

## MENOMINEE INDIAN SCHOOL DISTRICT

#822 Rule

### GUIDELINES FOR ACCESS TO PUBLIC RECORDS

Individuals may have access to public records maintained by the School District in accordance with state law and the procedures outlined below.

#### A. Legal Custodian of Records

The Board has designated the following individual(s) as legal custodian(s) of records for the District: Superintendent's Office. The legal custodian is responsible for the maintenance of all District records under his/her charge and is vested with full legal power to render decisions and carry out the duties of school authorities under the public records and property law.

#### B. Accessibility of Records

1. Public records will be available for inspection and copying during regular school office hours: 7:30 a.m. to 4:00 p.m.
2. A requestor shall be permitted to use facilities comparable to those available to District employees to inspect or copy a record.
3. The legal custodian of records or his/her designee may required supervision of the requestor during inspection or may impose of the reasonable restrictions to maintain the security of the record.

#### C. Record Requests

1. All requests to inspect or copy a public record shall be made to the legal custodian of records or his/her designee. The request must reasonably describe the requested record or the information requested. Record requests may be made orally or in writing.

- a. Except as noted in (c ) below, no request may be refused because the person making the request is unwilling to be identified or to state the purpose of the request.
  - b. Except as noted in (c )below, no request may be refused because the request is received by mail, unless prepayment of a fee is required.
  - c. A requester may be required to show acceptable identification whenever the requested record is kept at a private residence or whenever security reasons or as required by law.
2. Upon receiving the request for any public record, the legal custodian of records or his/her designee shall, as soon as practicable and without delay, review the request and determine whether to approve or deny the request. The legal custodian of records or his/her designee shall consider provisions outlined in state and federal laws when making such determinations. The legal custodian of records or his/her designee is authorized and encouraged to consult with the District's legal counsel in making such determinations.
  - a. The legal custodian of records or his/her designee shall restrict access to certain types of District records to the extent required by law. These records include, but are not necessarily limited to, student records and certain types of records of District employees and individuals holding local public office in the District. "Local public Office" positions in the District include the following: identify elective or appointive offices or positions, including heads of departments or divisions within the school district - i.e., school board

members, the district Administrator, building principals, designated central office administrators).

- b. Oral requests may be denied orally unless a demand for a written statement of the reasons denying the request is made by the requester within five business days of the oral denial.
- c. If a written request is denied in whole or in part, the requester shall receive a written statement of the reasons for the denial. Written denials must include a statement informing the requester that the denial may be reviewed by a court of mandamus, or upon application to the attorney general or district attorney.

D. Fees

A requester shall be charged a fee for the cost of copying and locating records as follows:

1. The fee for photocopying shall be \$1.00 for each side of a page. The legal custodian of records of his/her designee may waive the fee in the interests of the District.
2. If the form of a written record does not permit copying, the actual and necessary cost of photographing and photographic processing shall be charged.
3. The actual full cost of providing a copy of other records not in printed form on paper, such as films, computer printouts and audio or videotapes shall be charged.
4. If mailing or shipping is necessary, the actual cost thereof shall also be charged.

5. There shall be no charge for locating a record unless the actual cost exceeds \$50.00 in which case the entire actual cost shall be imposed upon the requester.
6. The legal custodian of records or his/her designee shall estimate the cost of all applicable fees and may require a cash deposit adequate to assure payment, if such estimate exceeds \$5.00.
7. Elected officials and employees of the District shall not be required to pay for public records they may reasonably require for the proper performance of their official duties.
8. The legal custodian of records or his/her designee may not sell or rent a record containing an individual's 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.

E. Notice to Record Subject

If the Custodian decides to permit access to any of the types of records described in Section (E) (2) below, the custodian shall notify the record subject prior to release and within 3 days of a determination to release the documents. The Custodian shall notify the requestor of this provision and shall notify the requestor that the records will be provided within 12 days of the date notice is sent to the record subject, unless the record is subject commences an action in Circuit Court to prevent disclosure.

1. Form of Notice to Records Subject
  - a. Notice shall describe the requested records to be released or provide copies of the records subject to release;



3. Such notice shall describe the nature of the record and inform the local public office holder that he or she has a right to augment the record with written comments and/or documentation selected by the record subject.
4. Release of such records shall include any comments or documents provide to augment the original request, unless otherwise required by law.

APPROVED:

REVISED: November 2009

Reference 19.21 - 19.39 Wis.Stats.