

**1110.1 PUBLIC RECORDS**

The Board recognizes the importance of public records as the record of the acts of the District and the repository of information about this District. Subject to and in accordance with applicable state and federal law, the records of the District shall be made available for inspection and copying, as more particularly set forth in this Policy.

**1110.2 ACCESS TO RECORDS****A. APPLICABLE LAWS**

Public access to District records is governed by various state and federal laws, including, but not limited to the Government Records Access and Management Act, Utah Code Ann. § 63G-2-101, et seq., as amended (“GRAMA”), the federal Family Education Rights and Privacy Act (“FERPA”), and Utah’s Family Educational Rights and Privacy Act.

In the event of a conflict between the statutory references set forth in this Policy and those of GRAMA, whether due to legislative changes or otherwise, GRAMA shall be considered controlling.

**B. STUDENT EDUCATION RECORDS**

Notwithstanding any other provision of this Policy, the District shall not release or allow access to personally identifiable information in education records related to a student except as permitted under the federal Family Education Rights and Privacy Act and Utah’s Family Educational Rights and Privacy Act and associated federal and state regulations. *See* 20 U.S.C. § 1232(g), 34 C.F.R. § 99, et seq., 34 C.F.R. § 300, et seq., Utah Code Ann. § 53A-13-301, et seq., and applicable District policies governing student records.

**C. REQUESTS FOR RECORDS**

A person making a records request shall furnish a written request containing his or her name, mailing address, daytime telephone number, a description of the requested records that identifies the records with reasonable specificity, and whether the person wishes to inspect or copy the record. This request must be submitted to the District Records Officer and may be faxed (435) 678-1272 or 1829, emailed (please call 435-678-1211 for the appropriate email address), or mailed to the Superintendent’s Office, Attention District Records Officer, 200 North Main Street, Blanding, UT 84511.

**D. RECORDS OFFICER**

The District Records Officer shall perform the duties set forth in Utah Code Ann. § 63G-2-103. The identity of the Records Officer is on file in the Superintendent’s Office and is available during business hours. Each department head shall be an agent of the Records Officer for the purpose of managing school or department records.

**E. CLASSIFICATION OF RECORDS**

- 1 Records will be evaluated and classified pursuant to Utah Code Ann. § 63G-2-207.
- 2 Records shall be classified under the following general categories:
  - a. Public records as described by Utah Code Ann. § 63G-2-301;
  - b. Private records as described by Utah Code Ann. § 63G-2-302;
  - c. Controlled records as described by Utah Code Ann. § 63G-2-304;
  - d. Protected records as described by Utah Code Ann. § 63G-2-305.;
  - e. Restricted access records as described by Utah Code Ann. § 63G-2-201(3)(b).

#### **F. FEES FOR SEARCH AND/OR DUPLICATION OF RECORDS**

Every person has the right to inspect a public record during normal working hours, free of charge, and the right to copy a public record, subject to Utah Code Ann. § 63G-2-203 and -204 and the terms of this Policy. A person wishing to copy a public record may be charged a fee, as described in this Policy. A reasonable fee may be charged for the District's actual cost of providing a record. The District may charge a fee for the actual cost of staff time for search, retrieval, and other direct administrative costs of complying with a request and the actual incremental cost of providing electronic services and products associated with creating a record that is the result of computer output other than word processing. No fee may be charged for: (i) inspecting a record or (ii) reviewing a record to determine whether it is subject to disclosure, except as provided by statute.

The fee schedule is as follows:

1. Ten cents (10¢) per page for each single-sided copy and fifteen cents (15¢) per page for each double-sided copy;
2. The charges associated with the actual cost of staff time shall not exceed the salary of the lowest paid employee who, in the discretion of the custodian of records, has the necessary skill and training to perform the request. No charge shall be imposed for the first 15 minutes of staff time.
3. An additional charge of one dollar (\$1.00) shall be charged per each page of a record which has been requested to be certified.
4. The District may require payment of past fees and future estimate fees before processing a records request if the fees exceed \$50.00 or if the requester has not paid fees from previous requests.

#### **G. RESPONSE TIMES**

The District Records Officer, or designee, shall respond to records requests within the time frames set forth in Utah Code Ann. § 63G-2-204. If a request is denied, in whole or in part, a written notice should be provided to the requester pursuant to Utah Code Ann. § 63G-2-401.

#### **H. APPEALS**

1. If the District denies the request, the requester may appeal the denial to the District's

Superintendent by filing a notice of appeal within thirty (30) days after the District sends a notice of denial. The notice of appeal must contain the name, mailing address, daytime phone number of the requester, and the relief sought. The requester may file a short statement of facts, reasons, and legal authority in support of the appeal.

2. The Superintendent or Superintendent's designee will make a decision on the appeal within the time frames set forth in Utah Code Ann. § 63G-2-401.
3. The District must send written notice of the Superintendent's decision to the requester. If the Superintendent affirms the denial of the request, the notice shall include a statement that the requester has the right to appeal the decision to the records committee, or to petition for judicial review of the decision in district court pursuant to Utah Code Ann. § 63G-2-402, -403, and -404, the time limits for filing an appeal, and the name and business address of the executive secretary of the records committee.
4. Pursuant to Utah Code Ann. § 63G-2-405 any party may appeal the Superintendent's decision to the state district court in San Juan County. The petition shall be filed no later than thirty (30) days after the date of the decision or order.

### **1110.3 AMENDMENT OF RECORDS**

Requests to amend a record may be made and will be considered by the District pursuant to the procedures set forth in Utah Code Ann. § 63G-2-603. This section does not apply to student education records (the amendment of which is governed by FERPA), real property records, medical records, judicial records, or any other records the District determines must be maintained in their original form to protect the public interest and integrity of the record system.

### **1110.4 RETENTION**

The District will follow the applicable records retention schedule of the Utah State Archives.

### **1110.5 MANAGEMENT**

Documents shall be managed by the administrative staff in each school and by each separate department of the District Office under the general oversight of the District's Records Officer.