

SCHOOL DISTRICT OF PITTSVILLE BOARD POLICY

SCHOOL-COMMUNITY RELATIONS

ACCESS TO PUBLIC RECORDS

823

The School Board recognizes that it is the representative of the public, and that the release of information to the public is an essential function of representative government. The Board shall allow individuals to have access to school district records in accordance with District policies and procedures, and in accordance with applicable state law.

The District Administrator is designated as the legal custodian of records for the School Board, including Board officers, and for any committees or other authorities created by resolution of the Board. He/she shall also be the legal custodian of records for individual members of the Board, but only to the extent such records are maintained at any district-owned or district-controlled facility, or on any district-controlled computer system. Each individual member of the Board is the sole legal custodian of the records of his/her elected office to the extent such records are maintained at any facility, or on any computer system, that is not owned or controlled by the District.

Building principals shall serve as the legal custodians of the education records of the students presently attending school in their building(s) or programs.

The legal custodian(s) of records shall safely keep and preserve the records of the various District authorities outlined above and have full legal power to render decisions and carry out duties related to those public records maintained by the District. The legal custodian(s) may deny access to District records only in accordance with legal requirements. The legal custodian is authorized to consult with the District's legal counsel in determining whether to deny access to a record in whole or in part.

Public records may be inspected, copied and/or abstracted during established District office hours. An official notice of the District's policy and procedures regarding the inspection, release and reproduction of public records of the District and the fees that will be charged for the location and reproduction of such records shall be adopted by the Board and be displayed in prominent and conspicuous locations throughout the District. The notice shall also be available upon request to any member of the public. All District employees shall also be informed of state law requirements regarding public records and provisions of this policy.

For purposes of implementing provisions of the Wisconsin Public Records Law, the following positions constitute "local public offices" in the District: School Board members and Board Officers, the District Administrator, and building principals.

District records shall be disposed of when appropriate consistent with legal requirements and as per the *Wisconsin Records Retention Schedule for School Districts*, with any applicable local exceptions or modifications to that schedule, which has been adopted for use in the District.

The various records authorities of the Pittsville School District shall maintain and provide access to public records in accordance with applicable laws and the policies and procedures of the District. In addition, all officials, employees, and authorized agents of the District shall, to the extent appropriate to the particular record, safeguard the confidentiality of personally-identifiable information in their possession and in the records created or maintained by any school District authority.

The District's public records notice, as adopted by the Board, shall be prominently posted in the District's buildings. The notice shall also promptly be made available to any member of the public for inspection and copying. For additional convenience, the notice may be posted on the District's website.

Legal Custodian of the Records of School District Authorities

The District Administrator shall serve as the legal custodian of records for the following District records authorities:

1. The District, including the School Board as the governing body;
2. All committees which are subunits of the Board;

3. Other District records authorities created by law or by rule or order;
4. The individual members of the School Board, including the individual officers of the Board (i.e., President, Vice President, Clerk, Treasurer). However:
 - a. Each Board member remains a record authority and co-custodian of the records of their individual public office.
 - b. As to any records of his/her office that a Board member may create or maintain solely at any location or on any computer system that is not owned or controlled by the District, the Board member shall have responsibility for the proper maintenance and retention of such records.
 - c. Board members and officers shall cooperate with the Board-designated custodian of records in responding to public records requests encompassing records of their individual office, except that an individual board member may take sole responsibility for responding to a request if all of the following apply: (1) the Board member (and not the Board-designated custodian of records) has individually received a request for records in the Board member's capacity as an individual records authority; (2) the Board member assumes all legal responsibility for responding to the request; and (3) the request deals exclusively with records of such Board member's office that are in the possession or control of the Board member and are not otherwise available to the Board-designated custodian.

Each principal employed by the District shall serve as a deputy custodian concerning the education records of the students presently attending school in their buildings. The legal custodian may designate one or more additional deputies as needed.

The legal custodian of records is vested with full legal power to render decisions and carry out the duties of each school District records authority designated above, as such duties are identified under the Wisconsin Public Records Law. For example, the legal custodian shall:

1. Receive, evaluate, and respond to requests to inspect or copy records;
2. Compel the prompt assistance of other District employees in responding to requests for access to public records, to the extent the custodian deems necessary;
3. Take an active role, either personally or via a designee or via written procedures, in supervising the proper maintenance and retention of records by District employees; and
4. Ensure that all employees who are entrusted with the records that are subject to the legal custodian's supervision are notified of the identity of the legal custodian and provided with a description of the legal custodian's duties under applicable law.

The District Administrator, or his/her designee, working in conjunction with the individual school official who has been assigned specific responsibility for ensuring the confidentiality of all personally-identifiable data, information, and records collected or maintained by the District under the Individuals with Disabilities Education Act (IDEA), shall (1) develop rules of conduct for District employees who are involved in collecting, maintaining, using, providing access to, sharing or archiving personally-identifiable information; and (2) ensure that all such employees know their duties and responsibilities relating to protecting personal privacy, including applicable state and federal laws.

Neither the designation of a legal custodian of records nor any other provision of this policy shall be interpreted to affect the powers and duties of any District records authority under the Public Records Law.

Authorized Fees under the Public Records Law

Fees may be charged for costs associated with locating and/or copying requested records for related postage/shipping costs in accordance with the fee schedule adopted by the Board. The fee schedule shall be included in the District's posted public records notice.

The legal custodian of records may provide copies of a record without charge or at a reduced charge where the custodian determines that a waiver or reduction of the fee is in the public interest. These situations include, but are not necessarily limited to, situations where the records custodian determines that the costs the District would be likely to incur in processing a payment would be likely to exceed the amount of the payment itself; or where the requester is an elected

official, the records in question are reasonably necessary for the proper performance of official duties, and the location costs associated with the request are negligible. The legal custodian shall apply any such waiver or reduction of fees with reasonable uniformity and without discrimination as to any status protected by law (e.g., race, sex, disability, etc.).

In a situation where any fees differing from the fees approved by the Board are established by law, or are authorized to be established by law, those other fees may be charged.

Assistance from Legal Counsel

When the legal custodian of records, or a deputy custodian in the absence of the legal custodian, determines that it is necessary or prudent to do so, he/she is authorized to seek specific legal advice from and engage the assistance of District legal counsel.

Local Public Offices

The offices and positions that are considered “local public offices” for the purposes of the Wisconsin Public Records Law are listed in the District posted public records notice (Policy 823-Exhibit).

Records Retention

The records of the District and of any District records authorities shall be maintained and disposed of consistent with applicable state and federal requirements, including any Board-adopted records retention schedule(s).

LEGAL REFERENCES

Wisconsin Statutes

- Sections 19.21 – 19.39 [Public Records Law and related statutes]
- Section 19.65 [rules of conduct and training for employees involved in management of personally identifiable information]
- Section 19.70 [rights of data subjects to challenge records]
- Section 118.125 [state pupil records law]
- Section 120.13(28) [board authority to designate legal custodians]

Federal Laws

- 34 C.F.R. §300.623 [confidentiality safeguards regarding IDEA-related records]
- 34 C.F.R. Part 99 [regulations implementing the Family Educational Rights and Privacy Act (FERPA)]

Cross References: School Board Policy 823-Rule, 823-Exhibit

~~1st Reading: December 12, 2016~~
~~2nd Reading/Approval: January 9, 2017~~
First Reading of Updates: August 8, 2022
Second Reading/Approval of Updates: September 12, 2022