



Public Records

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

1. A public records request shall be submitted in writing through the superintendent's office.
2. Upon receipt of a written request, the ESD shall respond within five business days¹ acknowledging receipt of the request or completing² the ESD's response to the request. If the ESD provides an acknowledgment of the request, it must:
 - a. Confirm that the ESD is the custodian of the requested record;
 - b. Inform the requester that the ESD is not the custodian of the requested record; or
 - c. Notify the requester that the ESD is uncertain whether the ESD is the custodian of the requested record.
3. If the ESD is the custodian of the requested record, as soon as reasonably possible but not later than 10 business days after the date the ESD is required to acknowledge receipt of the request as described above, the ESD shall:
 - a. Complete its response to the public records request. If the ESD determines that a record is exempt from public disclosure, the ESD will include a statement to that effect and that the requester may appeal the decision pursuant to state law; or
 - b. Provide a written statement that the ESD is still processing the request and a reasonable estimated date by which the ESD expects to complete its response based on the information currently available.
4. The time periods, established by Oregon law and identified above in Section 2 or 3, will not apply to the ESD if compliance would be impracticable because:
 - a. The staff or volunteers³ necessary to complete a response to the public records request are unavailable;

¹"Business day" means a day other than Saturday, Sunday or a legal holiday, and on which at least one paid employee of the ESD is scheduled to and does report to work. Business day does not include any day on which the central administration offices of the ESD are closed.

²The ESD response to a public records request will be considered complete when it complies with criteria in Oregon law (ORS 192.329).

³Staff member or volunteers who are on leave or are not scheduled to work are considered to be unavailable.

- b. Compliance would demonstrably impede the ESD's ability to perform other necessary services; or
- c. Of the volume of the public records request being simultaneously processed by the ESD.

The ESD shall, as soon as practicable and without unreasonable delay, acknowledge a public records request and complete the response to the request.

- 5. The ESD may request additional information or clarification from the requester for the purpose of expediting the ESD's response to the request as permitted by law. If the ESD requests additional information or clarification, in good faith, the obligation to complete the request is suspended until the requester provides the requested information or clarification or affirmatively declines to provide the information or clarification.
- 6. If a copy of a public record is requested, the district will provide a single certified copy. If a request to inspect a public record is made and the record is maintained in a machine readable or electronic form, the custodian shall provide the record in the form requested, if available. If the public record is not available in the form requested, it will be provided in the form the record is maintained. If a person who is a party to a civil judicial proceeding to which the ESD is a party or who has filed notice under Oregon Revised Statute (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 ESD records and at the same time to the ESD's attorney.
- 7. 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.
- 8. Where the labor effort exceeds 30 minutes, labor, material and out-of-pocket charges will be reimbursed to the ESD. Labor will be calculated at the hourly rate of the employee affected. Materials and out-of-pocket charges will be reimbursed at the established rate of [\$.25 per page]. Auxiliary aids and services for qualified persons with disabilities will be available at no additional charge.

If the district has informed the requester of a permitted fee, the obligation of the district to complete its response to the request is suspended until the fee has been received by the district. If the requester fails to pay the fee within 60 days of the date he/she was informed of the fee or fails to pay the fee within 60 days of the date on which the district informed them of the denial of the fee waiver, the district shall close the request.

- 9. The ESD reserves the right to restrict the inspection of some public records to the ESD's facilities.