

BEND-LA PINE SCHOOLS

Administrative School District No. 1

Deschutes County, Oregon

ADMINISTRATIVE REGULATION

Name: Public Records

Section: K/L Community

Code: KBA-AR

Public record means any information that:

- Is prepared, owned or retained by the district;
- Is related to an activity, transaction or function of the district; and
- 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.

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 district office for inspection by any citizen desiring to examine them during hours when the district 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 district supports the right of the people to know about programs and services of their schools and will make every effort to disseminate information. The superintendent or designee is authorized to use all means available to keep parents and other community members informed about the district / 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. If a copy of a record is requested, the district will provide a single 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 addresses (other than the 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.

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 purposes of enforcement of federal immigration laws.

The district shall retain and maintain its public record in accordance with OAR 166, Division 400.

Public Records Request Process

In compliance with Oregon law, the following guidelines apply to the dissemination, inspection and examination of the public records of the district:

1. A request to inspect or receive a copy of a public record shall be submitted in writing through the superintendent's office at 520 NW Wall Street, Bend, OR 97703.
2. Upon receipt of a written request, the district shall respond within five business days¹ acknowledging receipt of the request or completing² the district's response to the request. If the district provides an acknowledgement of the request, it must:
 - a. Confirm that the district is the custodian of the requested record;
 - b. Inform the requester that the district is not the custodian of the requested record; or
 - c. Notify the requester that the district is uncertain whether the district is the custodian of the requested record.
3. If the district is the custodian of the requested record, as soon as reasonably possible but not later than 10 business days after the date of the district is required to acknowledge receipt of the request as described above, the district shall:
 - a. Complete its response to the public records request. If the district determines that the request is exempt from public disclosure, the district will include a statement to that effect and that the requester may appeal the decision pursuant to state law; or
 - b. Provide a written statement that the district is still processing the request and a reasonable estimated date by which the district expects to complete its response based on the information currently available.
4. The time periods, established by Oregon law and identified above, will not apply to the district if compliance would be impracticable because:
 - a. The staff necessary to complete a response to the public records request are unavailable;
 - b. Compliance would demonstrably impede the district's ability to perform other necessary services; or
 - c. Of the volume of the public records request being simultaneously processed by the district.

Upon receipt of a request, the district shall respond as soon as practicable and without unreasonable delay, acknowledge a public records request and complete the response to the request. The district may request additional information or clarification from the requester for the purpose of expediting the district's response to the request as permitted by law. If the district requests additional information or clarification, in good faith, the obligation to complete the request is suspended until the requester provides the requested information or clarification or affirmatively declines to provide the information or clarification.

The district 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 pursuant to law. The district will not be obligated to complete a request for which the requestor has not paid a fee as permitted by state law.

There will be no additional charge for auxiliary aids and services provided for qualified persons with disabilities.

- Where the labor effort exceeds 30 minutes, labor, material and out-of-pocket charges may be requested for reimbursement to the district. Labor will be calculated at the hourly rate (including benefits) of the employee(s) affected. Materials and out-of-pocket charges will be reimbursed at the established rate of \$0.15 per page for black and white and \$0.25 per page for color copies. Auxiliary aids and services for qualified persons with disabilities will be available at no additional charge.
- If the district has informed the requestor of a permitted fee, the obligation of the district to complete its response to the request is suspended until the fee has been received by the district. If the requester fails to pay the fee within 60 days of the date he/she was informed of the fee, or fails to pay the fee within 60 days of the date on which the district informed them of the denial of the fee waiver, the district shall close the request.

Information will be made available to individuals with disabilities in an appropriate format upon request and advance notice. Auxiliary aids and services available to qualified persons with disabilities may include large print, Braille, audio recordings, readers, assistance in locating materials or other equally effective accommodations.

The district reserves the right to restrict the inspection of some public records to the district's facilities. The district reserves the right to withhold, upon written request, an individual's home address, personal telephone number or electronic mail address according to ORS 192.368

Individual Home Addresses or Personal Telephone Number

An individual may submit a written request to the district not to disclose a specified public record indicating home address, personal telephone number or electronic mail address of the individual. Unlisted telephone numbers obtained / maintained by the district shall be treated the same as listed telephone numbers unless accompanied by a written request not to disclose the numbers. An individual shall provide evidence to the district to establish that disclosure of the aforementioned would constitute a danger to personal safety. Such evidence may include, but is not limited to, evidence that the individual or family member residing with the individual has:

- Been a victim of domestic violence;
- Obtained an order under ORS 133.055;
- Contacted a law enforcement officer involving domestic violence or other physical abuse;
- Obtained a temporary restraining order or other no contact order to protect the individual from future physical abuse; and/or
- Filed other criminal or civil legal proceedings regarding physical protection.

Written requests honored by the district shall remain effective:

- Until the district receives a written request for termination; and
- For up to five years after the district receives a request.

The district may, however, disclose a home address, personal telephone number or electronic mail address exempt from disclosure upon court order, upon request from any law enforcement agency or with the consent of the individual.

¹ "Business day" means a day other than Saturday, Sunday, or a legal holiday, and on which at least one paid employee of the district is scheduled and does report to work. Business day does not include any day on which the central administration offices of the district are closed.

² The district response to a public records request will be considered complete when it complies with criteria in ORS 192.410-192.505.

LEGAL REFERENCE(S):

[ORS Chapter 192](#)

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

[OAR 166-400](#)

SB 481 (2017)

HB 3464 92017)

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

Oregon Department of Justice, Oregon Attorney General, *Public Records and Meetings Manual (2014)*.

Americans with Disabilities Act Amendments Act of 2008.

Reviewed: 1/10/08, 7/15/09, 12/2018

Approved: 2/21/08, 7/15/09, 1/2019