

Public Access to District Records- Procedure

This procedure has been established by the Superintendent and published pursuant to Board Policy 4040 and RCW 42.56.040 to explain the process for public access to public records of the District and how the District will respond to records requests.

Members of the public may request access to public records of the District consistent with this procedure and the Washington Public Records Act (“PRA”), Chapter 42.56 RCW. For purposes of this procedure, “public records” are those writings containing information relating to the conduct of the District’s operations and functions that are prepared, owned, used, or retained by the District, regardless of physical form or characteristics.

When processing records requests, the District will provide the fullest assistance to the requestor and provide a response in the timeliest manner possible.

Public Records Officer

The District’s Public Records Officer (PRO) is responsible for serving as a point of contact for members of the public who request public records and overseeing the District’s compliance with the PRA and Policy 4040. For the most timely and efficient response, requests for District records should be directed in writing to the PRO listed below:

Public Records Officer: Dave Holmes, Superintendent

Address: 13105 NE Grinnell Rd., Woodland, Washington 98674

Phone: (360) 225-7366

Fax: (360) 225-2217

Information regarding contacting the PRO is also available at the District website at www.greenmountainschool.us.

Consistent with state law, the PRO will complete trainings related to the PRA and public records retention no later than ninety (90) days after assuming his or her responsibilities. After the initial training(s), the PRO will complete refresher training at intervals of no more than four (4) years.

Availability of Public Records

Organization of Records

The District will maintain its records in a reasonable, organized manner and take reasonable actions to protect records from damage and disorganization.

Inspection of Records

Green Mountain School District No. 103**Section: Community Relations**

Public records are available for inspection and copying during normal business hours of the District, which are 8:00 a.m. to 4:00 p.m. Monday through Friday during the school year and 9:00 a.m. to 1:00 p.m. on days that school is not in session, excluding legal holidays. Records must be inspected at the District's Office, 13105 NE Grinnell Rd, Woodland, Washington 98674.

A requestor will not take records from District offices without the permission of PRO or designee. A requestor must not alter or destroy any record during inspection. During the inspection of records, a District employee will typically be present to protect records from damage or disorganization.

Information Online

A variety of records and information are available on the District website at www.greenmountainschool.us. Requestors are encouraged to view the documents available on the website prior to submitting a records request.

Making a Request for Public Records**Request to Public Records Officer**

Any person wishing to inspect or copy public records of the District should make the request in writing by letter, fax, or email addressed to the PRO and including the following information:

- Name, address, telephone number, and email address of requestor.
- Identification of the public records adequate for the PRO or designee to locate the records.
- The date the request is submitted to the District; and
- Whether the requester seeks to *inspect* responsive records or wants *copies* of the records (which may be subject to a fee, as explained below).

The District will honor requests received in person during its normal office hours, or by mail, fax, or email. The District encourages requestors to use the "Public Records Request Form" prepared by the District, which is available at the District's central office and online at www.greenmountainschool.us.

If requestors refuse to identify themselves or provide sufficient contact information, the District will respond to the extent feasible and consistent with the law.

Requests Not in Writing

The PRO or designee may accept informal requests for public records by telephone or in person. To avoid any confusion or misunderstanding, however, requestors should be mindful that a request reduced to writing is always the preferred method. If the PRO or designee receives a request by telephone or in person, the PRO or designee will confirm his or her understanding of the request with the requestor in writing.

Identifiable Records

A request under the PRA and Policy 4040 must seek an identifiable *record*. A request for all or substantially all records prepared, owned, used, or retained by the District is not a valid request for identifiable records, provided that a request for all records regarding a particular topic or containing a particular keyword or name will not be considered a request for all of the District's records.

General requests for information from the District that do not seek identifiable records are not covered by Policy 4040 or this procedure. Similarly, the District is not obligated by law to create a new record to satisfy a records request. However, the District may choose to create a record depending on the nature of the request and the convenience of providing the information in a new document, such as when data from multiple locations is requested and can be more easily combined into a single new record.

Copies of Records

If the requestor wishes to have copies of the records made instead of inspecting them, he or she will make this clear in the request and make arrangements to pay for copies or provide a deposit.

Responding to Public Records Requests

Central Review

Any District employee other than the PRO who receives a request for public records, whether written or verbal, will promptly forward the request to the PRO for processing. Building-level staff and other employees will not respond to public records requests directly unless directed by the PRO or designee. The PRO or designee will conduct a diligent search for the records requested.

Order of Processing Requests

The District will typically process requests in the order received. However, requests may also be processed out of order if doing so allows the greatest number of requests to be processed in the most efficient manner.

Five-Day Response

Within five (5) business days of receipt of a request, the PRO will respond in writing acknowledging receipt of the request and notifying the requester that the District will do one or more of the following:

1. Provide copies of the records requested or make the records available for inspection. In the alternative, the PRO or designee may provide an Internet address where records can be accessed (provided that the requestor has not notified the District that he or she cannot access the records through the Internet).

2. Provide a reasonable estimate of the time it will require to provide one or more installments or to fully respond. The PRO or designee may revise the estimate of when records will be available.
3. Seek clarification of all or a portion of a request that is unclear, and provide, to the extent possible, a reasonable estimate of time that the District will require to respond to the request if it is not clarified. Such clarification may be requested and provided by telephone and memorialized in writing.
4. Deny the request because no responsive records exist or all responsive records are exempt from disclosure (although no request will be denied solely on the basis that the request is overbroad unless such request seeks all or substantially all records of the District). When there are responsive records that are exempt, the PRO or designee will provide an exemption log, as described below.

The District may require additional time to respond to a request based upon the need to clarify the intent of the request, to locate and assemble the information requested, to notify third persons or agencies affected by the request, or to determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request. The PRO or designee will state the reason(s) additional time is needed in the five-day response.

If a requestor fails to respond to a request for clarification, and the entire request is unclear, the District need not respond to it. Otherwise, the District will respond to those portions of the request that are clear.

The PRO or designee may ask the requestor to prioritize the records he or she is requesting so that the District provides the most desired records first. A requestor is not required to provide prioritization information, and the District is not required to provide records in the order prioritized by a requestor.

In unusual circumstances, the District may seek a court order enjoining disclosure pursuant to law.

If the District does not respond in writing within five (5) business days of receipt of the request for disclosure, the requestor should contact the PRO to determine the reason for the failure to respond.

The District may deny a bot request that is one of multiple requests from the requestor within a twenty-four (24) hour period, if the District determines that responding to the multiple requests would cause excessive interference with other essential functions of the District. A “bot request” means a request for public records that the District reasonably believes was automatically generated by a computer program or script.

Purpose of Request

The District may inquire into the purpose for which a record is requested and may use the answer to aid in gathering responsive records and determining whether the public has a legitimate interest in obtaining the information. However, a requester is not required to provide a purpose and the District may not decline to furnish the records solely because the requester refuses to furnish a purpose for the request.

Protecting Rights of Others

In the event that the requested records contain information that may affect rights of students, parents, employees, or other people and may arguably be exempt from disclosure, the PRO may, prior to providing the records, give notice to such persons. The notice may make it possible for such persons to contact the requestor and ask him or her to revise the request, or, if necessary, seek a court order to prevent or limit the disclosure. The notice to the affected persons may also include a copy of the request.

Upon receipt of a request for information located exclusively in an employee's personnel, payroll, supervisor, or training file, the District will provide notice to the employee, to any union representing the employee, and to the requestor. The notice will state: the date of the request; the nature of the requested record relating to the employee; that the District will release any information in the record which is not exempt from disclosure at least ten (10) days from the date the notice is made; and that the employee may seek to enjoin release of the records under RCW 42.56.540.

Records Exempt from Disclosure

Some records are exempt from disclosure, in whole or in part, under a specific exemption contained in the PRA or another statute that exempts or prohibits disclosure of specific information or records.

If the District believes that a record is exempt from disclosure and should be withheld, the PRO will state in writing the specific exemption (and statutory section) which applies and provide a brief explanation of how the exemption applies to the record being withheld or redacted. This exemption and explanation will be provided to the requestor in a withholding index or log.

If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the PRO will redact the exempt portions, provide the nonexempt portions, and indicate to the requestor why portions of the record are being redacted in the withholding index or log.

List of Laws Exempting or Prohibiting Disclosure

Pursuant to RCW 42.56.070(2), the District has identified the following statutes or regulations appearing outside the PRA itself that may exempt disclosure of certain public records or portions of records:

- The federal Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g *et seq.*; 34 C.F.R. Part 99 (regarding student educational records);

- Washington law regarding confidentiality of student education records, RCW 28A.605.030;
- The Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1400 *et seq.*; 34 C.F.R. Part 300 (protecting the confidentiality of personally identifying information contained in education records of students with disabilities);
- Privileged communications and work product prepared in reasonable anticipation of litigation, such as set forth in Chapter 5.60 RCW;
- Criminal Records Privacy Act (CRPA), Chapter 10.97 RCW;
- Information on students receiving free or reduced lunch, 42 U.S.C. § 1758(b)(6);
- Health Insurance Portability and Accountability Act (HIPAA), 45 C.F.R. Parts 160-164 (regarding health care information privacy and security);
- Washington law regarding confidentiality of persons reporting child abuse or neglect, RCW 26.44.010; RCW 26.44.030(9);
- Notification regarding juvenile offenders, RCW 13.04.155(3);
- Keeping and Release of Records by Juvenile Justice or Care Agencies, Chapter 13.50 RCW (requiring confidentiality of certain records related to juvenile offenses and CPS reports);
- Examination questions for teachers or pupils prior to the examination, RCW 28A.635.040;
- Public Law 98-24, Section 527 of the Public Health Services Act, 41 U.S.C. § 290dd-2 (confidentiality of alcohol and drug abuse patient records);
- United States and Washington constitutional provisions including, but not limited to, the right of privacy and freedom of association.

The above list is for informational purposes only and is not intended to cover all possible exemptions from the public records law. The above list includes only exemptions which may be in addition to those set forth in Chapter 42.56 RCW. Under appropriate circumstances, the District may rely upon other legal exemptions which are not set forth above or contained within the PRA.

In addition to these exemptions, RCW 42.56.070(9) prohibits providing access to lists of individuals requested for commercial purposes.

Inspection of Records

Consistent with other demands, and without unreasonably disrupting District operations, the District will promptly provide for the inspection of nonexempt public records. No member of the public may remove a document from the viewing area without the permission of the PRO, nor may he or she disassemble or alter any document. Following inspection, the requester will indicate which documents he or she wishes the District to copy, if any. There is no cost to inspect District records.

Cost of Providing Records

After inspection is complete, or if a requestor otherwise seeks copies of public records, the PRO or designee will make the requested copies or arrange for copying. The District is not calculating actual costs for copying its records because to do so would be unduly burdensome for the following reasons: the District does not have the resources to conduct a study to determine actual copying costs for all its records; to conduct such a study would interfere with other essential District functions; and, through the legislative process, the public and requestors have been informed of authorized fees and costs provided in the PRA and other laws. Therefore, in order to timely implement a fee schedule consistent with the PRA, it is more cost-efficient, expeditious, and in the public interest for the District to adopt the Legislature's approved fees and costs for most of the District's records, as authorized in the PRA. Accordingly, costs for providing records are established as follows:

- \$0.15 per page for photocopies of public records, for printed copies of electronic public records when requested by the requestor, or for the use of District equipment to photocopy public records;
- \$0.10 per page for public records scanned into electronic format or for the use of District equipment to scan the records;
- \$0.05 per each four (4) electronic files or attachments uploaded to email, cloud-based data storage device, or other means of electronic delivery; and
- \$0.10 per gigabyte for the transmission of public records in an electronic format or for the use of District equipment to send the records electronically.

The District may also charge actual cost of any digital storage media or device provided by the District (e.g., CDs, DVDs, and thumb drives), the actual cost of any container or envelope used to mail the copies to the requestor, and the actual postage or delivery charge.

The above costs may be combined to the extent that more than one type of charge applies to the records produced in response to a request. Payment may be made by cash, check, or money order to the District.

The District will take reasonable steps to provide the records in the most efficient manner available to the District in its normal operations. The District will not impose copying charges for access to or downloading of records that it routinely posts on its website prior to receipt of a request unless the requestor has specifically requested that the District provide copies of such records through other means.

If the District estimates that a request will require the use of information technology expertise to prepare data compilations or to provide customized electronic access services when such services are not used by the District for other District purposes, the District may include a customized service charge for reimbursement of the actual cost of such services. Before assessing a customized service charge, the District will notify the requestor of the customized service charge to be applied to the request, including an explanation of why the charge applies, a description of the specific expertise required, and a reasonable estimate cost of the charge. The notice will also provide the requestor the opportunity to amend his or her request in order to avoid or reduce a customized service charge. The customized service charge may reimburse the District up to the actual cost of providing the services.

Before beginning to make the copies, the PRO or designee may require a deposit of up to ten (10) percent of the estimated costs of providing copies for a request, including any applicable customized service charge. The PRO or designee may also require the payment of the remainder of the copying costs before providing all the records, or the payment of the costs of copying an installment before providing that installment. If an installment of records is not claimed or reviewed, the District is not obligated to fulfill the balance of the request.

Upon request, the District will provide the requestor a summary of applicable charges before any copies are made, and the requestor may revise the request to reduce the number of copies to be made and reduce the applicable charges.

The District may enter into a contract, memorandum of understanding, or other agreement with a requestor that provides an alternative fee arrangement to the charges authorized in this procedure, or in response to a voluminous or frequently occurring request.

Providing Records in Installments

When the request is for a large number of records, the PRO or designee has the right to provide access for inspection and copying in installments. If, within thirty (30) days, the requestor fails to inspect the entire set of records or one or more of the installments, the PRO or designee may stop searching for the remaining records and close the request, as discussed further below.

Completion of Inspection

When the inspection of the requested records is complete and all requested copies are provided, the PRO or designee will indicate that the District has completed a diligent search for the requested records and made any located nonexempt records available for inspection.

Log of Public Records Requests; Copy to be Maintained

The District will maintain a log of public records requests that includes the identity of the requestor (if provided), the date the request was received, the text of the original request, a description of the records redacted or withheld and the reasons therefor, and the date of the final disposition of the request, in accordance with RCW 40.14.026.

The PRO will retain a copy of all paper records given to a requestor for purposes of documenting which records were provided. Consistent with the “Local Government Common Records Retention Schedule (CORE),” the District will retain records relating to public records requests for two (2) years. Records related to public records requests, including correspondence with requestors and documentation of records provided, are themselves public records that may be subject to public disclosure.

Closing Withdrawn or Abandoned Request

The requestor must claim or review the assembled records (either in whole or as an installment) within thirty (30) days of the District's notification to him or her that the records are available for inspection or copying. The District should notify the requestor in writing of this requirement and inform the requestor that he or she should contact the District to arrange to claim or review the records. If the requestor or a representative of the requestor fails to claim or review the records within the thirty (30) day period or make other arrangements, the District will close the request and notify the requestor. Other public records requests may be processed ahead of a subsequent request by the same person for the same or almost identical records, which may be processed as a new request.

When the requestor either withdraws the request or fails to fulfill his or her obligations to inspect the records or pay the deposit, installment payment, or final payment for the requested copies, the PRO will close the request and notify the requestor.

Later-Discovered Documents

If, after the District has informed the requester that it has provided all available records, the District becomes aware of additional responsive documents existing at the time of the request, it will promptly inform the requestor of the additional documents and provide them on an expedited basis.

Processing of Public Records Requests for Electronic Records**Requesting Electronic Records**

The process for requesting electronic public records is the same as for requesting paper public records. However, to assist the District in responding to a request for electronic records, a requester should provide specific search terms that will allow the PRO or designee to locate and assemble identifiable records responsive to the request.

Providing Electronic Records

When a requestor requests records in an electronic format, the PRO or designee will provide the nonexempt records or portions of such records that are reasonably locatable in an electronic format that is used by the District and is generally commercially available, or in a format that is

reasonably translatable from the format in which the District keeps the record. The District may provide electronic copies of paper documents, subject to a scanning charge (discussed above).

Some electronic records, such as email metadata, may require redactions effectuated by creating paper documents. For such redactions, the District may print electronic records, redact them, and scan them back into electronic format in order to disclose them electronically.

The District will keep an electronic copy, when feasible, of electronic records that it provides to a requestor to show the exact records provided.

Internal Review of Denials of Public Records

Petition for Internal Administrative Review of Denial of Access

Any person who objects to the initial denial or partial denial of a records request may petition in writing (including email) to the PRO for a review of that decision. The petition will include a copy of or reasonably identify the written statement by the PRO or designee denying the request.

Consideration of Petition for Review

The PRO will immediately consider the petition and will either affirm or reverse the denial within two (2) business days following the receipt of the petition, or within such other time as the District and the requestor mutually agree. The PRO's decision will be final for the District.

Date: 2/28/23