



## **RISE CHARTER SCHOOL**

### **Policy 4260: Records available to Public**

**Status: ADOPTED**

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**Last Reviewed Date:**

### **Records Available to Public**

Subject to the limitations provided herein, and as provided by law, full access to public records concerning the administration and operations of the Charter School shall be afforded to the public. Public access to Charter School records shall be afforded according to appropriate administrative procedures.

Every person has the right to examine and take a copy of any public record at all reasonable times. All Charter School records except those restricted by state and federal law shall be made available to citizens upon written request for inspection at the Charter School office. The Executive Director shall serve, or designate someone to serve, as “Public Records Coordinator” with the responsibility and authority for ensuring compliance with the display, indexing, availability, inspection, retention, and copying requirements of federal law, state law, and this policy. Responsibility and authority for indexing shall include identifying the general subject matter of all public records kept or maintained by the Charter School, the custodian of these records, and their physical location. The identified physical location of the Charter School’s records is provided in the Retention of Charter School Records Policy. The Public Records Coordinator shall authorize the inspection and copying of the Charter School's records only in accordance with the criteria set forth in this policy and in compliance with state and federal laws.

A written copy of the Board’s minutes shall be available to the general public within a reasonable time after the meeting in which they are approved. Drafts of the Board’s minutes are considered to be public records and shall be produced upon request. However, the Charter School shall watermark such public records with the statement “Unofficial Draft Minutes not yet reviewed or approved by Board.”

## **Definitions**

A written copy of the Board's minutes shall be available to the general public within a reasonable time after the meeting in which they are approved.

A "Public record" includes any writing containing information relating to the conduct or administration of the public's business prepared, owned, used, or retained by any state agency, independent public body corporate and politic, or local agency regardless of physical form or characteristics. Provided, however, that personal notes created by a public official solely for his or her own use shall not be a public record as long as such personal notes are not shared with any other person or entity.

A "Writing" includes, but is not limited to, handwriting, typewriting, printing, photocopying, photographing, and every means of recording, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, or other documents.

Public records of the Charter School do not include the personal notes and memoranda of staff that remain in the sole possession of the maker and which are not generally accessible or revealed to other persons.

A "Idaho resident" means a person whose domicile has been within Idaho continuously for at least 30 days. This includes domestic entities as provided in IC 30-21-102, such as companies and nonprofit organizations that are registered in Idaho, but does not include full-time students who are residents of another state. Establishment of residency includes a spouse and dependent children who reside with that person in the domicile.

## **Records Exempt from Disclosure**

In accordance with Idaho Code, the following records shall NOT be subject to public inspection and/or copying:

1. Any public record exempt from disclosure by federal or state law or federal regulations to the extent specifically provided for by such law or regulation;
2. Retired employees' and retired public officials' home addresses, home telephone numbers, and other financial and non-financial membership records;
3. Records of a current or former employee other than the employee's duration of employment with the Charter School, position held, and location of employment. This exemption from disclosure does not include the contracts of employment or any remuneration, including reimbursement of expenses. All other personnel information relating to an employee or applicant including, but not limited to, information

regarding sex, race, marital status, birth date, home address and telephone number, applications, testing and scoring materials, grievances, correspondence, retirement plan information and performance evaluations, shall not be disclosed to the public without the employee's or applicant's written consent;

4. Records relating to the appraisal of real property, timber, or mineral rights prior to its acquisition, sale, or lease by the Charter School;

5. Any estimate prepared by the Charter School that details the cost of a public project until such time as disclosed or bids are opened, or upon award of the contract for construction of the public project;

6. Records of any risk retention or self-insurance program prepared in anticipation of litigation, or for analysis of, or settlement of potential or actual money damage claims against the Charter School and/or its employees except as otherwise discoverable under the Idaho or federal rules of civil procedure. These records shall include, but are not limited to, claims evaluations, investigatory records, computerized reports of losses, case reserves, internal documents, and correspondence relating thereto. At the time any claim is concluded, only statistical data and actual amounts paid in settlement from public funds shall be deemed a public record unless otherwise ordered to be sealed by a court of competent jurisdiction. Provided however, nothing in this subsection is intended to limit the attorney client privilege or attorney work product privilege otherwise available to any public agency or independent public body corporate and politic;

7. Computer programs developed or purchased by or for the Charter School for its own use. As used in this subsection, "computer program" means a series of instructions or statements which permit the functioning of a computer system in a manner designed to provide storage, retrieval, and manipulation of data from the computer system, and any associated documentation and source material that explain how to operate the computer program. Computer program does not include:

- A. The original data including, but not limited to, numbers, text, voice, graphics, and images;
- B. Analysis, compilation, and other manipulated forms of the original data produced by use of the program; or
- C. The mathematical or statistical formulas that would be used if the manipulated forms of the original data were to be produced manually.

8. Personal information from any file maintained for students. Information from student records shall be disclosed only in accordance with the requirements of the Family Educational Rights and Privacy Act, Idaho Code, and adopted Charter School policy;

9. Test questions, scoring keys, or other examination data used to administer academic tests;

10. Records relevant to a controversy to which the Charter School is a party but which records would not be available to another party under the rules of pre-trial discovery for cases pending resolution;

11. Records of buildings, facilities, infrastructures, and systems when the disclosure of such information would jeopardize the safety of persons or the public safety. Such records may include emergency evacuation, escape, or other emergency response plans, vulnerability assessments, operation and security manuals, plans, blueprints, or security codes.

However, all personnel records of a current or former public official reflecting public service or employment history, classification, pay grade and step, longevity, gross salary and salary history, status, workplace, and employing agency are subject to public inspection and/or copying.

If the record requested for inspection and/or copying contains both information exempted from disclosure and non-exempt information, the Charter School shall, to the extent practicable, produce the record with the exempt portion deleted and shall provide a written explanation for the deletion.

### **Response to Requests**

The Charter School may require that a public records request be submitted in writing with the requester's name, mailing address, email address, and telephone number. A request for public records may be conducted by electronic mail. The request shall specifically describe the subject matter and records sought, including a specific date range for when the records sought were created. The request shall be as specific as possible, describing the records sought in enough detail to let the Public Records Coordinator find the records with reasonable effort. The Charter School may provide the requester information to help the requester narrow the scope of the request or to help the requester make the request more specific when the records requested are voluminous or costly.

When an Idaho resident or someone employed by an Idaho resident makes a public records request, the District shall either grant or deny the request to examine or copy public records within three working days of the date of the receipt of the request for public records. If a longer period of time is needed to locate or retrieve the records, the District shall notify the person requesting the records of this and provide the records to such person not later than ten working days following the request.

If a record is requested in electronic format and the record cannot easily be converted to electronic format within the applicable extended number of days, the Charter School shall notify the person requesting the records of this fact and provide them with an estimate of the time necessary to complete the conversion. The documents shall then be provided at a time mutually agreeable to the parties giving consideration to any limitations that may exist regarding electronic conversion.

If the Charter School fails to respond within the shorter applicable period of time described above, the request shall be deemed to be denied. If the Charter School denies the request for examination or copying the public records or denies in part and grants in part the request for examination and copying of the public records, the public records coordinator shall notify the person in writing of the denial or partial denial of the request for the public record. The notice of denial or partial denial shall state that the attorney for the Charter School has reviewed the request or shall state that the Charter School has had an opportunity to consult with an attorney regarding the request for examination or copying of a record and has chosen not to do so. The notice of denial or partial denial also shall indicate the statutory authority for the denial and indicate clearly the right to appeal the denial or partial denial and the time periods for doing so.

The Public Records Coordinator is authorized to seek an injunction to prevent the disclosure of records otherwise suitable for disclosure when it is determined that there is reasonable cause to believe that the disclosure would not be in the public interest and would substantially or irreparably damage any person or would substantially or irreparably damage vital governmental functions.

### **Fee Waiver**

The Charter School will adhere to its copying fee schedule unless it is determined by the public records coordinator that an Idaho resident or employee of an Idaho resident shows that their request meets the following test:

1. The requester's examination and/or copying of public records is likely to contribute significantly to the public's understanding of the operations and activities of the government;
2. The requester's examination and/or copying of public records is not primarily in the individual interest of the requester including, but not limited to, the requester's interest in litigation in which the requester is or may become a party; and
3. The requester's examination and/or copying of public records will not occur if fees are charged because the requester has insufficient financial resources to pay such fees.

Upon a request that fees not be charged, and the Public Records Coordinator's consideration of the above factors, the Public Records Coordinator shall notify the requester in writing of their decision within ten (10) working days following the request. If the fee waiver is denied, the requester shall then have seven (7) days to file an appeal of the denial with the Principal. The Principal shall review the denial and either affirm or reverse the denial of the public records coordinator in writing within ten (10) working days of receipt of the appeal. In the event that the Principal is the Public Records Coordinator then the appeal shall be filed within seven (7) days with the Board of Directors. At the Board's next regularly scheduled meeting, the Board shall review the denial of fee waiver and either affirm or reverse it. There shall be no further appeal beyond the Board.

The request shall not be fulfilled or prepared, and the time for response will not begin to run, until such time as the final determination as to fees has been addressed and any fees to be charged have been paid.

A requester may not file multiple requests for public records solely to avoid payment of fees. If the Charter School suspects that this is the case then it can aggregate the related requests and charge based upon its copying fee schedule.

### **Fee Schedule**

The copying fee schedule of the Charter School is as follows:

1. The Charter School shall not charge Idaho residents or their employees a fee for the first 100 pages of records or the first two (2) hours of labor in responding to a request;
2. Copies of public records - RISE Charter School will charge **15 cents** per page (cannot exceed actual cost) for copies beyond the first 100 pages or beyond the first (2) hours of labor in responding to a request by an Idaho resident or their employee;
3. The Charter School will charge for the labor costs associated with locating and copying documents if:
  - A. The request is for more than 100 pages of records;
  - B. The request includes non-public information that must be redacted from the public records; and/or
  - C. The labor associated with locating and copying the records exceeds two (2) hours.
4. The fees for labor associated with responding to a public records request shall be charged at the per hour pay rate of the lowest paid administrative staff employee of the Charter School who is necessary and qualified to process the request;

5. The fees associated with redactions required to be made by an attorney employed by the Charter School shall be charged at the lowest paid hourly rate of the lowest paid attorney employed by the Charter School or if there are no attorneys employed by the Charter School than the rate shall be no more than the usual and customary rate of the attorney retained by the Charter School.

6. Copy of a duplicate computer disc or similar record system the fee shall not exceed:

A. The Charter School's cost of copying the information in that form;

B. The Charter School's cost of conversion, or the cost of conversion charged by a third party, if the electronic record must be converted to electronic form.

Fees shall be collected in advance. The Charter School shall provide requesters with an itemized statement of fees to show the per-page costs for copies and the hourly rate of employees and attorneys involved in responding to the request.

**Cross References:**

3570-3570P Student Records

4130 Public Access to Charter School Website

8605 Retention of Charter School Records

**Legal References:**

I.C. § 33-5204 Nonprofit Corporation—Liability—Insurance

I.C. § 74-101 et seq. Idaho Public Records Act

I.C. § 74-204 Open Meetings Law - Notice of Meetings — Agendas

IDAPA 08.01.01.100 Procedures for Responding to Requests for Examination and/or Copying Public Records

**Other Reference:**

Idaho Public Records Law Manual, July 2019 (available at

<https://www.ag.idaho.gov/content/uploads/2018/04/PublicRecordsLaw.pdf> )

**Policy History:**

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