

PUBLIC RECORDS

Access to District Records

The Board of Education recognizes that community involvement in the educational process requires knowledge of that process. Therefore, except as provided in this policy and other district policies and applicable federal, state and municipal laws or regulations, all district records shall be open to inspection by the public subject to guidelines regulating the time, place and manner of inspection as established by the Superintendent.

Records that are not open to public inspection

In addition to records not identified below that are exempt from public disclosure or that are required to be kept confidential by federal, state or municipal law, the following records will not be open to public inspection:

1. Personnel and payroll records except an individual's name, position, salary or rate of pay, length of employment, date of separation and the reason therefore, and documentation that shows conformity with qualifications for employment.
 2. Medical, psychological or other records that reveal the medical or psychological status of an individual, the release of which would constitute an unwarranted invasion of privacy.
 3. Records concerning individual students, except as in accordance with board policies governing access to student records and student personal information.
 4. Reports and other records relating to ongoing investigations involving students or district employees. Records of completed investigations may be disclosed only when disclosure would not constitute an unwarranted invasion of privacy, endanger life or physical safety or violate law or another provision of this or other board policies.
 5. Records containing information the disclosure of which would impair a right to receive federal or state funds.
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6. Records relating to negotiation of a collective bargaining agreement, disclosure of which would impair the district's bargaining position. This exception does not extend to initial bargaining proposals, last-best-offer proposals, tentative bargaining agreements prior to ratification and final agreements, all of which are public documents open to inspection (AS 23.40.235).
 7. Records regarding the contemplated purchase, lease, or acquisition of real property, or other property or services where release of said information would impair the District's ability to obtain favorable terms in the contemplated transaction, or where disclosure would provide a prospective seller with an unfair competitive advantage.
 8. Proprietary information that a manufacturer, consultant or provider reasonably requires be kept confidential to protect its property interests.
 9. Information obtained by the district's insurance carriers and their attorneys and agents regarding potential, pending, and resolved claims against the district. This exception is not intended to restrict disclosure of the terms of settlement agreements where disclosure is required by law.
 10. Communications between the district and the district's attorneys and other information generally included within the attorney/client privilege or protected by the attorney work product doctrine.
 11. Circulation records of district libraries to the extent that such records permit users of particular materials to be identified.
 12. Test questions and answers used in employment or academic examinations.
 13. Information regarding security systems and procedures established for the protection of persons or property where disclosure would impair such protection.
 14. Drafts of a document which is still in the process of being corrected or revised, where said drafts are not intended to be preserved after the final document has been completed.
 15. Any other records for which a legitimate and clearly demonstrable need for confidentiality exists. This exemption is to be narrowly construed.
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Definitions

“Record” means any document, paper, book, letter, drawing, map, plat, photograph, film, microfilm, electronic or digital record, or other material, regardless of physical form, developed or received under law or in connection with the transaction of district business and that is preserved for its informational value or as evidence of the organization or operation of the district.

Records requests

The public records of the district shall be maintained at the appropriate office of the district under the supervision of the superintendent. Records are to be inspected in the presence of the custodian of the records or his or her designee. No public record may be removed from the office in which it is maintained, except by a board member or employee in the course of the performance of his or her duties. Nothing in this policy shall be construed as preventing a board member from inspection any record of this district in the performance of his or her duties.

A member of the public may inspect and copy by hand the public records of this district during the regular business hours of the office. The custodian of the records may require reasonable advance notice when immediate inspection or copying will unduly burden the custodian or frustrate the administration of his or her office.

The superintendent shall develop *procedures* to implement this *policy*. These procedures may provide for a fee not to exceed actual costs for the copying of district records unless the production of records for one requester in a calendar month exceeds five person-hours. In such case, the district may require the requester to pay the personnel costs required during the month to satisfy the records request. Personnel costs may not exceed the actual salary and benefit costs for the personnel time required to satisfy the records request. The requestor may be required to pay the fee before the records are disclosed, and the district may require the payment in advance of the search.

The superintendent shall implement *a retention schedule* for district records including *board minutes, personnel files, audit reports*, and permanent student records, as well as the retention of all fiscal records required for audit until the audit has been received and approved. The superintendent shall also develop procedures to guard the confidentiality of records that are not open to public inspection.

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Records disclosure in litigation

When records are requested by a party to a court or administrative proceeding for use in that proceeding, the disclosure of the records shall be governed by the applicable court or administrative rules for disclosure of records in such proceedings.

Appeals

If within ten working days after receipt of a written request for access to a public record, the requested record has not been made available, or if a request for a record is denied pursuant to this policy, the requestor may appeal the denial of the release of the record to the Superintendent or designee pursuant to the district's policy relating to public complaints: BP-1312.

Legal References:

ALASKA STATUTES

14.14.090 Duties of School Boards

14.20.149 Employee Evaluation

14.43.930 Scholarship Program Information

23.40.235 Public Involvement in School District Negotiations

40.25.110 Public Records Open to Inspection and Copying; Fees

40.25.140 Confidentiality of Library Records

UNITED STATES CODE

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99)

Adoption Date:	October 3, 1988
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Revised and Renumbered:	March 15, 2010
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