

Eugene School District 4J

Code: **KBA**
Adopted: 12/11/02
Readopted: 9/23/11
Orig. Code(s): 1910; 9600

Right to Inspect Public Records

Every person has a right to inspect any public record of the school district, except as expressly provided by law, including ORS 192.410 - 192.505. Public record includes any writing containing information relating to the conduct of the district'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 and e-mail, including deleted e-mail on back-up. Public record does not include messages on voice mail or on other telephone message storage and retrieval systems.¹

Requests for copies of documents shall be in writing and submitted to the superintendent's office or to the director of the department that has custody of the record.

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

1. A statement that the district does not possess, or is not the custodian of, the public record;
2. Copies of all requested public records for which the district does not claim an exemption from disclosure under ORS 192.410 to 192.505;
3. A statement that the district is the custodian of at least some of the requested public records, an estimate of the time the district 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 the district 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 the district within a reasonable time;
5. A statement that the district is uncertain whether the district possesses the public record and that the district will search for the record and make an appropriate response as soon as practicable;
6. A statement that state or federal law prohibits the district 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 the district.

¹The 2011 Oregon Department of Justice Attorney General's Public Records and Meetings Manual states that telephone messages left on a voicemail system are writings under ORS 192.410(6), and therefore subject to inspection to the extent that they exist. However, public bodies are not required to retain their telephone messages.

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

The superintendent will establish a written procedure for making public records requests and a fee schedule which will reasonably reimburse the district for the actual cost of making public records available such as costs for locating, summarizing and compiling records. There will be no additional charge for auxiliary aids and services provided for qualified persons with disabilities.

The district may restrict the inspection of some public records to the district's facilities and may require staff to be present while the records are inspected.

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 the district 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 district records and at the same time to the district's attorney.

Employee and volunteer addresses, electronic addresses, social security numbers, dates of birth and telephone numbers contained in personnel records maintained by the district 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, the district 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 the district to identify district employees. A duplicate of the photograph used on the badge or card shall not be disclosed.

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.