

Ashland School District 5

Code: KBA
Adopted: 8/09/04
Revised/Readopted: 6/12/17; date
Orig. Code: KBA

Public Records Request**

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

“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.
- 3.4. Is any writing that contains information relating to the conduct of the public’s business, prepared, owned, used or retained by the district regardless of physical form or characteristics, unless otherwise exempted by law.

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

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 rule 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 regular office 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 the programs and services of their school and will make every effort to disseminate information. The superintendent and principals are authorized to use all means available to keep parents and others of the school’s community informed about the school’s program and activities.

Employee and volunteer personal residential addresses, personal electronic mail addresses, social security numbers, dates of birth, and personal telephone or cellular numbers contained in personnel records maintained by the district are exempt from public disclosure pursuant to state law.

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

The district will not disclose the identification badge or card of an employee without the employee's written consent if it contains a photograph and is prepared solely for internal use to identify employees.

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 school district records - if such disclosure would be contrary to the public interest, as described in state law.

~~If a copy of a record is requested, the district will provide a single certified copy. If a request to inspect a record is made and the public record is maintained in a machine readable or electronic form, the custodian shall provide the record in the form requested, if available. If not available in the form requested, it will be provided in the form the public record is maintained. If a person who is a party to a civil judicial proceeding to which the district is a party or who has filed notice under 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 district records and at the same time to the district's attorney.~~

~~Employee and volunteer addresses, electronic mail addresses (other than district electronic mail addresses assigned by the district to district employees), 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. District electronic mail addresses assigned by the district to district employees are not exempt. 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 response must acknowledge the receipt of the request and one of the following:~~

- ~~1.—— A statement that the district does not possess, or is not the custodian of, the public record;~~
- ~~2.—— Copies of all requested public records for which the district does not claim an exemption from disclosure under ORS 192.410 to 192.505;~~
- ~~3.—— A statement that the district is the custodian of at least some of the requested public records, an 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;~~
- ~~4.—— 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;~~

- ~~5. — 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;~~
- ~~6. — 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.~~

Upon receipt of a request, the district will respond as soon as practicable and without unreasonable delay, acknowledging receipt and indicating the status or estimated completion time.

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 available to the public. The district 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.

Requests for copies of documents shall be in writing and submitted to the district office.

~~Requests for copies of documents shall be in writing and will be presented to the superintendent.~~

The district shall retain and maintain its public records in accordance with OAR 166, Division 400, and ORS Chapter 192.

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.~~

~~Americans with Disabilities Act Amendments Act of 2008.~~

ORS 180.805

ORS Chapter 192

OAR 137-004-0800(1)

OAR 166-005-0010

OAR 166-400

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

Americans with Disabilities Act Amendments Act of 2008.

Oregon Dep't of Justice, Oregon Attorney General's Public Records and Meetings Manual.

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