

# **6800 UTAH GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT (GRAMA) \*Draft**

Revised: February 2023

## **I. PURPOSE AND PHILOSOPHY**

As a public entity, Weber School District seeks to conduct its business with transparency and to ensure the public has access to public records maintained by the district. Weber School District also recognizes and respects individual rights of privacy and will protect that privacy to the extent allowed by the law whenever possible. The purpose of this policy is to establish procedures for requesting public records under Utah's Governmental Records Access Management Act (GRAMA), Utah Code 63G, Chapter 2.

## **II. POLICY**

It is the policy of Weber District to comply with all state and federal laws regarding its records. The District will comply with the provisions of the GRAMA regarding the classification, designation, access, denials, segregation, appeals, management, retention, and amendment of its records. As allowed by GRAMA the District adopts this policy to set forth certain fees and procedures to be followed by the District. If any item is not covered in this policy, then the provisions of GRAMA as currently enacted shall control.

Requests for student records, as defined below, are subject to the District's FERPA policy, and are not governed by this Policy.

## **III. DEFINITIONS**

A. Requestor means a person requesting access to a public record maintained by the District, in accordance with the procedures set forth in this policy.

B. Public record means a record that is not classified as private, controlled or protected and that is not exempt from disclosure under a state or federal statute or regulation, such as the Family Educational Rights and Privacy Act, 34 C.F.R. Part 99, ("FERPA").

C. Student record means an education record as defined in FERPA, which contains personal identifiable student information and which is maintained by the District.

## **IV. PROCEDURES FOR REQUESTING RECORDS**

A. Inspection, Copying, and Fees:

1. There is no charge for viewing or inspecting public records.
2. If an individual requests one or more copies of a public record, the individual shall be charged 10 cents per page.
3. An hourly fee based upon the employee’s pay scale (in accordance with section 63G-2-203) shall also be charged if a District employee is required to research the school district’s records for more than thirty minutes in order to locate documents for a person or if it is necessary for a school District employee to place the records back in proper order after a person has been examining the records. Requests for District employee assistance shall be subject to the employee’s normal work schedule. See the fee schedule below for GRAMA requests. For these requests, the district will only accept checks, cashier checks, or cash.
4. Fee waivers will be considered on a case-by-case basis according to the statute.
5. Fee schedule for record request:

<b>Standard Processing Fee</b> for ALL requests that take 15 minutes or less to process:		<b>\$10.00</b>
<b>RECORD REQUEST FEE</b> based on the Lowest Paid Employee who can process the request.		
EMPLOYEE ANNUAL SALARY		Applicable Hourly Fee*
\$20K to \$35K		\$20.00
\$35K to \$55K		\$30.00
\$55K to \$75K		\$44.00
\$75K to \$100K		\$57.00
\$100K to \$125K		\$74.00
\$125K to \$150K		\$91.00
Greater than \$150K		\$108.00

B. Procedures for Requesting Records:

1. The Community Relations Specialist is hereby designated as the Records Officer for the District. The Community Relations Specialist may delegate some or all of the duties of the Records Officer. Requests for public records must be submitted by email or in writing to the Weber School District Offices at 5320 Adams Avenue Parkway, Ogden, Utah 84405, or through the Utah.gov Open Records Portal at <https://secured.utah.gov/ut-archives/Forms/Page/ut-archives/orp/0> with all information required by GRAMA to the attention of the following individuals for the type of record requested.

Personnel Records

Director of Human Resources

All Other Records

Community Relations Specialist/Designee

2. All requests for Student Records should be submitted to the Student Services Department. Student records are subject to FERPA (Family Educational Rights and Privacy Act), not GRAMA.
3. Nothing in this policy shall prevent a District employee from responding to an informal request for records provided the requestor is entitled to the information. However, no employee is required to respond to such informal requests and may direct a requestor to submit any request as described above.
4. Any questions regarding access to records should be referred to the Community Relations Specialist or the person designated by the Community Relations Specialist.

#### C. Response Times:

1. The District hereby determines that its resources are insufficient to comply with the response times set forth in GRAMA (63G-2-204). Absent extraordinary circumstances, the District will respond to all written requests that do not specifically request an expedited response within ten (10) business days by:
  - a. Approving the request and providing the record;
  - b. Denying the request;
  - c. Notifying the requestor that the District does not maintain the record and informing the requestor, if known, of the entity that maintains the record; or
  - d. Notifying the requestor that the District cannot approve or deny the request because of one of the extraordinary circumstances listed in Utah Code §63G-2-203(6), in which case the District shall follow the procedures for such extraordinary circumstances.
2. The District will make every reasonable effort to respond within five (5) business days to requests that seek an expedited response.

#### D. Appeals:

1. Any person aggrieved by the District's response to a request for a public record under this policy may appeal the determination within thirty (30) days to the Superintendent by filing a notice of appeal.

2. The notice of appeal shall contain the following information:
  - a. the petitioner's name, mailing address, and daytime telephone number;
  - b. and the relief sought.
3. The petitioner may file a short statement of facts, reasons, and legal authority in support of appeal.
4. The Superintendent shall make a determination on the appeal within the following period of time:
  - a. within ten (10) business days after the Superintendent's receipt of the notice of appeal; or
  - b. if the Superintendent fails to make a determination within the time specified above, the failure shall be considered the equivalent of an order denying the appeal.
5. The Superintendent may, upon consideration and weighing of the various interests and public policies pertinent to the classification and disclosure or nondisclosure, order the disclosure of information properly classified as private under Section 63G-2-302 or protected under Section 63G-2-204 if the interests favoring access outweigh the interests favoring restriction of access.
6. The school district shall send written notice of the determination of the Superintendent to all requestors. If the Superintendent affirms the denial in whole or in part, the denial shall include a statement that the requestor has the right to appeal the denial to the Weber School Board (the "Board") within 30 days.
7. The appealing party shall submit to the Board a written appeal to which the District may respond in writing. As a part-time public body, the Board cannot decide the appeal within the timelines set forth in GRAMA but will render its decision within thirty (30) calendar days of receiving the written appeal.
8. If a party is not satisfied with the Board's decision, the requestor may submit a request for review to the State Records Committee as provided for in GRAMA.

9. An individual aggrieved by the District's classification or designation determination under this chapter, but who is not requesting access to the records, may appeal that determination using the procedures provided in this section.

E. Retention and Management of District Records:

1. Official records of the Weber School District will be retained according to schedules published and updated by the State of Utah Division of Archives and Records Services unless the District Records Officer, after consulting with the Board, adopts a different schedule for a particular type or classification of record.