

# NOVATO UNIFIED SCHOOL DISTRICT

## *BOARD POLICY*

SERIES 1000

BP 1340

---

### COMMUNITY RELATIONS

#### **ACCESS TO DISTRICT RECORDS**

#### **Access to District Records**

For the purposes of this policy, “public records” shall include all existing records required by law to be made, maintained or kept on file by this Board or its officials, except that “public records” shall not include: a) rosters and directories or b) the name, home addresses or telephone number of any individual staff member or student.

All books and records shall be open to the inspection of any citizen during business hours subject to the rules herein.

Any citizen of the State who has an interest in the public records of this Board may inspect and copy them by hand during the regular business hours of the district. Any citizen may purchase copies of the public records of the district upon payment of fee as follows:

1. single sheet - 10 cents each
2. minutes out of print - 50 cents per set
3. bound volumes, e.g. district administrative code, board policy manual, curriculum materials, special reports, etc. – actual costs.

Requests for copies of public records must be made in writing and will be accepted at the district office during business hours Monday through Friday, holidays excepted.

Nothing in this policy shall be construed as preventing a Board member from inspecting any record of this district provided said records relate to the performance of official Board duties.

The Superintendent as custodian of all Board records shall develop procedures to implement this policy which include provisions to guard the confidentiality of records exempted from the availability of public records.

\*\*\*Note: The following optional policy may be subject to collective bargaining agreements.\*\*\*

The Governing Board recognizes the right of citizens to have access to public records of the district. The Board intends the district to provide any person reasonable access to the public records of the schools and district during normal business hours and within the requirements of state and federal law. Such records shall be examined in the presence of the staff member regularly responsible for their maintenance.

\*\*\*Note: Government Code 6253, as renumbered by SB 143 (Ch. 620, Statutes of 1998), authorizes the district to charge a person requesting a copy of a record a fee covering the direct costs of duplication. In *North County Parents Organization for Children with Special Needs v. Department of Education*, the court determined that direct costs include only the cost of running the copy machine and possibly the expense of the person operating it. Direct costs does not include the other costs associated with the retrieval and handling of the file from which the copy was made. Because it is not clearly authorized by law, districts wishing to charge for the cost of the copy machine operator should consult with legal counsel. \*\*\*

\*\*\*Note: In addition, Government Code 6253 authorizes districts to provide faster or greater access to records than the minimum standards provided by law. According to the court in *North County Parents Organization*, this provision permits a district to waive or reduce its fees. \*\*\*

The district may charge for copies of public records or other materials requested by individuals or groups. The charge shall be based on actual costs of duplication, as determined by the Superintendent or designee and as specified in administrative regulation.

Public access shall not be given to records listed as exempt from public disclosure in the California Public Records Act or other statutes.

(cf. 3553 - Free and Reduced Price Meals)  
(cf. 4112.6/4212.6/4312.6 - Personnel Files)  
(cf. 4112.62/4212.62/4312.62 - Maintenance of Criminal Offender Records)  
(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)  
(cf. 5020 - Parent Rights and Responsibilities)  
(cf. 5125 - Student Records)  
(cf. 5125.1 - Release of Directory Information)  
(cf. 6162.5 - Student Assessment)  
(cf. 9011 - Disclosure of Confidential/Privileged Information)  
(cf. 9321 - Closed Session Purposes and Agendas)

Legal Reference:

EDUCATION CODE

35145 Public meetings

35170 Authority to secure copyrights

35250 Duty to keep certain records and reports

42103 Publication of proposed budget; hearing

44031 Personnel file contents and inspections

44839 Medical certificates; periodic medical examination (re access to medical certificate in personnel file)

49060-49079 Pupil records

49091.10 Parental review of curriculum and instruction  
52015 Ongoing evaluation and modification of school improvement plans  
52015.5 Availability of information required by Education Code 52015(g)  
52850 Applicability of article (School-based Program Coordination Plan availability)  
54722 Application of article (Motivation and maintenance program Plan availability)

GOVERNMENT CODE

3547 Proposals relating to representation  
6250-6268 California Public Records Act  
53262 Employment contracts  
54957.2 Minute book record of closed sessions  
54957.5 Agendas and other writings distributed for discussion or consideration  
81008 Public records; inspection and reproduction

CODE OF REGULATIONS, TITLE 5

430-438 Individual pupil records  
4061 Availability of evaluation information

COURT DECISIONS

Fairley v. Superior Court, 66 Cal.App. 4th 1414 (1998)  
North County Parents Organization for Children with Special Needs v. Department of Education, 23  
Cal.App. 4th 144 (1994)

ATTORNEY GENERAL OPINIONS

71 Ops.Cal.Atty.Gen. 235 (1988)  
64 Ops.Cal.Atty.Gen 186 (1981)

Approved: February, 1999