

Malheur Education Service District

Code: **KBA**
Adopted: 9/20/05
Revised/Readopted: 7/15/14; 12/19/17
Orig. Code(s): KBA

Public Records**

“Public record” means any information that:

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

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.

A request to inspect or receive a copy of a public record shall be in writing and will be presented to the superintendent’s office.

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 effort to disseminate information. Each administrator is authorized to use all means available to keep parents and others of his/her particular ESD’s community informed about the ESD’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 ESD records – if such disclosure would be contrary to the public interest, as described in state law.

The Board reserves the right to establish a fee schedule which will reasonably reimburse the ESD for the actual cost of making public records available pursuant to law. The ESD will not be obligated to complete a request for which the requester has not paid the fee as permitted by state law. There will be no additional charge for auxiliary aids and services provided for qualified persons with disabilities.

Employee and volunteer addresses, electronic mail addresses (other than ESD electronic mail addresses assigned by the ESD to ESD employees), social security numbers, dates of birth and telephone numbers contained in personnel records maintained by the ESD are exempt from public disclosure pursuant to Oregon Revised Statute (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. ESD electronic mail addresses assigned by the ESD to ESD employees are not exempt.

The ESD 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 ESD to identify ESD employees. A duplicate of the photograph used on the badge or card shall not be disclosed.

The ESD shall not, in accordance with state law, disclose personal information for the purpose of enforcement of federal immigration laws.

The ESD shall retain and maintain its public records in accordance with Oregon Administrative Rule (OAR) 166, Division 400.

END OF POLICY

Legal Reference(s):

[ORS Chapter 192](#)

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

[OAR 166-400](#)

SB 481 (2017)

HB 3464 (2017)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2017); 29 C.F.R. Part 1630 (2017); 28 C.F.R. Part 35 (2017).

OREGON DEP'T OF JUSTICE, OREGON ATTORNEY GENERAL, *Public Records and Meetings Manual* (2014).

Americans with Disabilities Act Amendments Act of 2008.