

Book	Policy Manual
Section	8000 Operations
Title	PUBLIC RECORDS
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### 8310 - PUBLIC RECORDS

The Board of Education is responsible for maintaining the public records of this District and to make such records available to residents of Ohio 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, and any other exceptions set forth in R.C. 149.43. Confidential law enforcement investigatory records, medical records, and trial preparation records are as defined in R.C. 149.43. No public records, including, but not limited to personnel records, personnel files, or staff directories or student records shall include the actual/confidential addresses of students, parents, or employees who are participating in the Safe at Home/Address Confidentiality Program administered by the Secretary of State. Such public records and student records shall only contain the address designated by the Secretary of State to serve as the student's, parent's or employee's address.

The District's public records shall be organized and maintained so that they are readily available for inspection and copying. As such, public records will be available for inspection during regular business hours, with the exception of published holidays. The District's public records shall be promptly prepared and made available for inspection. A reasonable period of time may be necessary due to the volume of records requested, the proximity of the location where the records are stored, and/or for the District to review and redact non-public/confidential information contained in the record. Upon request, a person may receive copies of public records, at cost, within a reasonable period of time.

Each request for public records shall be evaluated for a response at the time it is made. Although no specific language is required to make a request, the requester must minimally identify the record(s) requested with sufficient clarity to allow the District to identify, retrieve, and review the record(s). If a requestor makes an ambiguous or overly broad request or has difficulty in making a request for inspection or copies of public records such that the District's Record Officer cannot reasonably identify what public records are being requested, the District Record Officer or designee may deny the request but shall provide the requestor with an opportunity to revise the request by informing the requestor of the manner in which records are maintained by the District and accessed in the ordinary course of business. The request for records shall need not be in writing. The requestor shall not be required to provide his/her identity or the intended use of the requested public record(s).

At the time of the request, the records custodian shall inform the person making the request of the estimated length of time required to gather the records. All requests for public records shall be satisfied or acknowledged by the District promptly following the receipt of the request. If the request for records was in writing, the acknowledgement by the District shall also be in writing.

Any request deemed significantly beyond routine, such as seeking a voluminous number of copies and/or records, or requiring extensive research, the acknowledgement shall include the following:

A. an estimated number of business days necessary to satisfy the request

B. an estimated cost if copies are requested

C. any items within the request that may be exempt from disclosure

The Superintendent is authorized to grant or refuse access to the records of this District in accordance with the law. Any denial, in whole or in part, of a public records request must include an explanation, including legal authority. If portions of a record are public and portions are exempt, the exempt portions are to be redacted and the rest released. If there are redactions, the requester must be notified of the redaction and/or the redaction must be plainly visible, and each redaction must be accompanied by a supporting explanation, including legal authority. If the request for records was in writing, the explanation shall also be in writing.

A person may obtain copies of the District's public records upon payment of a fee. A person who requests a copy of a public record may request to have said record duplicated on paper, on the same medium on which the District keeps the record, or on any other medium in which the custodian of records determines that said record reasonably can be duplicated as an integral part of normal operations. A person who requests a copy of a public record may choose to have that record sent to him/her by United States mail or by other means of delivery or transmission provided the person making the request pays in advance for said record as well as the costs for postage and the mailing supplies.

Those seeking public records will be charged only the actual cost of making copies.

Documents in electronic mail format are records as defined by the Ohio Revised Code when their content relates to the business of the District (i.e., they serve to document the organization, functions, policies, decisions, procedures, operations, or other activities of the District). E-mail shall be treated in the same fashion as records in other formats and shall follow the same retention schedule.

Records in private e-mail accounts are subject to disclosure if their content relates to public business, and all employees or representatives of the District are responsible for retaining e-mails that meet the definition of public records and copying them to their District e-mail account(s) and/or to the records custodian.

The records custodian shall treat such e-mail/records from private accounts as records of the District. These records shall be filed appropriately, retained in accordance with the established schedules, and made available for inspection and copying in accordance with the Public Records Act.

Private e-mail, electronic documents, and documents ("private records") that do not serve to document the District's organization, functions, policies, decisions, procedures, operations or other activities are not public records. Although private records do not fall under Policy 8310 or AG 8310A, they may fall under Policy 8315 - "Information Management" and/or AG 8315 - "Litigation Hold Procedure".

No public record may be removed from the office in which it is maintained except by a Board officer or employee in the course of the performance of his/her duties.

Nothing in this policy shall be construed as preventing a Board member, in the performance of his/her official duties, from inspecting any record of this District, except student records and certain confidential portions of personnel records.

A School District Records Commission shall be established consisting of the Board President, Treasurer, and Superintendent of Schools in accordance with law to judge the advisability of destroying District records. Record retention schedules shall be updated regularly and posted prominently. The Commission shall meet at least once every twelve (12) months.

The Superintendent shall provide for the inspection, reproduction, and release of public records in accordance with this policy and with the Public Records Law. Administrative guidelines shall be developed to provide guidance to District employees in responding to public records requests. The Superintendent shall require the posting and distribution of this policy in accordance with statute.

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R.C. 9.01, 102.03(B), 111.41, 111.42, 111.43, 111.46, 111.47, 111.99

R.C. 149.011, 149.41, 149.43, 1306.01, 1347 et seq., 3313.26

R.C.3319.32, 3319.321

20 U.S.C. 1232g

42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

29 C.F.R. Part 1635

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### 8310A - PUBLIC RECORDS

The Educational Service Center's ("Center") public records are available for public inspection and/or copying in accordance with State law.

#### Designation of Officers

The Superintendent, Treasurer, Director of Human Resources, or designee shall be the Center Records Officer (DRO).

#### Definitions

"Public record" includes 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 Center.

"Public record" does not mean any of the following: medical records; documents containing genetic information; trial preparation records; confidential law enforcement investigatory records; and other 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 release of it in writing.

"Electronic record" includes any record having been created, generated, sent, communicated, received, or stored by electronic means.

"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."

#### Location and Time

Public records are to be available for inspection during regular business hours, with the exception of published holidays. The Center shall organize and maintain public records in a manner such that they are promptly made available for inspection or copying. "Prompt" and "reasonable" take into account the volume of records requested, the proximity of the location where the records are stored, and the necessity for any legal review of the records requested. No record shall be removed from such location. A member of the staff must be present throughout the inspection and copying of such record.

While requests to inspect and/or obtain copies of records are best made in person, telephone and written requests are permitted.

While the Center is responsible for promptly preparing and making available public records, State law does not require the Center to provide additional information that may be related to a record but is not part of a record. In addition, the Center is not required to create a new record to respond to a public request for information if no public record is available that is responsive to the request or to respond to requests for information when the information requested is not contained in a public record.

While personnel files contain public records, some specific information and/or records contained in such files may be confidential and not subject to disclosure (see AG 8320).

#### Procedures

The following procedures shall be followed in connection with requests to inspect and secure copies of the Center's public records:

- A. Requests to inspect and/or obtain copies of public records shall be submitted to the Director of Human Resources. A public records request must at least identify the records requested with sufficient clarity to allow the Center to identify, retrieve, and review the records. If it is not clear what records are being sought, the DRO shall contact the requester for clarification.

- B. Individuals requesting to inspect and/or obtain copies of public records do not have to put records requests in writing and do not have to provide their identity or the intended use of the requested public record(s).

The Center may ask that the requester's identity and reason the information is sought be in writing. The Center, however, must first inform the requester that such disclosure is not mandatory unless the request is for student directory information. The Center must also inform the requester that providing such information in writing enhances the Center's ability to identify, locate, and/or deliver the records sought. The Center may ask that records requests be put in writing, but must also notify the requester that it is not mandatory to do so.

Each request shall be evaluated for an estimated length of time required to gather the records. Routine requests for records should be satisfied immediately if feasible to do so. Routine requests include, but are not limited to, meeting minutes (both draft and final form), budgets, salary information, forms and applications, personnel roster, etc. If fewer than twenty (20) pages of copy are requested or if the records are readily available in an electronic format that can be e-mailed or downloaded easily, these should be made as quickly as equipment allows.

All requests for public records must either be satisfied (as above) or be acknowledged in writing by the DRO promptly following the Center's receipt of the request. If the request for records was in writing, the acknowledgment shall also be in writing.

If a request is deemed significantly beyond "routine" (such as seeking a large volume/number of copies or requiring extensive research), the acknowledgment must include the following:

- A. an estimated number of business days necessary to satisfy the request
- B. an estimated cost if copies are requested
- C. any items within the request that may be exempt from disclosure and the reason for such exemption, including legal authority

With respect to public records that are determined to be available, the Director of Human Resources will direct the requester to the place where the requested records may be inspected and will arrange for the preparation and certification of copies upon tender of any required fee.

Any denial of public records requested must include an explanation, including legal authority. If portions of a record are public and portions are exempt, the exempt portions are to be redacted and the rest released. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority.

With respect to records that are determined not to be available, the Director of Human Resources will notify the requester of same, noting the reason for unavailability on the request form if one is submitted, and return one (1) copy of the form to the requester. The Director of Human Resources shall also notify the requester of the estimated time necessary to process and fulfill the request, make arrangements with the requester for delivery of the requested records, and arrange a method of communication between the requester and the Center in the event that further information is needed by the Center to fulfill the request.

## **Fees**

Upon request, copies of public records will be provided at the actual cost of making copies:

- A. The charge for paper copies is five cents (\$.05) per page.
- B. The charge for downloaded computer files to a compact disc is \$1.00 per disc.
- C. There is no charge for documents e-mailed.

A person who requests a copy of a public record may choose to have that record sent to him/her by United States mail or by other means of delivery or transmission provided the person making the request pays in advance for said record as well as the costs for postage and mailing supplies.

## **Electronic Mail**

Documents in electronic mail format are records as defined by the Ohio Revised Code when their content relates to the business of the Center (i.e., they serve to document the organization, functions, policies, decisions, procedures, operations, or other activities of the Center). E-mail shall be treated in the same fashion as records in other formats and shall follow the same retention schedule.

Records in private e-mail accounts are subject to disclosure if their content relates to public business, and all employees or representatives of the Center are responsible for retaining e-mails that meet the definition of public records and copying them to their Center e-mail account(s) and/or to the records custodian.

The records custodian shall treat such e-mail/records from private accounts as records of the Center. These records shall be filed appropriately, retained in accordance with the established schedules, and made available for inspection and copying in accordance with the Public Records Act.

Private e-mail, electronic documents, and documents ("private records") that do not serve to document the Center's organization, functions, policies, decisions, procedures, operations, or other activities are not public records. Although private records do not fall under Policy 8310 - "Public Records" or this guideline, they may fall under Policy 8315 - "Information Management" or AG 8315 - "Litigation Hold Procedure."

## RETENTION OF RECORDS

The President of the Governing Board, the Superintendent, and the Treasurer/CFO serve as the Center Records Commission. The Commission shall meet as needed, at least annually, to review applications for one-time records disposal and schedules of records retention and disposition submitted by any employee of the Center. The Commission will also review the Board's records retention schedule s appropriate. X The Commission will utilize the model retention schedule developed by the Ohio History Connection, which is available at <https://www.ohiohistory.org/research/local-government-records-program/local-retention-schedules-forms/#rc.>

A copy of the adopted retention schedule will be maintained by the Commission and distributed to appropriate school employees. The Center Records Commission is responsible for completing an "Application for One-time Disposal of Obsolete Records" Form RC-1, and for developing the Center's "Schedule of Records Retention and Disposition" - Form RC-2. Both forms must be submitted to and approved by the Ohio History Connection and the State Auditor. Subsequent revisions to the RC-2 Form must also be approved using this same process. Only in conformance with the approved "Application for One-time Disposal of Obsolete Records - Form RC-1" or the "Schedule of Records Retention and Disposition - Form RC-2" may the Center's Records Commission review applications for the disposal of obsolete records. The Center Records Commission will utilize the "Certificate of Disposal Form" RC-3 when required as indicated by the Ohio History Connection on the approved RC-2 form.

To facilitate the development, updating, and/or revision of the Schedule of Records Retention and Disposition, and in reviewing requests for disposal of obsolete records, the Center Records Commission shall utilize the following guidelines recommended by the State Auditor's office.

**(Please Note: The State Archives retains RC-2 forms permanently. It is strongly recommended that the Records Commission retain a permanent copy of this form.)**

This schedule lists records commonly created by school districts, educational service centers, and career technical schools. The retention periods specified herein are either required by statute or have been determined by best practice. Local Records Commissions may edit retention periods based on the administrative, fiscal, legal, and historical value of the records.

The local school district, education service center, or career technical school should also notate the media type of the records on the schedule in column 4. The records can be maintained on separate formats (i.e. paper and electronic) for different amounts of time.

Permanent records existing solely in electronic format may become inaccessible through media decay and/or hardware/software obsolescence. The Ohio History Connection recommends that digital records with greater than a ten (10) year retention period also be maintained in either paper or microfilm formats.

Records may not be disposed of until all audits are released and audit discrepancies have been settled. Where a lawsuit or agency proceeding is pending, a legal hold on relevant records is required. Records shall be retained until the legal hold has been removed.

**ELECTRONIC MAIL** (e-mail) is a format on which records are sent, received, and/or drafted using electronic mailing systems. E-mail is NOT a record series. Instead, each individual e-mail should be evaluated according to its content and retained in accordance with the record series adopted within this schedule that the content most closely fits.

Before this records retention schedule is considered in effect for a particular school district it must first be signed by a local responsible official and local records commission chair, the State Archives, and the State Auditor's Office.

<https://www.ohiohistory.org/wp-content/uploads/2022/02/School-Retention-Suggested-Schedule.pdf>

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R.C. 149.381

Form RC-1, Form RC-2, Form RC-3, Ohio History Connection

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### 8310E - RECORDS RETENTION AND DISPOSAL

Ohio law states that "any document, device, or item, regardless of physical form or characteristic, including an electronic record as defined in section 1306.01 of the Revised Code, created or received by, or coming under the jurisdiction of any public office of the State or its political subdivisions which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the office" is a record. R.C. 149.011(G).

Records may be disposed of by the Commission as outlined below. The Commission may, at any time, review any schedule it has previously approved, and for good cause shown may revise that schedule.

#### Records Commission

The President of the Governing Board, the Superintendent, and the Treasurer serve as the Center Records Commission. The Commission shall meet as needed, at least annually, to review applications for one-time records disposal and schedules of records retention and disposition submitted by any employee of the Center. The Commission will also review the Board's records retention schedule annually and will update the schedule as appropriate. A copy of the adopted retention schedule will be maintained by the Commission and distributed to appropriate school employees. Notice of the time, place, and purpose of each Commission meeting shall be publicized through the Center's special meeting notice procedures.

#### Records Disposition Procedure

To properly dispose of records that are no longer required for the current operation of the Center, are of no further administrative, legal, or fiscal value to the Center or its citizens, and are not required to be retained by any statute or regulation, the following steps are to be followed by the Commission and all employees:

- A. Review the "Records Retention Schedule" in AG 8310A - Public Records to determine documents eligible to be destroyed. Place common records into boxes and clearly mark the box as to contents and dates.
- B. Prepare an "Application for One-Time Records Disposal" - RC-1 or "Schedule of Records Retention and Disposition" - RC-2 (Ohio History Connection).
- C. The building administrator or other department head must approve the application.
- D. Submit the application to the Treasurer and retain one (1) copy of the application.
- E. Wait! Do not destroy records until you receive authorization to do so from the Center Records Commission. The disposal application must first be reviewed by the Center Records Commission and then submitted to the Ohio History Connection ("OHC") and the Auditor of the State of Ohio. The OHC shall review the application or schedule of records retention and disposition within sixty (60) days of its receipt of it, and shall then forward the application or schedule to the Auditor. The Auditor shall approve or disapprove the application or schedule within sixty (60) days after receipt of it.
- F. Prepare a "Certificate of Records Disposal"- RC-3 - when required to do so by the OHC as indicated on the approved "Schedule of Records Retention and Disposition" - RC-2 (Ohio History Connection).
- G. Have the disposal certificate signed by the building administrator or other department head.
- H. Submit the certificate to the Treasurer and retain one (1) copy.
- I. Wait! The OHC has fifteen (15) business days to select for its custody any public records it considers to be of continuing historical value. The OHC may not review or select any confidential records, the release of which is prohibited by State or Federal law including, but not limited to, records containing personally identifiable information concerning any student, other

than directory information (see Policy 8330 and AG 8330), without the written consent of the student's parent, or the student if age eighteen (18) or older.

J. Dispose of records upon receipt of, and in accordance with, the instructions of the Center Records Commission.

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Legal	R.C. 149.381, 149.41, 149.43, 2151.86, 3319.321
	20 U.S.C. 1232g
	42 U.S.C. 12101