

COMMUNITY RELATIONS

AR1300 Access to County Office of Education Records

Records Open to the Public

Public records include any writing containing information relating to the conduct of County Office of Education business prepared, owned, used or retained by the County Office of Education regardless of physical form or characteristics. (Government Code 6252)

A member of the public includes any person, except a member, agent, officer, or employee of the County Office of Education acting within the scope of his/her office or employment. County Board of Education members are entitled to access to public records permitted by law in the administration of their duties, and, as to other public records, in the same basis as any other person.

Records to which the public shall have access include but are not necessarily limited to:

1. The proposed and approved budgets. (E.C. 42103)
2. Statistical compilations.
3. Reports and memoranda.
4. Notices and bulletins.
5. Minutes of public meetings.
6. Meeting agendas.
7. Official communications between governmental branches.
8. School-based program plans (E.C. 52850, 54722)
9. Information and data relevant to the evaluation and modification of school improvement plans. (E.C. 52015.5)
10. Initial proposals of exclusive employee representatives and of the County Office of Education. (G.C. 3547)
11. Tort claims filed against the County Office of Education and records pertaining to pending litigation which predate the filing of the litigation, unless protected by some other provision of law.
12. Statements of economic interests required by the Conflict of Interest Code.

13. Contracts of employment and settlement agreements.

Confidential Records

Records to which the general public shall not have access include but are not limited to:

1. Preliminary drafts, notes, interdistrict or intradistrict memoranda which are not retained by the district in the ordinary course of business, provided that the public interest in withholding these records clearly outweighs the public interest in disclosure.
2. Records specifically prepared for litigation to which the district is a party or to claims made pursuant to the Tort Claims Act, until the pending litigation or claim has been finally adjudicated or otherwise settled, unless the records are protected by some other provision of law.
3. Personnel records, medical records, student records, personal correspondence, or similar materials, the disclosure of which would constitute an unwarranted invasion of personal privacy.

The home addresses and home telephone numbers of employees may be disclosed only as follows:

- a. To an agent or a family member of the individual to whom the information pertains.
 - b. To an officer or employee of a state agency or another school district or county office of education when necessary for the performance of official duties.
 - c. To an employee organization pursuant to regulations and decisions of the Public Employment Relations Board, unless the employee performs law enforcement-related functions or requests in writing that the information not be disclosed.
 - d. To an agent or employee of a health benefit plan providing health services of administering claims for health services to district employees and their enrolled dependents, for the purpose of providing the health services or administering claims for employees and their enrolled dependents.
4. Test questions, scoring keys and other examination data except as provided by law.
 5. Without affecting the law of eminent domain, the contents of real estate appraisals or engineering or feasibility estimates and evaluations made for or by the County Office of Education relative to the acquisition of property, or to prospective public supply and construction contracts, until all of the property has been acquired or all of the contract agreement obtained.

6. Information required from any taxpayer in connection with the collection of local taxes that is received in confidence and the disclosure of the information to other persons would result in unfair competitive disadvantage to the person supplying the information.
7. Records for which the disclosure is exempted or prohibited pursuant to state or federal law, including, but not limited to, provisions of the Evidence Code relating to privilege.
8. Recall petitions or petitions for the reorganization of school districts.
9. The minutes of Board meetings held in closed session.
10. Computer software developed by the district.
11. Written instructional textbooks or other materials for which providing a copy would infringe a copyright or would constitute an unreasonable burden on the operation of the district.
12. Any other records listed as exempt from public disclosure in the California Public Records Act or other statutes.

Inspection of Records and Requests for Copies

Public records are open to inspection at all times during County Office of Education office hours. Any reasonably identifiable and segregable portion of a record shall be made available for inspection by every person requesting the record after deletion of the portions that are exempted by law.

Every person may request a copy of any County Office of Education record open to the public and not exempt from disclosure.

Within 10 days of receiving any request for a copy of records, the Superintendent or designee shall determine whether the request seeks copies of disclosable public records in the County Office of Education's possession. The Superintendent or designee shall promptly inform the person making the request of his/her determination and the reasons for the decision.

In unusual circumstances, the Superintendent or designee may extend the 10-day limit for up to 14 days by providing written notice to the requester and setting forth the reasons for the extension and the date on which a determination is expected to be made. *Unusual circumstances* means the following, but only to the extent reasonably necessary to properly process the request:

1. The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.
2. The need to search for, collect and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request.

3. The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the County Office of Education having substantial subject matter interest therein.
4. The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data.

If the Superintendent or designee determines that the request seeks disclosable public records, the determination shall state the estimated date and time when the records will be made available.

Upon request for a copy that reasonably describes an identifiable record; an exact copy shall be promptly provided unless it is impracticable to do so.

The Superintendent or designee shall charge an amount for copies that reflects the direct costs of duplication. Requests to waive the fee shall be submitted to the Board.

If any person requests a public record be provided in an electronic format, the district shall make that record available in any electronic format in which it holds the information. The County Office of Education shall provide a copy of the electronic record in the format requested so long as the requested format is one that has been used by the County Office of Education to create copies for its own use or for use by other agencies.

The cost of duplicating an electronic record shall be limited to the direct cost of producing a copy of the record in electronic format. However, the requester shall bear the cost of producing the copy of the electronic record, including the cost to construct the record and the cost of programming and computer services necessary to produce the copy, under the following circumstances:

1. The electronic record is one that is produced only at otherwise regularly scheduled intervals.
2. The request would require data compilation, extraction, or programming to produce the record.

Assistance in Identifying Requested Records

If the Superintendent or designee denies a request for disclosable records, he/she shall assist the requester in making a focused and effective request that reasonably describes an identifiable record. To the extent reasonable under the circumstances, the Superintendent or designee shall do all of the following:

1. Assist in identifying records and information responsive to the request or the purpose of the request, if specified.

If after making a reasonable effort to elicit additional clarifying information from the requester to help identify the record, the Superintendent or designee is still unable to identify the information, Item#1 above will be deemed satisfied.

2. Describe the information technology and physical location in which the records exist.
3. Provide suggestions for overcoming any practical basis for denying access to the records or information sought.

Provisions of the Public Records Act shall not be construed so as to delay access for purposes of inspecting records open to the public. Any notification denying a request for public records shall state the name and title of each person responsible for the denial.