Board Policy 4260: Records Available to Public **Status:** ADOPTED

Original Adopted Date: 10/19/2020 | **Last Revised Date: 01/14/2026** | **Last Reviewed Date:**

[REQUIRED POLICY: A law or administrative rule requires districts to have a policy on at least one of the topics addressed here.]

Subject to the limitations provided herein, and as provided by law, full access to public records concerning the administration and operations of the District shall be afforded to the public. Public access to District records shall be afforded according to appropriate administrative procedures.

Every person has the right to examine and take a copy of any public record at all reasonable times. All District records except those restricted by State and federal law shall be made available to citizens upon written request for inspection at the Clerk's office.

The Superintendent shall serve, or designate someone to serve, as "Public Records Coordinator" with the responsibility and authority for ensuring compliance with the display, indexing, availability, inspection, retention, and copying requirements of federal law, State law, and this policy. Responsibility and authority for indexing shall include identifying the general subject matter of all public records kept or maintained by the District, the custodian of these records, and their physical location. The identified physical location of the District's records is provided in the Retention of District Records Policy. The Public Records Coordinator shall authorize the inspection and copying of the District's records only in accordance with the criteria set forth in this policy and in compliance with State and federal laws.

A written copy of the Board's minutes shall be available to the general public within a reasonable time after the meeting in which they are approved. Drafts of the Board's minutes are considered to be public records and shall be produced upon request. However, the District shall watermark such public records with the statement "Unofficial Draft Minutes not yet reviewed or approved by Board."

Definitions

A "public record" includes, but is not limited to, any writing containing information relating to the conduct or administration of the public's business prepared, owned, used, or retained by any State agency, independent public body corporate and politic, or local agency regardless of physical form or characteristics. Provided, however, that personal notes created by a public official solely for their own use shall not be a public record as long as such personal notes are not shared with any other person or entity.

A "writing" includes, but is not limited to, handwriting, typewriting, printing, photocopying, photographing, and every means of recording, including letters, words, pictures, sounds or symbols, or combination thereof; and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, or other documents.

A "Idaho resident" means a person whose domicile has been within Idaho continuously for at least 30 days. This includes domestic entities as provided in IC 30-21-102, such as companies and nonprofit organizations that are registered in Idaho, but does not include full-time students who are residents of another state. Establishment of residency includes a spouse and dependent children who reside with that person in the domicile.

Records Exempt from Disclosure

In accordance with Idaho Code, the following records shall NOT be subject to public inspection or copying:

1. Any public record exempt from disclosure by federal or State law or federal regulations to the extent specifically provided for by such law or regulation.

2. Retired employees' and retired public officials' home addresses, home telephone numbers, and other financial and non-financial membership records.

3. Records of a current or former employee other than the employee's duration of employment with the District, position held, and location of employment. This exemption from disclosure does not include the contracts of employment or any remuneration, including reimbursement of expenses. However, all other personnel information relating to a public employee or applicant including, but not limited to, information regarding sex, race, marital status, birth date, home address and telephone number, net pay, applications, testing and scoring materials, grievances, correspondence, and performance evaluations shall not be disclosed to the public without the employee's or applicant's written consent.

4. Records relating to the appraisal of real property, timber, or mineral rights prior to its acquisition, sale, or lease by the District.

5. Any estimate prepared by the District that details the cost of a public project until such time as disclosed, or bids are opened, or upon award of the contract for construction of the public project.

6. Records of any risk retention or self-insurance program prepared in anticipation of litigation, or for analysis of, or settlement of potential or actual money damage claims against the District or its employees except as otherwise discoverable under the Idaho or federal rules of civil procedure. These records shall include but are not limited to claims evaluations, investigatory records, computerized reports of losses, case reserves, internal documents, and correspondence relating thereto. At the time any claim is concluded, only statistical data and actual amounts paid in settlement from public funds shall be deemed a public record unless otherwise ordered to be sealed by a court of competent jurisdiction. Provided however, nothing in this subsection is intended to limit the attorney client privilege or attorney work product privilege otherwise available to any public agency or independent public body, corporate and politic.

7. Computer programs developed or purchased by or for the District for its own use. As used in this subsection, "computer program" means a series of instructions or statements which permit the functioning of a computer system in a manner designed to provide storage, retrieval, and manipulation of data from the computer system, and any associated documentation and source material that explain how to operate the computer program. This does not include:

    A. The original data including but not limited to numbers, text, voice, graphics, and images;
    B. Analysis, compilation, and other manipulated forms of the original data produced by use of the program; or
    C. The mathematical or statistical formulas that would be used if the manipulated forms of the original data were to be produced manually.

8. Personal information from any file maintained for students. Information from student records shall be disclosed only in accordance with the requirements of the Family Educational Rights and Privacy Act, Idaho Code, and adopted District policy.

9. Test questions, scoring keys, or other examination data used to administer academic tests.

10. Records relevant to a controversy to which the District is a party, but which records would not be available to another party under the rules of pretrial discovery for cases pending resolution.

11. Records of buildings, facilities, infrastructures, and systems when the disclosure of such information would jeopardize the safety of persons or the public safety. Such records may include emergency

evacuation, escape, or other emergency response plans; vulnerability assessments; operation and security manuals; plans; blueprints; or security codes.

However, all personnel records of a current or former public official reflecting public service or employment history, classification, pay grade and step, longevity, gross salary and salary history, status, workplace, and employing agency are subject to public inspection and copying.

If the record requested for inspection and/or copying contains both information exempted from disclosure and nonexempt information, the District shall, to the extent practicable, produce the record with the exempt portion deleted and shall provide a written explanation for the deletion.

Response to Requests

The District shall require that a public records request be submitted in writing upon a form prescribed by the District with the requester's name, mailing address, email address, telephone number, and a written declaration attesting or affirming under oath whether the requester is an Idaho resident or an employee of an Idaho resident. A request for public records may be conducted by email. The request shall specifically describe the subject matter and records sought, including a specific date range for when the records sought were created. The request shall be as specific as possible, describing the records sought in enough detail to let the Public Records Coordinator find the records with reasonable effort. The District may provide the requester information to help narrow the scope of the request or to help make the request more specific when the records requested are voluminous or costly.

When an Idaho resident or someone employed by an Idaho resident makes a public records request, the District shall either grant or deny the request to examine or copy public records within three working days of the date of the receipt of the request for public records. If a longer period of time is needed to locate or retrieve the records, the District shall notify the person requesting the records of this and provide the records to such person not later than ten working days following the request.

If a record is requested in electronic format and the record cannot easily be converted to electronic format within the applicable extended number of days the District shall notify the person requesting the records of this fact and provide them with an estimate of the time necessary to complete the conversion. The documents shall then be provided at a time mutually agreeable to the parties giving consideration to any limitations that may exist regarding electronic conversion.

If the District fails to respond within the shorter applicable period of time described above, the request shall be deemed to be denied. If the District denies the request for examination or copying the public records or denies in part and grants in part the request for examination and copying of the public records, the Public Records Coordinator shall notify the person in writing of the denial or partial denial of the request for the public record. The notice of denial or partial denial shall state that the attorney for the District has reviewed the request or shall state that the District has had an opportunity to consult with an attorney regarding the request for examination or copying of a record and has chosen not to do so. The notice of denial or partial denial also shall indicate the statutory authority for the denial and indicate clearly the right to appeal the denial or partial denial and the time periods for doing so.

The Public Records Coordinator is authorized to seek an injunction to prevent the disclosure of records otherwise suitable for disclosure when it is determined that there is reasonable cause to believe that the disclosure would not be in the public interest and would substantially or irreparably damage any person or would substantially or irreparably damage vital governmental functions.

Fee Waiver

The District will adhere to its copying fee schedule unless it is determined by the public records coordinator that an Idaho resident or employee of an Idaho resident shows that their request meets the following test:

1. The requester's examination and/or copying of public records is likely to contribute significantly to the public's understanding of the operations and activities of the government;

2. The requester's examination and/or copying of public records is not primarily in the individual interest of the requester including, but not limited to, the requester's interest in litigation in which the requester is or may become a party; and

3. The requester's examination and/or copying of public records will not occur if fees are charged because the requester has insufficient financial resources to pay such fees.

Upon a request that fees not be charged, and the Public Records Coordinator's consideration of the above factors, the Public Records Coordinator shall notify the requester in writing of their decision within ten working days following the request.

If the fee waiver is denied, the requester shall then have seven days to file an appeal of the denial with the Superintendent. The Superintendent shall review the denial and either affirm or reverse the denial of the Public Records Coordinator in writing within ten working days of receipt of the appeal. In the event that the Superintendent is the Public Records Coordinator the appeal shall be filed within seven days with the Board. At the Board's next regularly scheduled meeting, the Board shall review the denial of fee waiver and either affirm or reverse it. There shall be no further appeal beyond the Board.

The request shall not be fulfilled or prepared, and the time for response will not begin to run, until such time as the final determination as to fees has been addressed and any fees to be charged have been paid.

A requester may not file multiple requests for public records solely to avoid payment of fees. If the District suspects that this is the case, it can aggregate the related requests and charge based upon its copying fee schedule.

Fee Schedule

The copying fee schedule of the District is as follows:

1. The District shall not charge Idaho residents or their employees a fee for the first 100 pages of records or the first two hours of labor in responding to a request.

2. Copies of public records: 5¢ per page for all copies except for the first 100 pages or two hours of labor responding to a request by an Idaho resident or their employee.

3. The District will charge for the labor costs associated with locating and copying documents if:

    A. The request is for more than 100 pages of records;
    B. The request includes nonpublic information that must be redacted from the public records;
    C. The labor associated with locating and copying the records exceeds two hours; or
    D. The request is made by someone who is not an Idaho resident or an employee of an Idaho resident.

4. The fees for labor associated with responding to a public records request shall be charged at the per hour pay rate of the lowest-paid administrative staff employee of the District who is necessary and qualified to process the request.

5. The fees associated with redactions required to be made by an attorney employed by the District shall be charged at the lowest-paid hourly rate of the lowest paid attorney employed by the District or, if there are no attorneys employed by the District, the rate shall be no more than the usual and customary rate of the attorney retained by the District.

6. Copy of a duplicate computer disc or similar record system the fee shall not exceed:

   A. The District's cost of copying the information in that form;
   B. The District's cost of conversion, or the cost of conversion charged by a third party, if the electronic record must be converted to electronic form.

Fees shall be collected in advance. The District shall provide requesters with an itemized statement of fees to show the per page costs for copies and the hourly rate of employees and attorneys involved in responding to the request.

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Legal References	**Description**
IC § 74-101, et seq.	Idaho Public Records Act
IC § 74-204	Notice of Meetings
IDAPA 08.01.01.100	Procedures for Responding to Requests for Examination and/or Copying Public Records

Other References	**Description**
Idaho Attorney General	Idaho Public Records Law Manual, July 2018 (last accessed November 11, 2019)
ISBA Policy Services	https://www.idsba.org/member-services/policy/

Cross References

Code	**Description**
3570	Student Records
3570	Student Records
3570	Student Records
3570	Student Records
4130	Public Access to District Website
4170	District or School Operated Social Media
5500	Personnel Records
5500	Personnel Records
8605	Retention of District Records