

# LODI UNIFIED SCHOOL DISTRICT

Rule 1340

## Community Relations

### Access to District Records

#### **Definitions**

Public records include any writing, regardless of physical form or characteristics, which contain information relating to the conduct of the District's business which was prepared, owned, used or retained by the District.

"Writing" means any handwriting, typewriting, printing, photostating, photographing, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds or symbols or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.

Member of the public means any person, except a member, agent, officer, or employee of the district or a federal, state or other local agency acting within the scope of his/her office or employment.

#### **Public Records**

Public records to which members of the public shall have access include, but are not limited to:

1. Proposed and approved district budgets and annual audits
2. Statistical compilations
3. Reports and memoranda
4. Notices and bulletins
5. Minutes of public meetings
6. Meeting agendas
7. Official communications between the district and other government agencies
8. School-based program plans
9. Information and data relevant to the evaluation and modification of district plans
10. Initial proposals of exclusive employee representations and of the district
11. Claims filed against the district and records pertaining to pending litigation
12. Statements of economic interests required by the Conflict of Interest Code
13. Employment contracts and settlement agreements
14. Instructional materials including, but not limited to textbooks

Members of the Board of Education shall have the ability to access public records permitted by law in the administration of their duties or open to inspection by members of the public.

The Superintendent or designee shall ensure that any public record containing personal information is redacted to ensure that such information, including, but not limited to, an employee's home address or social security number, is not disclosed to the public.

### **Confidential Records**

Records to which the members of the public shall not have access includes, but ~~is~~ *are* not limited to:

1. Preliminary drafts, notes, interagency or intradistrict memoranda which are not retained by the district in the ordinary course of business, provided that the public interest in withholding these records clearly outweighs the public interest in disclosure
2. Records specifically prepared for litigation to which the District is a party, or to respond to claims made against the district in the ordinary course of business, provided that the public interest in withholding these records clearly outweighs the public interest in disclosure
3. Personnel records, medical records, student records, or similar materials, the disclosure of which would constitute an unwarranted invasion of personal privacy

The home addresses and home telephone numbers of employees may be disclosed only as follows:

- a. to an agent or a family member of the employee
  - b. to an officer or employee of a state agency or another school district or county office of education when necessary for the performance of its official duties
  - c. to an employee organization pursuant to regulations and decision of the Public Employment Relations Board, unless the employee performs law enforcement-related functions or requests in writing that the information not be disclosed;
  - d. to an agent or employee of a health benefit plan providing health services or administering claims for health services to district employees and their enrolled dependents, for the purpose of providing the health services or administering claims for employees and their enrolled dependents-
4. Test questions, scoring keys and other examination data except as required by law-
  5. Without affecting the law of eminent domain, the contents of real estate appraisals or engineering or feasibility estimates and evaluations made for or by the district relative to the acquisition of property or to prospective public supply and construction contracts, until all of the property has been acquired or all of the contract agreement obtained-

6. Information required from any taxpayer in connection with the collection of local taxes that is received in confidence and the disclosure of the information to persons would result in unfair competitive disadvantage to the person supplying the information
7. Library circulation and patron use records of a borrower or patron including, but not limited to, his/her name, address, telephone number, email address, borrowing information, or use of library information
8. Records for which the disclosure is exempted or prohibited pursuant to state or federal law; including, but not limited to, provisions or Evidence Code relating to privilege
9. Documents prepared by or for the district to assess its vulnerability to terrorist attack or other criminal acts intended to disrupt district operations and that are for distribution or consideration in closed session
10. Recall petitions, petitions for special elections to fill Board vacancies, or petitions for the reorganization of school district
11. Minutes of Board meetings held in closed session
12. Computer software developed by the district
13. Information security records, the disclosure of which would reveal vulnerabilities to, or increase potential for an attack on, the district's information technology system
14. Records that contain individually identifiable health information, including records that may be exempt pursuant to physician-patient privilege, the Confidentiality of Medical Information Act, and the Health Insurance Portability and Accountability Act
15. Any other record listed as exempt from public disclosure in the California Public Records Act or any other law:
16. Records for which the district can demonstrate that, based on the particular facts of the case, the public interest served by not disclosing the record provided clearly outweighs the public interest served by disclosure of the record.

### **Inspection of Records/Requests for Copies**

Any person may request a copy or inspection of any district record *that is* open to the public and not exempt from disclosure.

Within 10 days of receiving any request to inspect or copy a district record, the Superintendent or designee shall determine whether the request seeks release of a disclosable public record in the district's possession. The Superintendent or designee shall promptly inform the person making the request of his/her determination and the reasons for the decision.

In unusual circumstances, the Superintendent or designee may extend the 10-day limit for up to 14 days by providing written notice to the requester and setting forth the reasons for the extension and the date on which a determination is expected to be made. Unusual circumstances means the following, but only to the extent reasonably necessary to make a determination:

- 1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request
- 2) The need to search for, collect and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request
- 3) The need for consultation, which shall be conducted with all practicable speed, with another agency (e.g. a state agency or city) having a substantial interest in the determination of the request or among two or more components of the district (e.g., two different school sites) with substantial subject matter interest therein
- 4) In the case of electronic records, the need to compile data, write programming language or a computer program, or construct a computer report to extract data

If the Superintendent or designee determines that the request seeks disclosable public records, the determination shall state the estimated date and time when the records will be made available.

Public records shall be open to inspection at all times during district office hours. Any reasonably segregable portion of a record shall be made available for inspection by any person requesting the record after deletion of the portions that are exempted by law.

Upon request for a copy that reasonably describes an identifiable record, an exact copy shall be promptly provided unless it is impracticable to do so.

If any person requests a public record be provided in an electronic format, the district shall make that record available in any electronic format in which it holds the information. The district shall provide a copy of the electronic record in the format requested so long as the requested format is one that has been used by the district to create copies for its own use or for use by other agencies.

The Superintendent or designee shall charge an amount for copies that reflects the direct costs of duplication. Written requests to waive the fee shall be submitted to the Superintendent or designee.

If any person requests that a public record be provided in electronic format, the district shall make that record available in any electronic format in which it holds the information. The district shall provide a copy of the electronic record in the format requested as long as the

requested format is one that has been used by the district to create copies for its own use or for use by other agencies.

The cost of duplicating an electronic record shall be limited to the direct cost of producing a copy of the record in electronic format. However, the requester shall bear the cost of producing the copy of the electronic record, including the cost to construct the record and the cost of programming and computer services necessary to produce the copy, under the following circumstances:

- 1) The electronic record is one that is produced only at otherwise regularly scheduled intervals
- 2) The request would require data compilation, extraction, or programming to produce the record.

### **Assistance in Identifying Requested Records**

If the Superintendent or designee denies a request for disclosable records, he/she shall assist the requester in making a focused and effective request that reasonably describes an identifiable record. To the extent reasonable under the circumstances, the Superintendent or designee shall do all of the following:

- 1) Assist in identifying records and information responsive to the request or the purpose of the request, if specified

If, after making a reasonable effort to elicit additional clarifying information from the requester to help identify the record, the Superintendent or designee is still unable to identify the information, this requirement shall be deemed satisfied.

- 2) Describe the information technology and physical location in which the records exist
- 3) Provide suggestions for overcoming any practical basis for denying access to the records or information sought.

Provisions of the Public Records Act shall not be construed so as to delay access for purposes of inspecting records open to the public. Any notification denying a request for public records shall state the name and title of each person responsible for the denial.

### **Rule**

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