



Neah-Kah-Nie School District 56

Code: KBA
Adopted: 11/12/01
Revised/Readopted: 5/12/08; 08/13/09; 10/08/12;
4/13/15; 1/14/19
Orig. Code: KBA

Public Records**

~~“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.~~

~~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 and will be presented to the ~~district~~ 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 district regardless of physical form or characteristics, unless otherwise exempted by law.¹ “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.²

~~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 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 hours when the superintendent’s office is open.~~ All such information will be made available to individuals with disabilities in an accessible~~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

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

² In accordance with Bialostosky v. Cummings, 319 Or. App. 352 (2022), an individual board member may be considered a public body for public record purposes. Consequently, records created and retained solely by individual board members may be considered public records.

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 programs and services of their schools and will make reasonable efforts ~~every effort~~ to disseminate information. Each principal is authorized to use ~~all means~~ available means to keep parents and others in the ~~of his/her~~ particular school's community informed about the school's program and activities.

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

The Board reserves the right to establish a fee schedule which will reasonably reimburse the district for the actual cost of making public records available pursuant to law. 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.

Employee and volunteer personal residential addresses, personal electronic mail addresses, ~~(other than district electronic mail addresses assigned by the district to district 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 district are exempt from public disclosure pursuant to ORS 192.363 - 368~~445~~ and ORS 192.355~~502~~(3). District electronic mail addresses assigned ~~Such information may be released only upon the written request of the employee or volunteer or as otherwise provided~~ by the district to district employees are not exempt ~~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.~~

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.

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

The district 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

Legal Reference(s):

[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 (2018); 29 C.F.R. Part 1630 (2021); 28 C.F.R. Part 35 (2021).

OREGON DEP'T OF JUSTICE, OREGON ATTORNEY GENERAL, *Public Records and Meetings Manual*.

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

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