

## PUBLIC ACCESS TO RECORDS

Descriptor: KDB Issued: Draft 10//26/2010

Rescinds: KDB Issued: 03/24/1998

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### BOARD POLICY

All public records maintained by the District, as defined by the Mississippi Public Records Act, shall be made available for access and duplication, subject to the exceptions and requirements of this policy and applicable state or federal laws.

The Board authorizes the superintendent to establish administrative procedures consistent with this policy for public records production, and the cost, time, place and method of access.

### ADMINISTRATIVE PROCEDURE

1. Requests for access to public records must be filed with the superintendent at 72 South Green Street, Tupelo, Mississippi 38801.
  - 1.1. To enable personnel of the District to locate a record, a request must state with sufficient specificity the nature and description of the public record sought. In the event that the request lacks sufficient clarity, it will be returned to the originator for clarification or correction.
  - 1.2. The originator of the request will be notified of a time, place and date, no later than fourteen days from the date of the receipt of the request, to allow inspection and/or duplication.
2. The District may charge and collect fees as reimbursement for the actual costs of searching, reviewing, duplicating and mailing copies of public records. All applicable charges will be paid to the District in advance of complying with any request, pursuant to the following guidelines:
  - 2.1. Statistical data and related information will be provided at no charge to District appointed committees.
  - 2.2. Copies of an existing document of ten or fewer letter or legal size pages will be provided at no charge to citizens of the District. Thereafter, copy charges outlined in this policy shall apply.
  - 2.3. The cost of reproducing legal size or smaller documents shall be \$.50 per page, and the cost of producing documents having larger size pages shall be \$1.00 per page.
  - 2.4. The cost of searching for and locating the material shall be \$2.50 per quarter-hour, with a minimum charge of \$5.00.

2.5. The cost of review by the superintendent, or designee, shall be \$10.00 per quarter hour.

2.6. The actual cost of necessary postage and any additional costs will be charged to the requesting party.

3. Examples of the types of records that are exempt from the Mississippi Public Records Act and which shall not be subject to disclosure except under other legal authority and under appropriate circumstances include:

3.1. Records furnished to the District by third parties that contain trade secrets or confidential commercial or financial information, until said third party has had notice and the opportunity to obtain a court order protecting;

3.2. Confidential or privileged records, as provided by constitutional, statutory or case law of this state or of the United States;

3.3. Records which are developed among judges, judges and their aides, and juries;

3.4. Personnel records, including but not limited to applications for employment, test questions and answers used in employment examinations, and letters of recommendation;

3.5. Test questions and answers in the possession of the District that are to be used in future academic examinations;

3.6. Records which represent the work product of an attorney representing the District, records relating to litigation involving the District, or in anticipation of prospective litigation, and communications between the District and its attorney;

3.7. Records concerning a person's tax payment or status;

3.8. Records concerning the sale or purchase of property for public purposes prior to the announcement of the purchase or sale where the release of the records would have a detrimental effect on the sale and purchase;

3.9. All educational records of students and former students, including letters of recommendation.;

4. A written statement of the reasons for the denial will be provided in the event that a request for access to public records is denied. The District will maintain a record of all denials for a period of three years.

### **EXHIBITS**

None

### **REFERENCES**

MCA §§ 25-61-1 et seq.; Family Educational Rights and Privacy Act (20 U.S.C. § 1232g; 34 CFR Part 99)

### **FORMS**

None

**\*RESCINDS**

KDB 03/24/1998