



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

## **BOARD POLICY 7610**

### **PUBLIC RECORDS REQUESTS**

#### **PURPOSE**

The Board of Trustees (“Board”) believes in and supports the ideals of an open and transparent government. Providing members of the public with access to the public books and records of the Washoe County School District (“District”) is an integral part of those democratic principles. This policy and any accompanying regulation(s) describes the process for the public to obtain access to public information and records.

#### **POLICY**

##### 1. Governing Principles

- a. All public books and records of the District shall be made available for inspection and copying, unless otherwise declared by law to be confidential. Examples of confidential records include student educational records and personnel files.
- b. Only records that exist are considered public records. The District is not obligated to create a record, conduct research, analyze data, or answer written questions in response to a request for a copy of a public record.
- c. The District shall:
  - i. aid, to the extent practicable, any individual who is seeking access to public records including, but not limited to, explaining the provisions of this policy and the requirements of Nevada’s Public Records Act;
  - ii. Comply with state and federal laws and regulations related to public books and records; and
  - iii. Interpret the provisions of this policy, and associated regulations, in a manner that favors compliance with public records requests.

## 2. Governing Practices

- a. The Superintendent shall cause to be created reasonable procedures, in accordance with state law, by which public information may be provided, inspected or copied efficiently and without unnecessary delay. Such procedures shall include any costs or fees associated with requests for public records.
- b. Requests to inspect or copy a public record shall be made to the District's Office of the General Counsel.
  - i. Requests may be made in writing or verbally. The District reserves the right to confirm and clarify verbal requests prior to fulfilling the request.
  - ii. The District will respond to public records requests in accordance with the Nevada Public Records Act.
- c. Costs and Fees
  - i. The District may charge a fee for providing a copy of a public record. Fees shall be reasonable and not exceed the actual cost to provide the record. A list of the fees charged for copies of public records shall be posted at the District's Central Administration Building as well as its website.
  - ii. An extraordinary use fee, in addition to other noticed fees, may be charged when extraordinary use of staff or technological resources is required to fulfill the request. Extraordinary use fees will be assessed for requests that exceed two hours of staff time to fulfill due to extraordinary use defined below. Extraordinary use fees shall be based on the cost that the District actually incurs for the extraordinary use of its staff or technological resources. However, the total costs for extraordinary use fees cannot exceed \$.50 per page.
    1. "Extraordinary use" is defined as:
      - a. A voluminous quantity of records;
      - b. The District is required to review a large number of records to locate the records requested;
      - c. Redacting confidential information that the requester is not entitled to inspect from information that the requester is entitled to inspect requires extensive editing; and/or

- d. Extracting information that the requester is entitled to inspect requires computer programming.
2. "Technological resources" refers to any information, information system or information service acquired, developed, operated, maintained or otherwise used by the District.
- d. Rights of Requestors. The rights of members of the public include, but are not limited to:
    - i. Prompt access to public records that are not confidential or otherwise excepted from disclosure;
    - ii. Equal treatment among requestors, including accommodation in accordance with the Americans with Disabilities Act Amendments Act of 2008 (ADAAA) requirements; and
    - iii. The ability to choose, when applicable, whether to inspect the requested information in person, receive copies of the information, or both.

## DEFINITIONS

1. Education records means records that are directly related to a student and are maintained by an educational agency or institution or by a party acting for the agency or institution. (Family Educational Rights and Privacy Act (34 CFR § 99.3)).
2. A "record" means any document, paper, letter, book, map, photograph, sound or video recording, microfilm, magnetic tape, electronic medium, or other information-recording medium, regardless of physical form or characteristic and regardless of whether public access to it is open or restricted under the laws of the state, created or received by the District or any of its officers or employees, pursuant to law or in the transaction of public business. The term does not include:
  - a. Extra identical copies of documents created only for convenience of reference or research by District officers or employees.
  - b. Notes, journals, diaries, and similar documents created by a District officer or employee for his or her own personal convenience.
  - c. Blank forms, stocks or publications, and library and museum materials acquired solely for the purposes of reference or display.

- d. Copies of documents in any media furnished to the public under the Nevada Public Records Act.

### **DESIRED OUTCOMES**

1. Through this policy, the Board of Trustees seeks to express its commitment to the community to govern in an open and transparent manner.

### **IMPLEMENTATION GUIDELINES & ASSOCIATED DOCUMENTS**

1. This policy reflects the goals of the District's Strategic Plan and aligns/complies with the governing documents of the District, to include:
  - a. Board Policy 7620, Document Management
2. This policy complies with Nevada Revised Statutes (NRS) and Nevada Administrative Code (NAC) to include:
  - a. Chapter 239, Public Records (also known as the Nevada Public Records Act)
  - b. Chapter 392, Pupils
3. This policy complies with the following federal regulations:
  - a. Family Educational Rights and Privacy Act (FERPA)
  - b. Individuals with Disabilities in Education (IDEA)
  - c. Health Insurance Portability and Accountability Act of 1996 (HIPAA)

### **REVIEW AND REPORTING**

1. This document shall be reviewed as part of the bi-annual review and reporting process, following each regular session of the Nevada Legislature. The Board of Trustees shall receive notification of any required changes to the policy as well as an audit of the accompanying governing documents.
2. Administrative regulations, and/or other associated documents, will be developed as necessary to implement this policy.

### **REVISION HISTORY**

Date	Revision	Modification
2/24/2015	1.0	Adopted

4/10/2018	2.0	Revised: remove references to "public information" from policy; add language related to charging for records
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