

Date of adoption: May 19, 2021

Education Service Provider (ESP) as of the date above: Pearson Virtual Schools

ACCESS TO PUBLIC RECORDS

Purpose

The School abides by state and federal public records and open meetings laws, to the extent applicable, and makes every effort to provide access to public records as appropriate. The policy sets out the procedures to be followed in response to a request for public records from the School.

Policy

The business of the Board is discussed and decisions are made in accordance with the Open Meeting Law. The official minutes of the Board, its written policies, its financial records and all other public records, except for those which are confidential, privileged, subject to a right of privacy or otherwise exempt from disclosure, are open for inspection in the School's administrative office during the hours when the administrative office is open. However, if the records are not readily accessible or if portions of the records must be redacted in order to protect exempt material, the School shall determine the reasonable period of time, or as otherwise provided in the state law, needed to perform these functions and inform the requestor in writing of the date and time after which the records will be available for inspection. The release of school-wide information is coordinated by the School's Records Custodian. The School will comply with the state and federal laws, including the Family Educational Rights and Privacy Act, ("FERPA") and the School's Confidentiality Policy, in releasing records.

Procedure

On receipt of a record request, the School may ask but shall not require the identity of an individual requesting information and the reason the information is sought to be in writing by completing a Public Records Request Form. The School shall also inform the requestor that providing such information in writing enhances the School's ability to identify and locate the records requested.

Any individual who seeks to obtain or inspect a copy of a public record may request that the record be duplicated on paper, on the same medium on which the record is kept or any other medium that the School Records Custodian deems reasonable. Records in an electronic format shall be made available in electronic format upon request, consistent with applicable law. Where necessary to assist a member of the public in making a focused and effective request that reasonably describes an identifiable record or records, the School shall, to the extent reasonable under the circumstances, assist the member of the public in identifying records and information that are responsive to the request and the purpose of

the request, if stated, and describe the information technology and physical location in which the records exist.

Individual student records and other confidential records protected by state or federal law may not be released for inspection unless such inspection is allowed pursuant to applicable law. In general, the School may not disclose personally identifiable information from student records without prior signed and dated written consent from a parent or eligible student. Student information deemed "directory information" pursuant to FERPA may be released without consent under certain circumstances. However, student directory information is only released pursuant to the School's administrative regulations governing release of such information and applicable law. Student directory information is not released when parents/guardians/students affirmatively withdraw in writing consent to release such information. Student records that consist of personally identifiable information generally are exempt from disclosure.

All records provided in response to a public records request will be made available in a reasonable period of time and within the maximum time periods allowed by law, inclusive of any extensions. Upon receiving a request for a copy of records, the School shall determine, whether the request in whole or in part seeks copies of disclosable public records in the possession of the agency and shall promptly and within the time permitted by law notify the person making of the request of the determination and the reasons therefore. If a public records request is denied in whole or in part, the School shall provide a written explanation with the legal authority for the denial of the request and the name and title or position of each person responsible for such determination, where required by law.

The School's Records Custodian may transmit the requested records by mail or by other means of delivery request, if the method requested is reasonably available. The School's Record Custodian may also make the records available for pick-up at the School's administrative office.

Where permitted by law, a fee may be charged for copies which may not exceed, except in the case of certain electronic records, the direct costs of duplication. Where required by law the school will maintain a list of the fees that it charges at each office where public records are provided and post at that office in a conspicuous place, a sign or notice that states: the fee charged to provide a copy of the public record; or, the location at which a list of each fee charged may be obtained. The direct cost of duplication does not include staff time spent researching, retrieving and mailing the record. The School may require that the fee for copies and/or delivery, if requested, be paid in advance.

The School's public records policy shall be posted in a conspicuous location in the School's administrative office and on the public website. The policy is distributed to the School's Records Custodian and receipt of the policy by the custodian is acknowledged. A copy of the records retention policy will be maintained and readily available to the public in the School's administrative office.

Related Documents

Record Retention
Policy Confidentiality
Policy Records
Request Form

Dates of Previous Approvals:

October 21, 2020