

Access to Public Records (D-14)

The Board of Education of the St. Francis School District believes that it is in the best interest of the District, its employees, and the general public to provide the greatest possible access to information regarding the affairs of government, and the official records of the District, concerning its operation including the official actions of the Board, its officers, and employees. The Board recognizes that it represents the public and that the release of information to the public is an essential function of a local government. The Board further recognizes that an integral part of the routine duties of the officers and employees of the District should be the responsibility to provide access to information concerning the affairs and records of the District.

Therefore, the Board recognizes and designates all of its records, as defined by statutes, as public records and documents subject to release, inspection, and reproduction as required by law.

The Superintendent is designated as the official legal custodian of the public records of the District. The Superintendent shall be responsible for executing all duties and responsibilities of the District pursuant to Wisconsin's Public Records and Property Law.

As the official legal custodian of District records, the Superintendent shall be responsible to the Board for timely response to any request for access to the public records of the District. The custodian shall be solely responsible for the release of the public records of the District, the conditions under which records may be inspected, and the collection of costs for the location or reproduction of such records.

All employees of the District shall be informed in writing that the Superintendent is designated the official legal custodian of the public records of the District. The employees shall further be informed of the duties of the official legal custodian and shall be made aware of the other requirements and procedures regarding public records of the District.

All requests for the release, inspection and/or reproduction of the public records of the District shall be directed or referred to the District's official legal custodian. The official legal custodian is vested with full legal power to make all necessary decisions relative to the release, inspection, and reproduction of public records and is further granted all authority necessary to carry out all duties and responsibilities required by either the Wisconsin Public Records and Property Law or this policy.

THE FOLLOWING INFORMATION IS PROVIDED TO THE PUBLIC TO ASSIST THEM IN OBTAINING ACCESS TO THE RECORDS OF THE DISTRICT.

- A. The Board has designated the Superintendent as the official legal custodian of the records and property of the District. The name of the individual presently holding this position can be obtained by contacting the District Office located at: 4225 South Lake Drive, St. Francis, WI 53235. The District Administrator may designate an employee to act as legal custodian in his/her absence. That person must hold a public office within the school district. The following positions constitute a local public office within the St. Francis School District: District Administrator, Director of Instructional Services, High School Principal, Intermediate School Principal, and Primary School Principal.

- B. Any public record of the District will be made available for inspection at the offices of the official legal custodian during specified business hours upon proper request. The specific business hours of the office of the District are from 8:00 a.m. to 4:00 p.m., Monday through Friday. No original public records of the District shall be removed from the possession of the official legal custodian. The official legal custodian shall be responsible for designating where, when, and how the public records of the District may be inspected and copied. However, the decisions of the official custodian of the records shall be governed by this notice.
- C. District procedures regarding the release, inspection and/or reproduction of public records are as follows:
- a. After the receipt of any written request for access to the public records of the District, the official legal custodian will attempt to make such records available as soon thereafter as practical. In any event, every request should be responded to within five (5) working days.
 - b. If a request is denied, it will be denied in writing not later than five (5) working days after the request has been made. If a public record cannot be made available within five (5) working days, the official legal custodian will inform the requestor when the record can be made available.
 - c. If any records of the District are requested which are necessary for the day-to-day operation of the District, then the official legal custodian may arrange for the records to be inspected after normal working hours.
 - d. If the official legal custodian determines that portions of any records requested contain information which should not be released, the custodian will edit such records to remove the material not to be released and thereafter release the balance of the document.
 - e. Any request for electronic records of the District will be referred by the official legal custodian to the individual(s) in charge of the equipment or familiar with the specific electronic application to determine the cost of locating and/or compiling the request. The cost may include staff time, printing costs, copying costs, and/or the cost of the format medium chosen to record the information. Electronic information will not be provided until the person requesting the information is informed of the estimated costs.
- D. It is the general policy of the District that the District will not respond to oral requests for District records and, therefore, all requests for any records of the District must be submitted in writing to the official legal custodian. It is not necessary that any person requesting access to the records of the District identify himself or herself in order to obtain a record, nor need any person requesting access to the records of the District state any reason for his/her request.
- E. Any written request for a record must reasonably describe the record or information sought. If the official legal custodian cannot reasonably determine what records or information are being requested, the request and the reason for the denial shall be denied in writing.

- F. Any person shall have not only the right to inspect the records of the District, but also the right to receive a reproduction of such records. In the event that a person files a written request for reproduction of any of the records of the District, that person shall be informed of the costs prior to locating and reproducing such records. Fees charged by the District relative to the costs of producing any of the records of the District are as follows:

Costs of Locating Documents

Most of the District's records are readily available or can be located in a relatively short period of time. Some of the records of the District may be in storage, archived, not on-line on the District's computer or otherwise not immediately available. In those cases where a record is not readily available for whatever reason and where it appears that the cost of locating a record will exceed \$50.00, the official legal custodian will seek the prior written approval of the requestor before proceeding. In addition, the custodian will endeavor, but will not be required, to provide an estimate of the total anticipated costs for locating the record.

The District will determine the cost of locating a record by using the hourly rate of \$10.00 to \$50.00 per hour, depending on the employees involved in attempting to locate the record.

Reproduction Expenses

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

Costs of copying and reproduction of records where equipment is available:

- a. The fee for photocopying shall be 25 cents per page. The cost of clerical time shall be charged for time in excess of 15 minutes.
- b. The actual full cost, including cost of District employees' time, 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.
- c. If mailing or shipping is necessary, the actual cost shall be charged.
- d. The legal custodian or deputy shall estimate the cost of all applicable fees and may require a cash deposit adequate to assure payment if such estimate exceeds \$5.00.
- e. 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.

Costs of reproduction of records where equipment is not available within the District:

- a. If equipment necessary for any reproduction is not available within the District, then the District will rent whatever equipment is necessary to perform the function and will bill the requestor for such rental fee. The cost charged will be the actual costs paid by the District to the third party vendor.

- b. Items in such a situation would include, but would not be limited to, audio or videotape reproduction equipment, microfilm or fiche or ultra fiche reproduction equipment, assorted computer hardware and software.
- c. The actual cost to the District of the tape or other medium used for reproduction shall also be paid by the person making the request.

Disputes

The official legal custodian of the records of the District shall report any disputes which arise under this fee schedule to the Board and shall recommend to the Board such modifications and revisions as he/she deems necessary. No record of the District shall be destroyed after the receipt of a request for such record until after the request is granted, or until any dispute concerning the request has been completely and finally resolved.

Indemnification of the Official Legal Custodian of the Records

Any costs or fees incurred by the official legal custodian of the records of the District shall be directly reimbursed by the Board to the custodian and shall not be treated as the personal liability of the custodian.

It is intended that the above fee schedule shall cover the payment of the actual, necessary and direct costs incurred in locating a document or in providing any person with a reproduction of any of the records of the District. This schedule shall be reviewed annually by the Board and adjusted as the need arises.

Copies of the Access to Public Records Notice shall be prominently displayed in appropriate locations throughout the District, and a copy of the notice shall be made available to any member of the public upon a request for inspection or reproduction.

Legal Ref: Wisconsin Statute Section 120.13 (28)
Section 19 Subchapter II: Public Records and Property
2003 Wisconsin Act 47
Section 19.31 – 19.39: Compliance Outline 2004

Cross Ref: St. Francis School Policy D-14 - Exhibit (1) - Notice of Public Access to Records
St. Francis School Policy D-14A – Records Retention
St. Francis School Policy D-08 – Student Records

Adopted: June 27, 1996
Revised: June 20, 2005

Access to Public Records (D-14 Exhibit (1))

NOTICE TO EMPLOYEES AND THE PUBLIC

OFFICIAL NOTICE

The St. Francis School District which consists of the City of St. Francis, Milwaukee County, Wisconsin, gives notice to the public and employees as follows:

That it is a common school district operated by the electors of the school district and a school board, officers, and administrators, as provided by law, with its office located at 4225 South Lake Drive in the City of St. Francis, Milwaukee County, Wisconsin.

The District Administrator has been designated as the legal custodian of records of any school district authority or sub unit.

The legal custodian is vested by the St. Francis School District with full legal power to render decisions and carry out the duties of the School District of St. Francis under the public records and property law. Requests for access to records shall be referred to the legal custodian. The legal custodian will determine whether a record of the St. Francis School District must be made available for inspection and/or copying by a requestor, or whether the request may be denied.

The District Administrator may designate an employee to act as legal custodian in his/her absence. That person must hold a public office within the school district. The following positions constitute a local public office within the St. Francis School District: District Administrator, Director of Instructional Services, High School Principal, Intermediate Principal and Primary School Principal.

The public shall obtain information and access to records, make requests for records, or obtain copies of records in the custody of the St. Francis School District at the following place and times:

8:00 a.m. to 4:00 p.m. – Monday through Friday

St. Francis School District Office

4225 South Lake Drive

St. Francis, WI 53235

The St. Francis School District is authorized by law to impose a fee on the requestor which does not exceed the actual, necessary and direct cost of reproduction and transcription of the record, unless a fee is otherwise specifically established by law.

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