

Public Records Requests

Purpose

This procedure explains the process for public access to school district records and provides guidance in how the district will respond to such requests.

Scope

This procedure applies to the Superintendent, the Public Records Officer and district staff involved in managing district records, and members of the community.

Procedure

1. Access to public records at Valley School District will be provided in compliance with the provisions of Chapter 42.56 RCW. School district records relating to the conduct of operations and functions of the district that have been prepared, owned, used, or retained by the district in any format are, in fact, public records to which members of the public may request access consistent with this procedure.
2. **PUBLIC RECORDS OFFICER**
 - 2.1. For the most timely and efficient response, requests for school district records should be directed in writing to the Superintendent, or designee, who serves as the District Public Records Officer and whose responsibilities include being a point of contact for members of the public in this process and overseeing the district's compliance with the Washington Public Records Act, Chapter 42.56 RCW, and Policy 4040.
 - 2.2. The Public Records Officer may be contacted at the district administrative office located at:

Address:	3030 Huffman Road Valley, Washington, 99181
Phone:	(509) 937-2771
Fax:	(509) 937-2691
Email:	Kevin.Foster@valleysd.org
Website:	www.valleysd.org
 - 2.3. Consistent with state law, the Public Records Officer will complete trainings related to the Washington Public Records Act and public records retention no later than ninety (90) days after assuming the responsibilities of the Public Records Officer. After the initial training(s), the Public Records Officer must complete refresher training at intervals of no more than four years as long as he/she remains the district's Public Records Officer. Training must address particular issues related to the retention, production, and disclosure of electronic documents, including updating and improving technology information services.

3. AVAILABILITY OF PUBLIC RECORDS

3.1. Hours for Inspection

Public records are available for inspection and copying during regular business hours of the district administrative office, Monday through Friday, 8:30 a.m. to 4:00 p.m., excluding holidays. Public records and a location for their inspection will be provided by the Public Records Officer. Such records will not be removed from the place designated for their inspection.

3.2. Organization of Records

3.2.1. The district will maintain its records in a reasonable, organized manner and take reasonable actions to protect records from damage and disorganization. A requestor will not take district records from district offices without the permission of the Public Records Officer. During the inspection of records, a district employee will typically be present to protect records from damage or disorganization.

3.2.2. The district will also maintain a log of public records requests that have been submitted to and processed by the district. This log will include, but not be limited to, the following information for each request: the identity of the requestor if provided, the date the request was received, the text of the original request, a description of the records produced in response to the request, a description of the records redacted or withheld and the reasons therefore, and the date of the final disposition of the request.

3.3. Information Online

A variety of records and information are available on the district website at www.valleysd.org. Requestors are encouraged to view the documents available on the website prior to submitting a records request.

4. MAKING A REQUEST FOR RECORDS

4.1. Any person wishing to inspect or copy public records will make the request in writing to the Superintendent. The request may be brought to the administrative office of the Superintendent during regular office hours or may be mailed, delivered by facsimile, or sent by electronic mail. The district recommends using its Public Records Request form, which is available at the district office or online at www.valleysd.org. The request will include the following information:

- (a) The name, address, telephone number and email address of the person requesting the record.
- (b) The time of day and calendar date on which the request is made.
- (c) The nature of the request, and/or identification and description of the record(s) adequate for enabling the Public Records Officer or designee to locate the records.

4.2. Identifiable Records

A request under the Washington Public Records Act, Chapter 42.56 RCW and district Policy 4040 must seek an *identifiable* record. A request for all or substantially all of the records prepared, owned, used or retained by the district is not a valid request for identifiable records. General requests for information from the district that do not seek identifiable records are also not covered by Policy 4040. A request for all records discussing a particular topic or containing a particular keyword or name will not be considered a request for all of the district's records.

4.3. Requesting Electronic Records

The process for requesting electronic public records is the same as for requesting paper public records. However, to assist the district in responding to a request for electronic records, a requestor should provide specific search terms that will allow the Public Records Officer or designee to locate and assemble identifiable records responsive to the request.

4.4. Creating New Records

The district is not obligated by law to create a new record to satisfy a records request for information. The district may choose to create a record depending on the nature of the request and the convenience of providing the information in a new document, such as when data from multiple locations is requested and can be more easily combined into a single new record.

4.5. Copies of Records

If the requestor wishes to have copies of the records made instead of inspecting them, he/she will make this intention clear in the request. The Superintendent or designee may impose a charge for providing copies of public records, for the use, by any person, of district equipment to copy public records, and the actual costs for mailing supplies and postage, in accordance with state law. All fees must be paid by money order, check or cash, and are due prior to the release of any records. Copied records will be released to the requester upon receipt of payment to the appropriate district office staff for copying and/or shipping costs and services. (Also see sections 5.8 – 5.12.)

5. PROCESSING OF PUBLIC RECORDS REQUESTS

5.1. Order of Processing Requests

The district will typically process requests in the order received. However, requests may also be processed out of order if doing so allows the most requests to be processed in the most efficient manner.

5.2. Central Review

Records requests not made to the Public Records Officer of the district will be forwarded by building level administrators, program administrators, or other staff receiving the request to the Public Records Officer for processing.

5.3. Five-Day Response

5.3.1. Within five (5) business days of receipt of a request, the Public Records Officer will do one or more of the following:

- (a) Provide copies of the record(s) requested or make the record available for inspection – or, in the alternative, provide an internet address and link to the district’s website where the specific record can be accessed (provided that the requestor has not notified the district that he/she cannot access the records through the internet).
- (b) Acknowledge that the district has received the request and provide a reasonable estimate of the time it will require to fully respond.
- (c) Acknowledge that the district has received the request, and ask the requestor to provide clarification for a request that is unclear, while providing to the greatest extent possible a reasonable estimate of the time the district will require to respond to the request if it is not clarified.
- (d) Deny the request (although no request will be denied solely on the basis that the request is overbroad).

5.3.2. If the district does not respond in writing within five (5) business days of receipt of the request for disclosure, the requestor should contact the Public Records Officer to determine the reason for the failure to respond.

5.3.3. The district’s response to the request may include notification that additional time is required to respond, based upon the need to clarify the intent of the request, to locate and assemble the information requested, to notify third persons or agencies affected by the request, or to determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request.

5.3.4. In acknowledging receipt of a public record request that is unclear, the Public Records Officer may ask the requester to clarify what information the requester is seeking. If the requester fails to clarify the request within thirty (30) days and the entire request is unclear, the district may close the request and not further respond to it. If the requestor fails to respond to the district’s request for clarification within 30 days and part of the request is unclear, the district will respond to the portion of the request that is clear and may close the remainder of the request.

- 5.3.5. In unusual circumstances, the district may also seek a court order enjoining disclosure pursuant to law.
- 5.3.6. The district may deny a bot request that is one of multiple requests from the requestor within a twenty-four hour period if the district establishes that responding to the multiple bot requests would cause excessive interference with the district's other essential functions. The district may deem a request to be a bot request when the district reasonably believes the request was automatically generated by a computer program or script.

5.4. Purpose of Request

The district may inquire into the purpose for which a record is requested and may use the answer to aid in gathering responsive records and determining whether the public has a legitimate interest in obtaining the information. However, a requester is not required to provide a purpose and the district may not decline to furnish the records solely because the requester refuses to furnish a purpose for the request.

5.5. Protecting Rights of Others

- 5.5.1. In the event that the requested records contain information that may affect rights of others and may be arguably exempt from disclosure, the Public Records Officer may, prior to providing the records, give notice to such others. The notice may make it possible for the others to contact the requestor and ask him/her to revise the request, or, if necessary, seek a court order to prevent or limit the disclosure. The notice to the affected persons may also include a copy of the request.
- 5.5.2. The Superintendent or Public Records Officer reserves the right to delete identifying details when it makes available or publishes any public record when there is reason to believe that disclosure of such details would be an unreasonable invasion of personal privacy; provided, however, in each case the justification for the deletion will be explained fully in writing.

5.6. Records Exempt from Disclosure

- 5.6.1. Some records are exempt from disclosure, in whole or in part, under a specific exemption contained in chapter 42.56 RCW or another statute which exempts or prohibits disclosure of specific information or records.
- 5.6.2. If the district believes that a record is exempt from disclosure and should be withheld, the Public Records Officer will state in writing the specific exemption (and statutory section) which applies and provide a brief explanation of how the exemption applies to the record being withheld or redacted. This exemption and explanation will be provided to the requestor in a withholding index or log.
- 5.6.3. If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the Public Records Officer will redact the exempt portions,

provide the nonexempt portions, and indicate to the requestor why portions of the record are being redacted in the withholding index or log.

5.7. List of Laws Exempting or Prohibiting Disclosure

5.7.1. Pursuant to RCW 42.56.070(2), these rules contain a list of laws – other than those specifically listed in the Washington Public Records Act, Chapter 42.56 RCW – which may exempt disclosure of certain public records or portions of records. The district has identified the following laws:

- (a) The Family Educational and Privacy Rights Act (FERPA), 20 USC § 1232g (regarding student educational records).
- (b) Washington State Student Education Records Law, RCW 28A.605.030.
- (c) The Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1400 et. seq. and 34 C.F.R. Part 300 (protecting the confidentiality of personally identifying information contained in student records of students with disabilities).
- (d) Privileged communications and attorney work product, such as set forth in Chapter 5.60 RCW.
- (e) Criminal Records Privacy Act (CRPA), Chapter 10.97 RCW.
- (f) Information on students receiving free or reduced lunch, 42 USC § 1758(b)(6).
- (g) Health Insurance Portability and Accountability Act (HIPPA), 45 CFR parts 160-164 (regarding health care information privacy and security).
- (h) Abuse of Children – Protection and Procedure, RCW 26.44.010; RCW 26.44.030(9).
- (i) Notification of Juvenile Offenders, RCW 13.04.155(3).
- (j) Examination question for teachers or pupils prior to the examination, RCW 28A.635.040.
- (k) Public Law 98-24, Section 527 of the Public Health Services Act, 41 USC § 290dd-2 (confidentiality of alcohol and drug abuse patient records).
- (l) United States and Washington Constitutional provisions including, but not limited to, the right of privacy and freedom of association.

5.7.2. In addition to these exemptions, RCW 42.56.070(9) prohibits providing access to lists of individuals requested for commercial purposes, and the district may not do so unless specifically authorized or directed by law.

5.7.3. The above list is for informational purposes only and is not intended to cover all possible exemptions from the public records law. The above list includes only exemptions which may be in addition to those set forth in Chapter 42.56 RCW. Under appropriate circumstances, the district may rely upon other legal exemptions which are not set forth above or contained within the public disclosure law.

5.8. Inspection of Records

Consistent with other demands, and without unreasonably disrupting district operations, the district will promptly provide for the inspection of nonexempt public records. No member of the public may remove a document from the viewing area without the permission of the Public Records Officer, nor may he/she disassemble or alter any document. The requestor will indicate which documents he/she wishes the district to copy. There is no cost to inspect district records.

5.9. Providing Copies of Non-Electronic Records

After inspection is complete, the Public Records Officer or designee will make the requested copies or arrange for copying.

5.10. Providing Electronic Records

When a requestor requests records in an electronic format, the Public Records Officer or designee will provide the nonexempt records or portions of such records that are reasonably locatable in an electronic format that is used by the district and is generally commercially available, or in a format that is reasonably translatable from the format in which the district keeps the record.

5.11. Providing Records in Installments

When the request is for a large number of records, the Public Records Officer or designee has the right to provide access for inspection and copying in installments. If, within thirty (30) days, the requestor fails to inspect the entire set of records or one or more of the installments, the Public Records Officer or designee may stop searching for the remaining records and close the request as set forth in section 5.12.

5.12. Completion of Inspection

When the inspection of the requested records is complete and all requested copies are provided, the Public Records Officer or designee will indicate in writing to the requester that the district has completed a diligent search for the requested records and made any located nonexempt records available for inspection.

5.13. Closing Withdrawn or Abandoned Request

5.13.1. The requestor must review the assembled records within thirty (30) days of the district's notification to him/her that the records are available for inspection or copying. The district should notify the requestor in writing of this requirement and inform the requestor that he/she should contact the

district to make arrangements to review and/or claim copies of the records. If the requestor or a representative of the requestor fails to review the records within the thirty-day period or make other arrangements, the district may close the request and refile the assembled records.

- 5.13.2. When the requestor either withdraws the request or fails to fulfill his/her obligations to inspect the records or submit payment for the requested copies, the Public Records Officer will close the request and indicate to the requestor in writing that the district has closed the request.

5.14. Later Discovered Documents

If, after the district has informed the requestor that it has provided all available records, the district becomes aware of additional responsive documents existing at the time of the request, it will promptly inform the requestor in writing of the additional documents and provide them on an expedited basis.

6. COSTS OF PROVIDING RECORDS, WAIVERS AND AGREEMENTS

6.1. Cost of Printed Copies and Mailing

- 6.1.1. The cost of providing photocopies or printed copies of electronic records is 15 cents per page. Alternatively, if the district determines and documents that the fees allowed under this procedure are clearly equal to, or more than, two dollars, the district may instead charge a flat fee of two dollars to provide the records. If the district charges a flat fee for the first installment, the district will not charge an additional flat fee or a per page fee for any subsequent installments. Payment may be made by cash, check, or money order payable to the district.
- 6.1.2. The district may also charge actual costs of mailing, including the cost of the shipping container or envelope.
- 6.1.3. The Public Records Officer or designee may require the payment of the remainder of the copying costs before providing all the records, or the payment of the costs of copying an installment before providing that installment.
- 6.1.4. If requested, the district will provide a summary of the applicable charges before any copies are made. The requestor will be allowed to revise the request in order to reduce the applicable charges.

6.2. Customized Service Charge

- 6.2.1. A customized service charge may be imposed if the district estimates that the request would require the use of information technology expertise to prepare data compilations, or to provide customized electronic access services when such compilations and customized access services are not used by the district for other district purposes. The customized service

charge may reimburse the district up to the actual cost of providing the services in this paragraph.

- 6.2.2. The district will not assess a customized service charge unless it has notified the requestor of the customized service charge to be applied to the request, including an explanation of why the customized service charge applies, a description of the specific expertise, and a reasonable estimate cost of the charge. The notice will also provide the requestor the opportunity to amend his or her request in order to avoid or reduce the cost of a customized service charge.

6.3. Cost for Electronic Records

- 6.3.1. The cost for providing electronic records is as follows:

- (a) Ten cents per page for public records scanned into an electronic format or for the use of district equipment to scan the records.
- (b) Five cents per each four electronic files or attachment uploaded to email, cloud-based data storage service, or other means of electronic delivery.
- (c) Ten cents per gigabyte for the transmission of public records in an electronic format or for the use of district equipment to send the records electronically.
- (d) The actual cost of any digital storage media or device provided by the district, the actual cost of any container or envelope used to mail the copies to the requestor, and the actual postage or delivery charge.

- 6.3.2. The district will take reasonable steps to provide the records in the most efficient manner available to the district in its normal operations.

- 6.3.3. Alternatively, if the district determines and documents that the fees allowed under this procedure are clearly equal to, or more, than two dollars, the district may instead charge a flat fee of two dollars to provide the records. If the district charges a flat fee for the first installment, the district will not charge an additional flat fee or a per page fee for any subsequent installments.

- 6.3.4. The Public Records Officer or designee may also require the payment of the remainder of the copying costs before providing all the records, or the payment of the costs of copying an installment before providing that installment.

- 6.3.5. If requested, the district will provide a summary of the applicable charges before charges are imposed under this procedure. The requestor will be allowed to revise the request in order to reduce the applicable charges.

6.3.6. The district will not impose copying charges for access to or downloading of records that the district routinely posts on its website prior to the receipt of a request, unless the requestor has specifically requested that the district provide copies of such records through other means.

6.4. Deposits

Before beginning to make the copies, the Public Records Officer or designee may require a deposit of up to ten percent of the estimated costs of copying all the records selected by the requestor, including the cost of a customized service charge according to the provision above.

6.5. Waiver

The Public Records Officer may waive any charge assessed for a request. On behalf of the district, the Public Records Officer may also enter into any contract, memorandum of understanding, or other agreement with a requestor that provides an alternative fee arrangement to the charges authorized in this Procedure, or in response to a voluminous or frequently occurring request.

7. INTERNAL REVIEW OF DENIALS OF PUBLIC RECORDS

7.1. Petition of Internal Administrative Review of Denial of Access

Any person who objects to the initial denial or partial denial of a records request may petition in writing (including email) to the secretary of the Board of Directors for a review of that decision. The petition will include a copy of or reasonably identify the written statement by the Public Records Officer or designee denying the request.

7.2. Consideration of Petition for Review

7.2.1. The Board of Directors or designee(s) will immediately consider the petition and will either affirm or reverse the denial within two (2) business days following the receipt of the petition, or within such other time as the district and the requestor mutually agree to.

7.2.2. During the course of the review, the Board or designee will consider the obligations of the Board to comply fully with the intent of Chapter 42.56 RCW insofar as it requires providing full public access to official records, but will also consider the exemptions provided in applicable statutes and the provisions of the Chapter which require the district to protect public records from damage or disorganization, prevent excessive interference with essential functions of the district, and prevent any unreasonable invasion of personal privacy by deleting identifying details.

8. REPORTING COSTS OF PRODUCING PUBLIC RECORDS

The district will provide the information specified in RCW Chapter 40.14 to the Joint Legislative Audit and Review Committee as required by law.

Supporting Documentation

4040F1-Public Records Request Form

Document History

Action:	Date:
New	Unknown
Revised	September 16, 2015
Revised	November 15, 2017
Revised	