

Clackamas Education Service District

Code: **KBA**
Adopted: 05/20/09

Public Records**

Public record includes any writing containing information relating to the conduct of CESD's business. Writing means handwriting, typewriting, printing, photographing, and every means of recording, including letters, words, pictures, sounds, or symbols or combination thereof, and papers, maps, files, facsimiles, electronic recording, text messaging and e-mail, including deleted e-mail on backup. Public record does not include messages on voice mail or on other telephone message storage and retrieval systems.

Board meetings and records will be matters of public information subject to such restrictions as are set by federal law or regulation, by state statute, or by pertinent court rulings.

The Board's official minutes, its written policies, and its financial records will be available at the superintendent's office for inspection by any citizen desiring to examine them during hours when the superintendent's office is open. All such information will be made available to individuals with disabilities in any appropriate format upon request and with appropriate advanced notice. Auxiliary aids and services available to ensure equally effective communications to qualified persons with disabilities may include large print, Braille, audio recordings, readers, assistance in locating materials, or other equally effective accommodations.

The Board supports the right of the people to know about programs and services of their schools and will make every reasonable effort to disseminate information. Each administrator is authorized to use all means available to keep parents and others of his/her particular CESD's community informed about CESD's program and activities.

No records will be released for inspection by the public or any unauthorized persons – either by the superintendent or any other person designated as custodian for CESD records – if such disclosure would be contrary to the public interest, as described in state law.

If a copy of a record is requested, CESD will provide a single certified copy. If a request to inspect a record is made and the public record is maintained in a machine readable or electronic form, the custodian shall provide the record in the form requested, if available. If not available in the form requested, it will be provided in the form the public record is maintained. If a person who is a party to a civil judicial proceeding to which CESD is a party or who has filed notice under ORS 30.275 (5)(a), asks to inspect or to receive a copy of a public record that the person knows relates to the proceeding or notice, the individual must submit the request in writing to the designated custodian of CESD records and at the same time to CESD's attorney.

Employee and volunteer addresses, electronic addresses, social security numbers, dates of birth, and telephone numbers contained in personnel records maintained by CESD are exempt from public disclosure pursuant to ORS 192.445 and ORS 192.502 (3). Such information may be released only upon the written request of the employee or volunteer or as otherwise provided by law. This exemption does not apply to a substitute teacher, as defined in ORS 342.815, when requested by a professional education association of which the substitute teacher may be a member. Additionally, CESD will not disclose the identification

badge or card of an employee without the employee's written consent if the badge or card contains the employee's photograph and the badge or card was prepared solely for internal use by CESD to identify CESD employees. A duplicate of the photograph used on the badge or card shall not be disclosed.

Upon receipt of a request, CESD will respond as soon as practicable and without unreasonable delay. The response must acknowledge the receipt of the request and one of the following:

1. A statement that CESD does not possess, or is not the custodian of, the public record.
2. Copies of all requested public records for which CESD does not claim an exemption from disclosure under ORS 192.410 to 192.505.
3. A statement that CESD is the custodian of at least some of the requested public records, an estimate of the time CESD requires before the public records may be inspected or copies of the records will be provided, and an estimate of the fees that the requester must pay as a condition of receiving the public records.
4. A statement that CESD is the custodian of at least some of the requested public records and that an estimate of the time and fees for disclosure of the public records will be provided by CESD within a reasonable time.
5. A statement that CESD is uncertain whether CESD possesses the public record and that CESD will search for the record and make an appropriate response as soon as practicable.
6. A statement that state or federal law prohibits CESD from acknowledging whether the record exists or that acknowledging whether the record exists would result in the loss of federal benefits or other sanction. A statement under this paragraph must include a citation to the state or federal law relied upon by CESD.

CESD may request additional information or clarification from the requester for the purpose of expediting CESD's response to the request.

The Board reserves the right to establish a fee schedule which will reasonably reimburse CESD for the actual cost of making copies of public records for the public. There will be no additional charge for auxiliary aids and services provided for qualified persons with disabilities.

Requests for copies of documents shall be in writing and will be presented to the superintendent's office.

END OF POLICY

Legal Reference(s):

[ORS Chapter 192](#)
[OAR 137-004-0800\(1\)](#)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2006); 28 C.F.R. Part 35 (2006).
OR. DEP'T OF JUSTICE, OR. ATT'Y GENERAL'S PUBLIC RECORD AND MEETINGS MANUAL.