



## **Administrative Regulation 7611**

### **REQUESTS FOR PUBLIC RECORDS**

**Responsible Office:** Office of the General Counsel

#### **PURPOSE**

The Superintendent has adopted this Administrative Regulation to establish the procedures for processing public records requests under the Nevada Public Records Act (NPRA) in the Washoe County School District (District) in order to establish and maintain consistent protocols and to ensure transparency with the public related to governance and operations.

#### **DEFINITIONS**

1. "Actual cost" means the direct cost incurred by a governmental entity in the provision of a public record, including, without limitation, the cost of ink, toner, paper, media, and postage, as well as staff time.
2. Confidential records are:
  - a. Those declared by law as confidential in NRS 239.010(1);
  - b. Those not specified to be confidential pursuant to NRS 239.010(1), but rather pursuant to a "Balancing Test," where the District balances the interests and justifications of the agency, or the public in general, in maintaining the confidentiality of the record against the interest or need of the public to access the record;
  - c. Those not specified to be confidential pursuant to NRS 239.010(1), but pursuant to the "Deliberative Process Privilege," where District decision-makers must engage in the frank exchange of opinions and recommendations necessary for the formulation of policy without being inhibited by fear of later public disclosure of the records that reflect the District's deliberative or decision-making process; and/or
  - d. Confidential employee records are those not specified in NRS 239.010(1), but the District, as a political subdivision of the State of Nevada, adopts the provisions codified in Nevada state laws and regulations related to the confidentiality of employee records in NRS Chapters 284 and 288, as well as NAC Chapters 284 and 288.
3. "Copy of a public record" includes all formats of the record provided in response to a request, whether provided in paper or electronic formats.

4. "Non-public records" are published materials printed by a governmental printer, informal notes, worksheets, unused blank forms except ballots, brochures, newsletters, magazines, catalogs, price lists, drafts, convenience copies, ad hoc reports, reference materials not relating to a specific project, copies of other public records requests, including all versions of the record provided in response to a request, whether provided in paper or electronic formats, and any other documentation that does not serve as the record of an official action of a local governmental entity.
5. "Public record" means information that is created or received pursuant to a law or ordinance, or in connection with the transaction of the official business of any office or department of a local government entity, including without limitation all documents, papers, letters, bound ledger volumes, maps, charts, blueprints, drawings, photographs, films, newspapers received pursuant to NRS 247.070, recorded media, financial statements, statistical tabulations and other documentary materials or information, regardless of physical form or characteristic.

## **REGULATION**

1. Records official.
  - a. For purposes of administration of this Regulation, the Superintendent hereby appoints the Office of the General Counsel (OGC) as the records official.
  - b. The OGC shall comply with related Board Policies and Administrative Regulations for fulfilling public record requests.
  - c. The District will post on its website the appropriate records official contact information to submit a public records request.
2. Form for Request.
  - a. The District's website provides public access to a large number of records and data. Before making a request, the public is asked to conduct a search of the District's website.
  - b. Requests for a District public record shall be made to the OGC as the records official.
  - c. The District adopts Administrative Form 7612 in order for a member of the public to make a public records request to the District.
  - d. The District will respond to verbal requests and requests not on Form 7612, but the request must identify the following:

- i. Contact information – name, address, phone number, e-mail and/or fax number – of the person submitting the request;
- ii. The date the request is submitted to the District;
- iii. A description of the public record that is sufficient to identify the record; and
- iv. Type of access requested: inspect (view only), copy, or receive a copy of the public record;
  - 1) In order to save taxpayer dollars, it is the preference of the District to provide all public records in an electronic format, if available. Paper copies of public records will be provided upon specific request.
- e. The federal Freedom of Information Act (FOIA) does not apply to the District. The District will treat a FOIA request as a public record request under the NPRA.

3. Requests received.

- a. All requests for public records received by the District shall be forwarded to the OGC for processing.
- b. The District will maintain frequently requested records in a readily available format.
- c. The District shall aid, to the extent practicable, any individual who is seeking access to public records including, but not limited to, explaining the provisions of this Board Policy and the requirements of NPRA.
- d. If a request is voluminous, the records official will assist the requester in narrowing the request, but the records official shall not inquire into the purpose for the information. If the information request is not clear, the records official may ask for clarification of the request.
- e. The District will make a reasonable effort to search for and locate requested records.

4. Responding to a request.

- a. Disclosure.
  - i. The District shall only disclose public records and will not provide confidential records.

- 1) The District may not dictate the medium in which it will provide a copy of a public record.
  - 2) Requests Requiring Programming or Manipulation.
    - a. The District shall provide the requester a written statement if the District determines that:
      - i. Responding to a request for information will require programming or data manipulation; and
      - ii. Compliance with the request is not feasible or will result in substantial interference with operations.
    - b. The written statement shall include a statement that the information is not available in the requested form and a description of the form.
  - ii. Inspection shall occur at a time mutually agreed upon by the requester and the District.
    - 1) The District will have an employee observe the inspection or copying of records by the requester, to the extent necessary to prevent the records from being stolen, altered, or destroyed.
  - iii. The District will hold copies of requested records for 30 days.
- b. Redaction.
- i. When a record contains confidential information, the District may redact, delete, conceal, or separate confidential information from the record. The District shall provide a notice for the partial denial of the request that contains:
    - 1) A description of the redacted information; and
    - 2) The legal citation for the basis of denying access to the confidential information.
  - ii. In the event the information that remains after redaction would be of little or no value to the requester, the District may deny release of the record in whole.

c. Denial.

- i. The District is not required to create a public record to satisfy the request.
- ii. A request for general information, such as an answer to a question, is not a public records request and is not subject to the NPRA. The District is under no obligation to conduct research, analyze, or clarify data, fill out checklists or forms, or answer questions in response to a public records request.
- iii. If a person requests to inspect, copy, or receive a copy of a non-existent, non-public, or confidential record, the District will deny the request and provide a notice that states:
  - 1) A general factual description of the record, if any, withheld; and
  - 2) A specific explanation for nondisclosure that includes legal citations and/or authority as applicable.

5. Costs and Fees.

- a. The District may charge a fee for providing a copy of a public record;
- b. Fees shall not exceed the actual cost to provide public records; and
  - i. If the amount of employee time to collect, review for confidentiality, redact where necessary, and/or provide to the requester is less than two hours, the District will waive the fee. If the amount of employee time to collect, review for confidentiality, redact where necessary, and/or provide to the requester exceeds two hours, the District has determined that the actual cost will be \$0.50 per page.
- c. Upon the determination that the time required to process the request will exceed two hours of employee time and a fee will be applied, the District shall provide written notice to the requester:
  - i. That the request justifies a fee to process the request;
  - ii. Of the fee to process the request which fee shall be compliant with this Administrative Regulation;
    - 1) If the number of pages of responsive records is initially unknown, as with emails, it shall be presumed for fee

estimation purposes that each record (email) is a minimum of one page; and

- iii. Requiring a deposit of at least fifty percent (50%) of the total fee before processing the request and preparing the records for dissemination.

- d. The full fee shall be paid before dissemination of the records.

#### 6. Request Deadlines.

- a. By the end of the fifth business day after a public records request is received by the District, the OGC shall take one of the following actions and respond in writing:
  - i. Disclosing the entire public record or a redacted version of the public record;
  - ii. Providing notice that the District is not able to make the records available within five business days and providing the earliest date the District reasonably believes the record will be available, along with an explanation why the records are not currently available such as the request is voluminous, time consuming, or the records must come from an off-site area separate from the OGC; or
  - iii. Denying the request with legal citations as set forth in this Administrative Regulation.

#### 7. General Processing Guidelines.

- a. Requests shall be fulfilled as expeditiously as practicable.
- b. Upon receipt of a request for public records, the OGC shall request from the Office or Department within the District that maintains the requested record to provide all applicable records or provide a date when the applicable Department/Office will be able to make the record available for disclosure/inspection.
- c. Requests that may be filled in less than five business days shall be processed in the order in which received by the OGC.
- d. The OGC shall make all reasonable efforts to fulfill a request that takes longer than five business days, but any request that takes longer than five business days to fulfill shall be done so as soon as reasonably possible and not in relationship of the receipt of other requests.

- e. The District shall maintain public records in accordance with the Retention/Destruction schedules as established by the Nevada State Library and Archives Local Government Records Management Program.
8. Adoption.
- a. The District hereby adopts by reference the Local Government Records Management Program Manual - 2018 edition (Manual), and any subsequent edition issued by the State Library, Archives and Public Records, as a guide for processing public records requests.
  - b. To the extent the Manual conflicts with the District's Board Policy or Administrative Regulations, the Board Policy or Administrative Regulations supersede the Manual.

## **LEGAL REQUIREMENTS & ASSOCIATED DOCUMENTS**

1. This Administrative Regulation reflects the goals of the District's Strategic Plan and aligns/complies with the governing documents of the District, to include:
  - a. Board Policy 7610, Public Records Requests;
  - b. Administrative Form 7612, Public Records Requests;
  - c. Administrative Regulation 7206, E-Discovery – Data Compliance, Search, and Investigation;
  - d. Board Policy 5000, Student Records and Information;
  - e. Administrative Regulation 5005, Student Educational Records; and
  - f. Board Policy 4125, Employee Records and Information.
2. This Administrative Regulation aligns with Nevada Revised Statutes (NRS) and Nevada Administrative Code (NAC), to include:
  - a. NRS Chapter 239, Public Records; and
  - b. NAC Chapter 239, Public Records.
3. This Administrative Regulation complies with the following federal regulations:
  - a. Americans with Disabilities Act Amendments Act of 2008 (ADAAA);
  - b. Family Educational Rights and Privacy Act (FERPA);
  - c. Individuals with Disabilities in Education (IDEA); and
  - d. Health Insurance Portability and Accountability Act of 1996 (HIPAA).

## REVISION HISTORY

Date	Revision	Modification
4/19/2019	1.0	Adopted
5/16/2019	2.0	Revised to clarify available formats
5/28/2019	2.1	Revised to correct typo
11/18/2019	3.0	Revised to comply with SB287 of the 2019 Legislative Session; removed extraordinary use fee
09/03/2025	4.0	Revised to clarify language and update legal requirements section