

PUBLIC RECORDS

The Board of Education is responsible for maintaining the public records of this district and to make such records available for inspection and reproduction in strict adherence to the State’s Public Records Act.

The Board will utilize the following procedures regarding the availability of public records. “Public records” are defined as any document, device, or item, regardless of physical form or characteristic, including an electronic record created or received by or coming under the jurisdiction of the Board or its employees, which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the district. “Electronic record” is defined as a record created, generated, sent, communicated, received, or stored by electronic means. “Public records” do not include medical records, documents containing genetic information, trial preparation records, confidential law enforcement investigatory records, records the release of which is prohibited by State or Federal law, including but not limited to, student personally identifiable information and student directory information when the student’s parents have affirmatively withdrawn consent for the release of it in writing, and any other exceptions set forth in O.R.C. §149.43. “Redaction” means obscuring or deleting any information that is exempt from public inspection or copying from an item that otherwise meets the definition of a public record.

Records may be inspected and/or copied during the regular business hours of the office in which such records are kept. Reasonable advance notice may be required when immediate inspection or copying will unduly burden the custodian of the records.

Upon request, copies of the public records of this district are available at cost as determined by the Superintendent. The district may require the requester to pay in advance the cost involved in providing the copy of the public record.

If the Board chooses to provide some or all of its public records on its website, and the online records are fully accessible to and searchable by members of the public at all times, and the Board charges no fee to search, access, download, or otherwise receive records provided on the website, the Board may limit to ten (10) per month the number of records requested by a person that the Board will deliver in digital format. The foregoing limitation shall not apply if the person requesting the records certifies in writing that he/she does not intend to use or forward the requested records or the information contained in them, for commercial purposes.

No public record may be removed from the office in which it is maintained.

If a public records request is ambiguous or overly broad, or the person making the request has difficulty making the request for copies or for inspection to the extent that the district is unable to reasonably identify the records being requested, the district may deny the request for records. However, the district must provide an opportunity to revise the request by informing the requester of the manner in which the records are maintained and accessed in the ordinary course of the district’s duties.

If a request for records is ultimately denied in whole or in part, the district will provide the requester with an explanation, including legal authority, setting forth why the request was denied. If the initial request was in writing, the district shall provide the explanation for denying the request in writing. Exempt information will be redacted by the district, and the requester will be notified of the redaction or the redaction will be made plainly visible.

If the information would benefit the requester by enhancing the district's ability to identify, locate, or deliver the records requested, the district may ask for the request to be in writing, may ask for the requester's identity, and inquire as to the intended use of the information requested, but may not require it. Before asking for the request to be in writing, the identity of the requester, or the intended use of the information, the district must disclose that the requester may decline to provide the information requested by the district.

The district will also have available a copy of its current records retention schedule at a location readily available to the public.

The custodian of records and other district personnel responsible for the inspection and/or copying of public records shall be provided a copy of this policy and shall acknowledge receipt.

This policy shall be reproduced in the form of a poster and posted in a conspicuous place in the Board office/administration building and in all district buildings. This policy shall also be included in any employee manual or handbook.

To ensure that the district complies with the requirements of Ohio's Public Records law, all Board members or their appropriate designees shall attend training approved by the Ohio Attorney General as provided in O.R.C. §109.43.

The district is not required to allow the requester to make copies of the public record.

Transmittal of Public Records by Mail

The Treasurer or other custodian of public records shall transmit a copy of a public record by mail within a reasonable period of time after receiving the request, provided that the person making the request pays in advance the cost of postage and other supplies used in the mailing, or supplies the Treasurer with a self-addressed envelope with sufficient postage affixed.

The number of records requested for transmittal by mail by any person shall be limited to ten (10) per month, unless the person certifies in writing that he/she does not intend to use or forward the requested records or the information contained in them for commercial purposes. For purposes of this policy, "commercial" shall be narrowly construed and does not include the reporting or gathering of news, reporting or gathering of information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit educational research.

Redaction of Non-Public Information

The following information and/or items are not subject to public disclosure, and shall be redacted from a public record prior to disclosure of the record:

- A. Social Security numbers (State ex rel. Beacon Journal Publ. Co. v. City of Akron, 70 OS 3d 605 (1994));
- B. Medical Records;
 - 1. Documents or combinations of documents that pertain to a patient's medical history, diagnosis, prognosis, or medical condition, and that is generated and maintained in the process of medical treatment (O.R.C. §149.43(A)(1)(b)); and
 - 2. Documents or combinations of documents that contain genetic information of an applicant, employee, or former employee.
- C. All information regarding a participant's account in Ohio's public employees deferred compensation program (including, but not limited to, contribution amounts identified in W-2 forms);
- D. Criminal records check (e.g., BCII reports) (O.R.C. §3319.39(D));
- E. Student records containing personally identifiable information which is not otherwise directory information (O.R.C. §149.43(A)(1)(a); FERPA);
- F. Trial preparation records (O.R.C. §149.43(A)(1)(g));
- G. Information pertaining to the recreational activities of a person under the age of eighteen (18) (O.R.C. §149.43(A)(1)(r));
- H. State Teacher Retirement System records (O.R.C. §§3309.22 and 3307.20);
 - 1. The individual's personal records provided for in O.R.C. §3307.23;
 - 2. The individual's personal history record;
 - 3. Any information identifying, by name and address, the amount of a monthly allowance or benefit paid to the individual; and
 - 4. All medical reports and recommendations under O.R.C. §§3307.62, 3307.64, and 3307.66.

- I. State Employees Retirement System records (O.R.C. §§3309.22 and 3307.20);
 - 1. The individual's statement of previous service and other information as provided for in O.R.C. §3309.28;
 - 2. Any information identifying by name and address the amount of monthly allowance or benefit paid to the individual;
 - 3. The individual's personal history record; and
 - 4. All medical reports and recommendations required by the system.

- J. Employee's personal contact information that is maintained for administrative convenience (e.g., the employee's home address, home telephone number, and personal e-mail address) (State ex rel. Dispatch Printing Co. v Johnson, (2005) 106 Ohio St. 3d 160)), unless:
 - 1. Such information is necessary to document the employee's compliance with an employment requirement that the employee live in a specific geographic area; or
 - 2. The personal contact information is also the employee's work contact information (e.g., the employee's work address is also the employee's home address, the employee's work telephone number is also the employee's home telephone number, and/or the employee's work e-mail address is also the employee's personal e-mail address).

- K. Any other information/records the release of which is prohibited by State or Federal law. Some primary examples are:
 - 1. Security records, including a school safety plan (O.R.C. §149.433);
 - 2. Infra-structure records (does not include simple floor plans) (O.R.C. §149.433); and
 - 3. Attorney-client privileged documents – see, for example State ex rel. Nix v. City of Cleveland, 83 Ohio St. 3d 379 (1998).

LEGAL REFS: O.R.C. §149.43

Adopted: November 15, 2017