

Public Access to District Records

Mindful of the right of individuals to privacy and of the desirability of efficient administration of the district, full access to information concerning the administration and operations of the district shall be afforded to the public as provided by the Public Disclosure Commission. Public access to district records shall be afforded according to the procedures developed by the superintendent and periodically reviewed by the board.

School district records include any items, such as writing, printing, photocopying, photographing, and electronics, which contain information relating to the conduct of operations and functions of the district and which is prepared, owned, used, or retained by the district. School district records do not include the personal notes and memoranda of staff which remain in the sole possession of the maker and which generally are not accessible or revealed to other persons.

The superintendent or designee shall serve as public records coordinator with responsibility and authority for ensuring compliance with the display, indexing, availability, inspection, and copying requirements of state law and this policy. As coordinator, he/she shall authorize the inspection and copying of the district's records only in accordance with the criteria set forth in this policy. Compliance does not require the district to create records or compile data from identifiable records as that term is defined in RCW 42.17.

1. Electronic and Paper Records

The Public Records Act does not distinguish between paper and electronic records. Instead, the act explicitly includes electronic records within its coverage. The definition of "public record" includes a "writing," which in turn includes "existing data compilations from which information may be obtained or translated." RCW [42.17.020](#)(48) (incorporated by reference into the act by RCW [42.56.010](#)). Many agency records are now in an electronic format. Many of these electronic formats such as Windows products are generally available and are designed to operate with other computers to quickly and efficiently locate and transfer information. Providing electronic records can be cheaper and easier for an agency than paper records. Furthermore, RCW [43.105.250](#) provides: "It is the intent of the legislature to encourage state and local governments to develop, store, and manage their public records and information in electronic formats to meet their missions and objectives. Further, it is the intent of the legislature for state and local governments to set priorities for making public records widely available electronically to the public."

In general, Yakima School District provides records in an electronic format if requested in that format. Technical feasibility is the touchstone for providing electronic records. Records are provided in either their original generally commercially available format or, if the records are not in a generally commercially available format, in a reasonably translatable electronic format if possible; see WAC [44-14-05004](#).

Actual costs for providing electronic records may be recovered, which in many cases is de minimis; see WAC [44-14-050](#)(3). If requested, cooperative resolution should be attempted; see WAC [44-14-05003](#).

2. Availability of Records

The district shall make available for public inspection and copying district records, or portions, except those listed below and others as specified in RCW 42.17.310.

- 2.2 Information from student records [RCW 42.17.310(1)(a)] which may be disclosed only in accordance with the requirements of the Family Educational Rights and Privacy Act of 1974 (FERPA) and adopted district policy;
- 2.3 Personal information in files maintained for staff to the extent that disclosure would violate their right to privacy [RCW 42.17.310(1)(b)];
- 2.4 Test questions, scoring keys, or other examination data used to administer academic tests [RCW 42.17.310(f)];
- 2.5 The contents of real estate appraisals, made for or by the district relative to the acquisition of property, until the project is abandoned or until such time as all of the property has been acquired, but in no event shall disclosure be denied for more than three (3) years after the appraisal [RCW 42.17.310(1)(g)];
- 2.6 Preliminary drafts, notes, recommendations, and intra-district memoranda in which opinions are expressed or policies formulated or recommended, except that a specific record shall not be exempt when publicly cited by the district in connection with any district action [RCW 42.17.310(1)(i)];
- 2.7 Records which are relevant to a controversy in which the district is a party, but which records would not be available to another party under the rules of pretrial discovery for cases pending in the superior courts [RCW 42.17.310(1)(j)]; and/or
- 2.8 Records, or portions of records, the disclosure of which would violate governmental interests [RCW 42.17.310(2)].

If the district denies any request, in whole or in part, for inspection and copying of records, the district shall provide the requesting party with a written statement of the reason for the denial, setting forth the specific exemption (and statutory section) which applies.

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

The district shall not provide access to lists of individuals which the requesting party intends to use for commercial purposes or which the district reasonably believes will be used for commercial purposes if such access is provided.

The following procedures shall be used to carry out the district's policy regarding public access to district records:

3. **Public Records Custodian** - At each facility where district records are kept, the administrator shall serve as public records custodian who shall be responsible for maintenance of district records in accordance with district policy. The custodian shall permit access to and copying of district records by the public at their expense with authorization from the public records coordinator.

- 4. Display of Descriptions, Policies, and Procedures** - The coordinator shall compile, prominently display, and make available the following for inspection and copying by the public at the district's central services:
- 4.1 descriptions of the district's organizational structure;
 - 4.2 descriptions of how, where, and from which employees the public can obtain information and copies of public records; and
 - 4.3 all district policies and procedures.

The coordinator shall update the displayed materials identified whenever an item is amended, revised, or repealed.

- 5. Index of certain records** - The coordinator shall be responsible for the preparation, maintenance, and availability for inspection and copying by the public of current indexes of the following records:
- 5.1 statements and interpretations of district policies;
 - 5.2 administrative staff manuals and instructions to staff that may affect a member of the public;
 - 5.3 planning policies, goals, and final planning decisions; and
 - 5.4 staff and consultant's reports, scientific reports and studies, and any other information derived from tests, studies, reports, or surveys, whether conducted by district staff or others.

The indexes described shall be kept at the district's central services.

If the coordinator determines that the indexing of the records described above would be unduly burdensome or would interfere with district operations, he/she shall request that the board adopt a formal resolution exempting the indexing of those records. The resolution would specify the reasons and the extent to which indexing would unduly burden or interfere with district operations.

- 6. Requests for Inspection and Copying** - Upon written request, the district shall make available to any person for inspection and copying any record or records not exempted by district policy or the law.

A written request for inspection and/or copying of records shall include:

- 6.1 name, address, and signature of the party requesting disclosure and the date of the request;
- 6.2 specifications of the records or types of records requested; and
- 6.3 a statement of the intended use of lists of individuals.

Written requests for inspection and/or copying of records shall be made to the coordinator at the district's administration building or to the custodian at the place where the requested records are kept.

Written requests shall be made and records shall be available for inspection and copying during the customary business hours of the district's administration building and/or the facility where the requested records are kept.

With respect to those records which the coordinator has designated in writing as open to inspection, the custodian at the facility where the record is kept shall have the authority to grant a request for inspection and copying. With respect to all other records, a request for inspection and copying shall be granted only after review and approval of the request by the coordinator.

A response to each written request for inspection and copying of district records shall be provided as soon as is reasonably practicable, and no later than five (5) working days after receipt of the request.

Upon request, the district shall make copies of public records for a fee of fifteen cents (15¢) and the actual cost of postage and an envelope, if any. Determining the actual cost of copying is excessively burdensome; therefore the district uses the statutory fifteen cents (15¢) per page charge.

The coordinator and custodian shall have authority to impose reasonable conditions on the manner of inspection of records so as to minimize the risks of damage to, or disorganization of, the records and to prevent excessive interference with other essential operations of the district.

Cross Reference:

(cf.: 4341 – Release of List of Students' or Employees' Names)

Legal Reference:

RCW 42.17 Public Disclosure Act

WAC 180.52.025 Pupil Tests and Records

Family Educational Rights and Privacy Act of 1974

Adoption Date:

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