

Public Access to District Records

These procedures have been established by the Superintendent and published pursuant to Board Policy 4040 and RCW 42.56.040 to explain the process for public access to records of the District and to provide guidance regarding how the District will respond to records requests. When processing records requests, the District will provide the fullest assistance to the requestor and provide a response in the most timely manner possible.

I. Public Records Officer

The District's Public Records Officer (PRO) is responsible for serving as a point of contact for members of the public who request public records and overseeing the District's compliance with the Public Records Act (PRA) and Policy 4040. For the most timely and efficient response, requests for District records should be directed in writing to the PRO listed below:

Holly Pfenniger
Executive Assistant to the Superintendent and
Assistant Secretary to the Board of Directors
2715 Lilac Street
Longview, Washington 98632
Phone: 360-575-7016
Fax: (360) 575-7022
E-mail: publicrecordsrequest@longview.k12.wa.us

Information regarding contacting the PRO is also available on the District's website at <https://longviewschools.com/records-requests/>.

Consistent with RCW 42.56.152, the PRO will complete trainings related to the PRA and public records retention no later than 90 days after assuming his or her responsibilities. After the initial training(s), the PRO will complete refresher training at intervals of no more than four years.

II. Availability of Public Records

A. Organization of Records

The District will maintain its records in a reasonable, organized manner and take reasonable actions to protect records from damage and disorganization.

B. Inspection of Records

Public records are available for inspection and copying during normal business hours of the District, which are 8 a.m. to 4:30 p.m. Monday through Friday during the school year and 8:00 a.m. to 4:00 p.m. on days that school is not in session, excluding legal holidays. Records must be inspected at the District's central office, 2715 Lilac Street, Longview, Washington 98632.

A requestor will not take records from District offices without the permission of the PRO or designee. A requestor must not alter or destroy any record during inspection. During the inspection of records, a District employee will typically be present to protect records from damage or disorganization.

C. Costs for Copying, Scanning of Records and Electronic Records

There is no charge for records inspected in-person. When a requestor asks for copies of all or a portion of the records requested, however, the District will assess the following costs:

1. Photocopies: The District has determined that calculating the actual per-page cost or other costs charged for providing photocopies of public records would be unduly burdensome. Therefore, the District will charge 15 cents per page for photocopies of public records.

2. Electronic records: The cost for providing electronic records is as follows:

1. Ten cents per page for public records scanned into an electronic format or for the use of District equipment to scan the records;
2. Five cents per each four electronic files or attachment uploaded to email, cloud-based data storage service, or other means of electronic delivery;
3. Ten cents per gigabyte for the transmission of public records in an electronic format or for the use of District equipment to send the records electronically; and
4. The actual cost of any digital storage media or device provided by the District, the actual cost of any container or envelope used to mail the copies to the requestor, and the actual postage or delivery charge.

The District will take reasonable steps to provide the records in the most efficient manner available to the District in its normal operations;

Alternatively, if the District determines and documents that the fees allowed under this procedure are clearly equal to, or more, than two dollars, the District may instead charge a flat fee of two dollars to provide the records. If the District charges a flat fee for the first installment, the District will not charge an additional flat fee or a per page fee for any subsequent installments.

The Public Records Officer or designee may also require the payment of the remainder of the copying costs before providing all the records, or the payment of the costs of copying an installment before providing that installment.

If requested, the District will provide a summary of the applicable charges before charges are imposed under this procedure. The requestor will be allowed to revise the request in order to reduce the applicable charges.

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The District will not impose copying charges for access to or downloading of records that the District routinely posts on its website prior to the receipt of a request, unless the requestor has specifically requested that the District provide copies of such records through other means.

The cost of records provided on CD, DVD, or other media will be the actual cost of the medium used.

- 3. Mailing:** In addition to other costs, the District may also charge actual costs of mailing, including the cost of postage and the shipping container.

Costs less than \$15 per request may be waived. Payment may be made by cash, check, or money order payable to the District.

The District may require a deposit of 10 percent of the estimated cost of providing copies of all of the records requested.

If the District makes a request available on a partial or installment basis, the District may charge for each part of the request as it is provided. If an installment of a records request is not claimed or reviewed, the District is not obligated to fulfill the balance of the request.

- 4. Customized Service Charge:**

A customized service charge may be imposed if the District estimates that the request would require the use of information technology expertise to prepare data compilations, or to provide customized electronic access services when such compilations and customized access services are not used by the District for other District purposes. The customized service charge may reimburse the District up to the actual cost of providing the services in this paragraph.

The District will not assess a customized service charge unless it has notified the requestor of the customized service charge to be applied to the request, including an explanation of why the customized service charge applies, a description of the specific expertise, and a reasonable estimate cost of the charge. The notice will also provide the requestor the opportunity to amend his or her request in order to avoid or reduce the cost of a customized service charge.

D. Information Available Online

A variety of records and information is available on the District website at <http://www.longview.k12.wa.us>. Requestors are encouraged to view the documents available on the website prior to submitting a records request.

III. Making a Request for Public Records

A. Request to PRO

Any person wishing to inspect or copy public records of the District should make the request in writing by letter, fax, or e-mail addressed to the PRO and including the following information:

- Name, address, telephone number, and e-mail address of requestor;
- Identification of the public records adequate for the PRO or designee to locate the records;
- The date the request is submitted to the District; and
- Whether the requester seeks to *inspect* responsive records or wants *copies* of the records (which may be subject to a fee, as explained above).

The District encourages requesters to use the “Request for Public Record” form prepared by the District, which is available at the District’s central office and online at <http://www.longview.k12.wa.us/FIA-info.html>.

Although written requests are always preferred to avoid confusion or misunderstanding regarding a request, the PRO or designee may accept informal requests for public records by telephone or in person. If the PRO or designee receives a verbal records request, the PRO will confirm his or her understanding of the request with the requestor in writing.

B. Identifiable Records

A request under the PRA and Policy 4040 must seek an identifiable *record*. General requests for *information* from the District that do not seek identifiable records are not covered by Policy 4040 or this procedure. A request for all or substantially all of the records prepared, owned, used, or retained by the District is not a valid request for identifiable records. A request for all records discussing a particular topic or containing a particular keyword or name will not be considered a request for all of the District’s records.

Similarly, the District is not obligated by law to create a new record to satisfy a records request. However, the District may choose to create a record depending on the nature of the request and the convenience of providing the information in a new document, such as when data from multiple locations is requested and can be more easily combined into a single new record.

IV. Responding to Public Records Requests

A. Central Review

Any District employee other than the PRO who receives a request for public records, whether written or verbal, will promptly notify and forward the request to the PRO for processing. Building-level staff will not respond to public records requests directly unless directed by the PRO or designee. The PRO or designee will conduct a diligent search for the records requested.

B. Order of Processing Requests

The District will typically process requests in the order received. However, requests may also be processed out of order if doing so allows requests to be processed in the most efficient manner.

C. Five-Day Response

Within five (5) business days of receipt of a request, the PRO or designee will respond in writing acknowledging receipt of the request and notifying the requester that the District will do one or more of the following:

1. Provide copies of the records requested or make the records available for inspection. In the alternative, the PRO or designee may provide an Internet address where the records can be accessed (provided that the requestor has not notified the District that he or she cannot access the records through the Internet);
2. Acknowledge that the District has received the request and provide a reasonable estimate of the time it will require to fully respond;
3. Seek clarification of the request; or
4. Deny the request because no responsive records exist or all responsive records are exempt from disclosure (although no request will be denied solely on the basis that the request is overbroad). When there are responsive records that are exempt, the PRO or designee will provide an exemption log per Section F, below.

The District may require additional time to respond to the request based upon the need to clarify the intent of the request, to locate and assemble the information requested, to notify third persons or agencies affected by the request, or to determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request. The PRO or designee will state the reason(s) additional time is needed in the five-day response.

If the requestor fails to respond to the District's request for clarification within 30 days and the entire request is unclear, the District may close the request and not further respond to it. If the requestor fails to respond to the District's request for clarification within 30 days, and part of the request is unclear, the District will respond to the portion

of the request that is clear and may close the remainder of the request. In unusual circumstances, the District may also seek a court order enjoining disclosure pursuant to law.

The District may deny a bot request that is one of multiple requests from the requestor within a twenty-four hour period if the District establishes that responding to the multiple bot requests would cause excessive interference with the District's other essential functions. The District may deem a request to be a bot request when the District reasonably believes the request was automatically generated by a computer program or script.

The PRO or designee may ask the requester to prioritize the records he or she is requesting so that the District provides the most desired records first. A requester is not required to provide prioritization information, and the District is not required to provide records in the order prioritized by a requester.

If the District does not respond in writing within five business days of receipt of the request for disclosure, the requestor should contact the PRO to determine the reason for the failure to respond.

D. Purpose of Request

The District may inquire into the purpose for which a record is requested and may use the answer to aid in gathering responsive records and determining whether the public has a legitimate interest in obtaining the information. However, with the exception of requests for lists of individuals, a requester is not required to provide a purpose for a request and the District may not decline to furnish the records solely because the requester refuses to furnish a purpose.

E. Protecting Rights of Others

In the event that the requested records contain information that may affect rights of students, parents, employees, or other people and may arguably be exempt from disclosure, the PRO may, prior to providing the records, give notice to such persons. The notice will make it possible for the affected people to contact the requestor and ask him or her to revise the request, or, if necessary, to seek a court order to prevent or limit disclosure of the requested records. The notice to the affected persons may also include a copy of the request.

F. Records Exempt from Disclosure

Some records are exempt from disclosure, in whole or in part, under a specific exemption contained in the PRA or another statute that exempts or prohibits disclosure of specific information or records. If the District believes that a record is exempt from disclosure and should be withheld, the PRO or designee will state in writing the specific exemption (including the statutory or regulatory section) that applies and provide a brief explanation

of how the exemption applies to the record being withheld or redacted. This exemption and explanation will be provided to the requestor in a withholding index or log.

If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the PRO or designee will redact the exempt portions, provide the nonexempt portions, and indicate to the requestor why portions of the record are being redacted in the withholding index or log.

Pursuant to RCW 42.56.070(2), the District has identified the following statutes or regulations appearing outside the PRA itself that may exempt disclosure of certain public records or portions of records:

- The Family Educational and Privacy Rights Act (FERPA), 20 USC § 1232g *et seq.*; 34 C.F.R. Part 99 (regarding student educational records);
- Washington Student Education Records Law, RCW 28A.605.030;
- The Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1400 *et seq.*; 34 C.F.R. Part 300 (protecting the confidentiality of personally identifying information contained in records of students with disabilities);
- Attorney-client privileged communications and work product prepared in anticipation of litigation, such as set forth in Chapter 5.60 RCW;
- Information on students receiving free or reduced lunch, 42 U.S.C. § 1758(b)(6);
- Health Insurance Portability and Accountability Act (HIPPA), 45 C.F.R. Parts 160-164 (regarding health care information privacy and security);
- Washington Uniform Health Care Information Act, Chapter 70.02 RCW (protecting personal health care information);
- Abuse of Children – Protection and Procedure, RCW 26.44.010; RCW 26.44.030(9);
- Notification of Juvenile Offenders, RCW 13.04.155(3);
- Juvenile Justice or Care Agencies, Chapter 13.50 RCW (requiring confidentiality of certain records related to juvenile offenses and CPS reports);
- Examination Questions, RCW 28A.635.040; and
- Public Law 98-24, Section 527 of the Public Health Services Act, 41 U.S.C. § 290dd-2 (confidentiality of alcohol and drug abuse patient records).

The above list is for informational purposes only and is not intended to cover all possible exemptions from the public records law. The above list includes only exemptions that may be in addition to those set forth in Chapter 42.56 RCW. Under appropriate

circumstances, the District may rely upon other legal exemptions which are not set forth above or contained within the PRA.

In addition to these exemptions, RCW 42.56.070(9) prohibits providing access to lists of individuals requested for commercial purposes.

G. Providing Records in Installments

When the request is for a large number of records, the PRO or designee may provide access by inspection or copying in installments. If, within thirty (30) days, a requestor fails to inspect the entire set of records or one or more of the installments, the PRO or designee may close the request and not provide further records.

H. Completion of Inspection

When the inspection of the requested records is complete and/or all requested copies are provided, the PRO or designee will indicate to the requester that the District has completed a diligent search for the requested records and made any responsive, nonexempt records available for inspection.

I. Copy to be Retained

The PRO will retain a copy of all paper or electronic records given to a requester for purposes of documenting which records were provided. Consistent with the “Local Government Common Records Retention Schedule (CORE),” the District will retain records relating to public records requests for two years. Records related to public records requests, including correspondence with requesters and documentation of records provided, are themselves public records that may be subject to public disclosure.

J. Closing Withdrawn or Abandoned Request

The requestor must claim or review the assembled records within thirty (30) days of the District’s notification to him or her that the records are available for inspection or copying. If the requestor or a representative of the requestor fails to claim or review the records within the 30-day period or make other arrangements, the District will close the request.

When the requestor either withdraws the request or fails to fulfill his or her obligations to inspect the records or pay the deposit, installment, or final payment for the requested copies, the PRO will close the request and notify the requester.

K. Later-Discovered Documents

If the District becomes aware of additional responsive documents existing at the time of the request after it has informed the requestor that it has provided all available records, the District will promptly inform the requestor of the additional documents and provide them on an expedited basis.

L. Notification of Staff

When a record naming an employee has been requested, the PRO or designee will inform the employee and his or her collective bargaining unit representative, if any, of the request and the District's intended response

V. Electronic Records

A. Requesting Electronic Records

The process for requesting electronic public records is the same as for requesting paper public records. A person seeking electronic records should specify in the request that electronic records are sought. To assist the District in responding to a request for electronic records, a requestor should provide specific search terms, if applicable, that will allow the PRO or designee to locate and assemble identifiable records responsive to the request.

B. Providing Electronic Records

When a person requests records in electronic format that already exist in electronic format, the PRO or designee will provide the nonexempt responsive records or portions of such records in an electronic format that is used by the District and is generally commercially available, or in a format that is reasonably translatable from the format in which the District keeps the record. The District may provide electronic copies of paper documents, subject to a scanning charge (discussed above).

Some electronic records, such as e-mail metadata, may require redactions completed by creating paper documents. The District will print electronic records, redact them, and scan them back into electronic format in order to disclose them electronically only if reasonable and feasible.

The District will keep an electronic copy, when feasible, of electronic records that it provides to a requestor to show the exact records provided.

VI. Internal Review of Denials of Public Records

A. Petition for Internal Administrative Review of Denial of Access

Any person who objects to the initial denial (in whole or in part) of a records request may petition in writing (including e-mail) to the PRO for a review of that decision. The petition will include a copy of or reasonably identify the written statement by the PRO or designee denying the request.

B. Consideration of Petition for Review

The PRO will promptly provide the petition and any other relevant information to the Superintendent or designee, who will consider the petition and either affirm or reverse the denial within two (2) business days following the District's receipt of the petition, or within such other time as the District and the requester mutually agree to. The Superintendent or designee's decision will be final for the District.

Adopted: October 12, 2009

Revised: October 26, 2015

Revised: February 26, 2018