of Public Records shall be in writing and the requester shall be required only to furnish his or her name and address, proof of identity if necessary, and information needed to ascertain the records desired.
7. **Access, Inspection, and Copying.**
- a. Access, inspection, or copying of Public Records should be granted as soon as possible in most cases.
 - b. Public Records may be inspected during the school district's and schools' regular office hours.
 - c. While an individual has a right to make abstracts or obtain copies of public records, an individual has no right to remove original records from the school and/or district office. Copies of records must be made while the records are in the control of the custodian. District staff shall make copies, and not give original documents to requesters to copy.
 - d. Requirements of access and inspection apply to existing Public Records and do not require the creation of new records. Computer or electronic records will be provided only in the form and format which the information is maintained by the school district.
 - e. Copies of radio or recording tapes or discs, video tapes or films, pictures, slides, graphics, illustrations, or similar audio or visual items or devices, shall not be required to be copied unless such items or devices were shown or played to a public meeting of this Board of Education, but such shall not be copied if such items or devices are copyrighted by a person other than the school district. All such copies not shown or placed at a public meeting of the Board, if not otherwise exempted under KORA, shall be made available for viewing or listening upon request.
 - f. If a Public Record contains material that in part is not subject to disclosure pursuant to Kansas Open Records Act (KORA), the employee/custodian of the Public Record responding to a request shall redact such material and make available to the requester only that material in the Public Record subject to disclosure.
8. **Delay and/or Denial of Request.**
- a. Delay of Request: If immediate access is not granted, the Clerk of the Board, or in his/her absence, the Clerk's designee, or the employee/custodian of the Public Record must give a detailed explanation of the reason for the delay and indicate the earliest time and place at which the Public Records will be available. This written statement shall be furnished to the requester not later than the end of the third business day following the date that the request for the Public Record is received.
 - b. Denial of Request: If a request is denied, the employee/custodian of the Public Record shall, through the office of the Clerk of the Board, provide a written statement of the grounds for the denial, and shall cite the specific provision of law under which access is

denied. This written statement shall be furnished to the requester not later than the end of the third business day following the date that the request for the Public Record is received. If the Clerk of the Board or employee/custodian of the Public Record denies access and the requester disagrees with that decision, the school district's Freedom of Information Officer in consultation with Board legal counsel, should settle the dispute under KORA.

9. Response Time. In all cases, the request must be acted upon or responded to not later than the third business day following the date the request is received.

10. Fees. Fees shall be charged for the provision of access to, inspection of, and copying of Public Records.

- a. The Clerk of the Board shall establish a schedule of fees for this purpose. Fees for copies shall equal the actual cost of furnishing copies, including the cost of staff time required to collect the material/information and make copies.
- b. Fees shall be collected in advance.
- c. Fees for providing access to computer records shall include the cost of computer services, including staff time required.
- d. All charges or fees collected by the Clerk of the Board or employee/custodian of the record shall be remitted at least monthly to the treasurer of the school district and credited to the general fund.

11. Limited Application Requests: Directories/Lists of Employees Names.

- a. If a requester seeks access to lists of names and addresses, including but not limited to, employees, students and vendors, the school and/or district office shall require the requester to complete and sign the USD 259 "Limited Application Request for Use of Open Records" form to certify that the requester does not intend to, and will not:
 - 1) Use any list of names and addresses contained in or derived from the records, or information for the purpose of selling or offering for sale any property or service to any person listed or to any person who resides at any address listed; or
 - 2) Sell, give or otherwise make available to any person any list of names or addresses contained in or derived from the records or information of the purpose of allowing that person to sell or offer for sale any property or service to any person listed or to any person who resides at any address listed.
- b. Lists of names and addresses of certificated or licensed employees, however, may be sold or given to an organization of persons who practice that profession or vocation for membership, informational, or other purposes related to the practice of the profession or vocation.
- c. Limited Application Requests may be submitted to the USD 259 Human Resources Information Systems Director, 903 S. Edgemoor, Wichita KS.

Board counsel has approved this policy as to legal form and content.

Administrative Responsibility: Clerk of the Board

Latest Revision Date: July 2019

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