



Responsible Office: Office of the General Counsel

BOARD POLICY 7610
PUBLIC RECORDS REQUESTS

PURPOSE

The Board of Trustees (“Board”) adopts this policy to foster democratic principles by providing members of the public with access to inspect and copy public records.

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. “Education record” 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)).
3. “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 governmental 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. 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. Drafts, 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.
 - e. “Copy of a public record” includes all versions of the record provided in response to a request, whether provided in paper or electronic formats.
4. “Copy of a public record” includes all formats of the record provided in response to a request, whether provided in paper, electronic or other format.

POLICY

1. The District will respond to public records requests in accordance with the Nevada Public Records Act, this Policy and applicable Regulations.
2. All public books and records of the District shall be made available for inspection and copying, unless otherwise declared by law to be confidential including educational records.
3. 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.
4. The District shall:
 - a. 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;
 - b. Comply with state and federal laws and regulations related to public books and records; and
 - c. Interpret the provisions of this policy, and associated regulations, in a manner that favors compliance with public records requests.
5. Requests to inspect or copy a public record shall be made to the District's Office of the General Counsel.
 - a. Requests may be made in writing or verbally. The District reserves the right to confirm and clarify requests prior to fulfilling the request.
6. 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.
 - i. If the amount of staff 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 staff time to collect, review for confidentiality, redact where necessary, and/or provide to the requester exceeds two hours, the District determined that the actual cost will be \$0.50 per page.
7. Rights of Requesters. The rights of members of the public include, but are not limited to:
 - a. Prompt access to public records that are not confidential or otherwise excepted from disclosure;

- b. Equal treatment among requesters, including accommodation in accordance with the Americans with Disabilities Act Amendments Act of 2008 (ADAAA) requirements; and
 - c. The ability to choose, when applicable, whether to inspect the requested information in person, receive copies of the information, or both.
8. The Superintendent shall cause to be created reasonable Administrative Regulations, in accordance with state law and this policy, by which public information may be provided, inspected or copied efficiently and without unnecessary delay.

LEGAL REQUIREMENTS & 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)

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
10/15/2019	3.0	Revised to comply with SB287 of the 2019 Legislative Session; removed extraordinary use fee