

152 PUBLIC RECORDS POLICY

- 152.01 All records as defined by Section 19.32 (2) Wis. Stats. are subject to release, inspection and reproduction as required by law.
- 152.02 The Superintendent shall be the official legal custodian of all Oregon School District public records. The Director of Special Education shall be the legal custodian of all records pertaining to Special Education.
- 152.03 The legal custodians shall safely keep and preserve District public records and shall have full legal power to render decisions and carry out duties related to those public records in accordance with state law.
- 152.04 Public records may be inspected and/or copied at any time during established District office hours. The District shall display a public records notice including the fee schedule for copying, in designated locations throughout the District..
- 152.05 The legal custodians shall be reimbursed for any costs or fees incurred by them in the discharge of their public records responsibilities.
- 152.06 Notice of this policy shall be posted in all district schools and published annually in the District's official newspaper.
- 152.07 The District designates the following positions as Local Public Offices:
Superintendent, Business Manager and Director of Special Education.
Legal Reference: Chapter 19, Subchapter II and IV,
Wisconsin Statutes; Section 120.13 (28)
Revised: August 12, 1996
March 21, 2004
September 13, 2004

152.08 **PROCEDURES FOR ACCESS TO PUBLIC RECORDS**

152.08.1 **Definitions**

1. "Authority means any formally constituted unit or sub-unit of the Board; e.g., Board of Education, Board appointed committees, officers of the Board.
2. "Legal custodian" means any person or position designated by the Board or otherwise designated by law to carry out responsibilities under this policy and the public records law.
3. "Record" means any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by an authority. "Record" includes, but is not limited to, handwritten, typed or printed pages, maps, charts, photographs, films, recordings, tapes, (including computer tapes), and computer printouts. "Record" does not include drafts, notes, preliminary computations and like materials prepared for the originator's personal use or prepared by the originator in the name of a person from whom the originator is working; materials which are purely the personal property of the custodian and have no relation to his or her office; materials to which access is limited by copyright, patent, or bequest; and published materials in the possession of an authority other than a public library which are available for sale, or which are available for inspection at a public library.

152.08.2 **Legal Custodians**

1. On behalf of any school district authority identified in I.A. (except Director of Special Education for all records pertaining to special education), the following position is designated as legal custodian of records: Superintendent of Schools.
2. The legal custodian of records maintained in a publicly owned or leased building shall designate one or more deputies to act as legal custodian of such records in his or her absence or as otherwise required to respond to requests for records.
3. The legal custodians have the full legal power to render decisions and carry out the duties of the authorities identified in I.A. The designation of a legal custodian does not affect the powers and duties of an authority under the public records law.

152.08.3 **Public Records Notices**

1. The Superintendent of Schools or the Director of Special Education shall inform any authority identified in I.A. about the notice requirements in s.19.33(4) and s.19.34(1) [and (2)] of the Statutes and shall assist any identified authority in meeting the authority's obligations under those statutes.

152.08.4 **Fees**

1. Except as provided in IV.G, any person has a right to inspect a record and to make or receive a copy of any record as provided in s.19.35(1) of the statutes.
2. Records will be available for inspection and copying during regular office hours from 8:00 a.m. to 4:30 p.m., Monday through Friday (except holidays).
3. A requestor shall be permitted to use facilities comparable to those available to District employees to inspect, copy or abstract a record.
4. The legal custodian may require supervision of the requestor during inspection or may impose other reasonable restrictions on the manner of access to an original record if the record is irreplaceable or easily damaged.

5. A requestor shall be charged a fee for the cost of copying and locating records as follows:
6. The fee for photocopying shall be 15 cents per page.
7. If the form of a written record does not permit copying, the actual and necessary cost of photographing and photographic processing shall be charged.
8. The actual full cost of providing a copy of other records not in print form on paper, such as films, computer printouts, and audio and video tapes shall be charged.
9. If mailing or shipping is necessary, the actual cost thereof shall also be charged.
10. There shall be no charge for locating a record unless the actual cost exceeds \$50.00 in which case the actual cost shall be determined by the legal custodian and billed to the requestor.
11. The legal custodian shall estimate the cost of all applicable fees and may require a cash deposit adequate to assure payment, if such estimate exceeds \$5.00.
12. Elected officials and employees of the District shall not be required to pay for public records they may reasonable require for the proper performance of their official duties.
13. The legal custodian may provide copies of a record without charge, or at a reduced charge, where he/she determines that waiver or reduction of the fee is in the public interest.
14. The legal custodian or his/her designee may not sell or rent a record containing an individuals name or address of residence, unless specifically authorized by state law. The collection of fees as outlined above is not a sale or rental under these procedures.

152.08.5 **Access Procedures**

1. A request to inspect or copy a record shall be made to the legal custodian or deputy. The request shall be deemed sufficient if it reasonably describes the requested record or the information requested. However, a request for a record without a reasonable limitation as to subject matter or length of time represented by the record does not constitute a sufficient request. No request may be refused because the person making the request is unwilling to be identified or to state the purpose of the request. However, if the record is kept at a private residence, or if security reasons or federal law so dictate, identification may be required. Mail requests may not be denied unless a fee prepayment is required.
2. Each legal custodian, upon request for any record shall, as soon as practicable and without delay, either fill the request or notify the requestor of the authority's denial.
3. A request for a record may be denied as provided in IV.G. Oral requests may be denied orally unless a demand for a written statement of the reasons for denying the request is made by the requestor within five business days of the oral denial. If a written request is denied in whole or part, the requestor shall receive a written statement of the reasons for the denial. Written denials must include a statement informing the requestor that the denial may be reviewed by a court of mandamus under s.19.37(1) of the Statutes, or upon application to the attorney general or a district attorney.

152.08.6 **Limitations on the Right to Access**

1. As provided by s.19.36 of the Statutes, certain records are exempt from disclosure

but are not limited to:

- (1) Records specifically exempted from disclosure by state or federal law or authorized to be exempted from disclosure by state law. Pupil records are exempted as provided by 118.125 of the Statutes.
 - (2) Any record relating to investigative information obtained for law enforcement purposes if federal law or regulations require exemption from disclosure or if exemption from disclosure is a condition to receipt of aids by the state.
 - (3) Computer programs, although the materials used as input for a computer program or the material produced as product of the computer program is subject to inspection.
 - (4) A record or any portion of a record containing information qualifying as a common law trade secret.
2. If a record contains information that may be made public and information that may not be made public, the authority having custody of the record shall provide the information that may be made public and delete the information that may not be made public from the record before release.
 3. A legal custodian may deny access to a record, in whole or in part, only if he/she determines that the harm to the public interest through disclosure of the record outweighs the public benefit of access to the record. The legal custodian is authorized and encouraged to consult with the school district's legal counsel in making such determinations. The legal custodian shall follow the procedures in F and in s.19.35(4) of the Statutes when the access to a record in whole or in part is denied.

152.08.7 **Destruction of Records**

1. All school district records shall be kept for a period of not less than seven years unless a shorter period is fixed by the public records and forms board under s.16.61(3)(e) of the Statutes and except as provided in (b). This section does not apply to pupil records under s.118.125.
2. Any taped recording of a meeting by a governmental body, in s.19.82(1) and (2) of the Statutes, may be destroyed no sooner than 90 days after the minutes have been approved and published if the purpose of the recording was to make minutes of the meeting.
3. Prior to destruction of any records, the Wisconsin State Historical Society shall be notified at least sixty days in advance to determine if historical interest justified preservation of such records. The Wisconsin State Historical Society may, upon application, waive this notice.
4. Notwithstanding any minimum period of time for retention set under s.16.61(3)(e), Wis. Stats., by the public records board, any taped recording of a meeting (meeting being defined as s.19.82(2), Wis Stats.) by the school district, school board or any of its committees or sub-unit may be destroyed no sooner than 90 days after the minutes have been approved and published if the purpose of the recording was to make minutes of the meeting.

152.08.8 **Preservation of Records by Microfilm**

The legal custodian may, subject to school board resolution, keep and preserve public records in his or her possession by means of microfilm or other photographic reproduction set forth in s.16.61(7) of the Statutes, and shall be considered original

records for all purposes. Such records shall be preserved along with other files of the school district and shall be open to public inspection and copying according to the provisions of state and these procedures.

152.08.9 **Additional Information**

This official Public Records Notice/Procedure is intended to provide all necessary information which might be required by a member of the public in order to obtain access to the records and property of the district. Any questions in regard to this Public Records Notice/Procedure shall be directed to the official legal custodian of the records of the District.

OFFICIAL CUSTODIAN

The official custodian of the Oregon School District public records is Cynthia DiCamelli, Board Clerk. Andrew Weiland, Business Manager, maintains the district public records; Jayne Wick, Administrative Assistant to the Superintendent, maintains Board records.

Requests to inspect public records shall be made to:

Jayne Wick
Administrative Assistant
Office of the Superintendent
Oregon School District
123 E. Grove Street
Oregon, WI 53575

OR

Andrew Weiland
Business Manager
Oregon School District
123 E. Grove Street
Oregon, WI 53575