

# Multnomah Education Service District

Code: **KBA**  
Adopted: 10/07/80  
Revised/Readopted: 4/21/81; 9/20/94; 5/21/96;  
12/16/97; 1/20/05; 12/20/05;  
11/16/10; 11/15/11; 4/15/14;  
5/09/14; 11/21/17; **12/13/22**  
Orig. Code(s): 5261, 5263.1

## Public Records Request\*\*

~~“Public record” means any information that:~~

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

~~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/email and will be presented to the **[MESD main office]**.

A “public record” includes any writing that contains information relating to the conduct of the public’s business, prepared, owned, used or retained by the MESD regardless of physical form or characteristics, unless otherwise exempted by law.<sup>1</sup> “Writing” means handwriting, typewriting, printing, photographing and every means of recording, including letters, words, pictures, sounds, or symbols or combination thereof and all papers, maps, files, facsimiles or electronic recordings. Public record does not include any writing that does not relate to the conduct of the public’s business and that is contained on a privately owned computer

~~Board meetings and records shall be matters of public information subject to such restrictions as are set by federal law or regulation, by state statute or regulation or by pertinent court rulings.~~

~~The Board’s official minutes, its written policies and its financial records shall 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 shall be made available to individuals with disabilities in an **any appropriate acceptable** format upon request and with appropriate advance notice. Auxiliary aids and services available to ensure equally effective communications to qualified persons with disabilities shall 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 programs and shall make **every reasonable** efforts to disseminate information. Each principal/supervisor is authorized to

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<sup>1</sup> There are multiple definitions for “public record” in ORS 192. This definition comes from ORS 192.311 and applies to the inspection of records.

use **all available** means ~~available~~ to keep parents and others ~~of his/her~~ **in the** particular school's community informed about the program and activities.

~~No records shall be released for inspection by the public or any unauthorized person(s)—either by the Superintendent or any other person designated as custodian for MESD records—if such disclosure would be contrary to federal or state law or regulations, or 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 **personal residential** addresses, **personal** electronic mail addresses (~~other than MESD electronic mail addresses assigned by the MESD to MESD employees~~), social security numbers, dates of birth and **personal** telephone **or cellular** numbers, **and other information listed in Oregon Revised Statute (ORS) 192.355 as exempt**, contained in personnel records maintained by the MESD are exempt from public disclosure pursuant to ~~Oregon Revised Statute (ORS) 192.368 and ORS 192.355~~ (3). **MESD electronic mail addresses assigned by the MESD to MESD employees are not exempt.** ~~Such information shall 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. ~~MESD electronic mail addresses assigned by the MESD to MESD employees are not exempt.~~

The MESD shall 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 MESD to identify 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 MESD shall retain and maintain its public records in accordance with Oregon Administrative Rule (OAR) 166-**005-0010 and Chapter** 166, Division 400 **and ORS Chapter 192.**

END OF POLICY

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#### Legal Reference(s):

[ORS Chapter 192](#)

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

[OAR 166-005-0010](#)

[OAR 166-400](#)

[HB 3464 \(2017\)](#)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (~~2012~~**2018**); 29 C.F.R. Part 1630 (~~2017~~**2021**); 28 C.F.R. Part 35 (~~2017~~**2021**).

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

Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. §§ 12101-12133 (**2018**).

*Bialostosky v. Cummings*, 319 Or. App. 352 (2022).

**MESD Policy Cross Reference(s):**

ACA - Americans With Disabilities Act  
BDDG/BDDK - Minutes of Board Meetings  
EDC/KGF - Authorized Use of MESD Equipment and Materials  
EDE - Acceptable Use of Electronic Network Services  
EGAA - Reproduction of Copyright Materials/Services  
GBL - Personnel Records  
GCDA/GDDA - Recruitment, Selection, Hiring, Criminal History  
GCPD - Discipline and Dismissal of Employees  
GCQBA - Copyrights and Patents  
IGBAB/JO - Student Education Records\*\*  
IIBGA - Electronic Communication System  
JG - Student Discipline  
JGDA/JGEA - Discipline of Students with Disabilities\*\*  
JO/IGBAB - Student Education Records\*\*  
JOA - Directory Information\*\*  
JOB - Personally Identifiable Information\*\*  
KB - Public Information Program