

Fern Ridge School District 28J

Code: **KBA**
Adopted: 3/10/03
Readopted: 5/23/05; 2/25/08; 11/24/08;
1/23/12
Orig. Code(s): 8210

Public Records**

"Public Record" means any information that:

1. Is prepared, owned, used or retained by the district;
2. Is related to an activity, transaction or function of the district; and
3. Is necessary to satisfy the fiscal, legal, administrative or historical policies, requirements or needs of the district.

Public record does not include messages on voice mail or on other telephone message storage and retrieval systems or spoken communication that is not recorded.

In compliance with Oregon law the following guidelines apply to the dissemination, inspection and examination of the public records of the district:

1. All requests for information must be made through the superintendent's office;
2. Requests for information whether concerning sensitive, technical or emotional issues or not may or be required to be submitted in writing and the district will respond in writing within an appropriate time frame consistent with the request. Reasonable accommodations will be provided for persons with disabilities upon request and with appropriate advance notice;
3. Where the labor effort exceeds 30 minutes, labor, material and out-of-pocket charges will be reimbursed to the district. The district may charge a fee of 25 cents per page for the first five pages per side, thereafter per page cost will be seven cents per side of a page plus associated labor. Where the labor effort is restricted to copying and/or to create a copy(ies) the labor, material and out-of-pocket charges will be reimbursed to the district prior to the district releasing the record(s). Labor will be calculated at the district's hourly cost rate for the employee(s) affected multiplied by the amount of time required to produce the record(s). Materials and out-of-pocket charges are to also be reimbursed at the established rate. Auxiliary accommodation aids and services for qualified persons with disabilities will be available at no additional charge;
4. The district reserves the right to restrict the inspection of some public records to the district's facilities;
5. Employee and volunteer 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.

Upon receipt of a request, the district will respond as soon as practicable and without unreasonable delay. The district may request additional information or clarification from the requester for the purpose of expediting the district's response to the request. The response must acknowledge the receipt of the request and one of the following:

- a. A statement that the district does not possess, or is not the custodian of, the public record;
- b. Copies of all requested public records for which the district does not claim an exemption from disclosure under ORS 192.410 to 192.505;
- c. A statement that the district is the custodian of at least some of the requested public records, and 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;
- d. 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;
- e. 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;
- f. 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.

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

The Board reserves the right to establish a fee schedule which will reasonably reimburse the district 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;

6. Information will be made available to individuals with disabilities in an appropriate format upon request and advance notice. Auxiliary aids and services available to qualified persons with disabilities may include large print, Braille, audio recordings, readers, assistance in locating materials or other equally effective accommodations. The District reserves the right to elect which appropriate format is to be provided.

The district shall retain and maintain its public records in accordance with OAR 166, Division 400.

END OF POLICY

Legal Reference(s):

[ORS Chapter 192](#)

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

[OAR 166-400](#)

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.

Cross Reference(s):

KA/KAA - District-Community Relations Goals and Objectives