

MEDFORD AREA PUBLIC SCHOOL DISTRICT

DATE ADOPTED:	April 18, 1991	FILE SECTOR:	SCHOOL-COMMUNITY
DATE REVISED:	January 17, 2002		RELATIONS
DATE REVISED:	July 15, 2004	POLICY TITLE:	ACCESS TO PUBLIC RECORDS
DATE REVISED:	July 19, 2007		
DATE REVISED:	March 20, 2014		
DATE REVISED:	June 22, 2020		

Medford Area Public School District (MAPSD) Board of Education (BOE) shall allow persons to have access to district records in accordance with state law and established procedures.

The district administrator shall serve as the legal custodian of all records and property of the district, except as otherwise provided. The legal custodian shall safely keep and preserve records of the authority and shall have full legal power to render decisions and carry out duties related to those public records maintained by any district authority. The legal custodian may deny access to records only in accordance with the law. The legal custodian shall be authorized and encouraged to consult with the district's legal counsel in determining whether to deny access to a record in whole or in part.

The following positions constitute a local public office within MAPSD: District Administrator, Building Principal, Assistant Principal, Director of Curriculum and Instruction, Director of Business Services, Director of Special Education and Pupil Services, and Technology Engineer.

Public records will be made available for inspection during normal, regular business hours upon request by contacting the legal custodian at 124 W. State Street, Medford, Wisconsin. The legal custodian shall be responsible for designating where, when, and how the public records of the district may be inspected and copied. A request must reasonably describe the requested record and contain a reasonable limitation as to the subject matter or length of time covered by the record.

While a request may be made orally, in order to be enforceable under the law, a request must be submitted to the legal custodian in writing. The legal custodian may establish fees in accordance with the law. A list of such fees shall be made available at the district office, 124 W. State Street, Medford, Wisconsin.

Public notice of access to publications shall be given by displaying this policy in designated locations throughout the district and procedures shall be developed to implement this policy.

CROSS REFERENCE: JO, JOB, & KBA-R

LEGAL REFERENCE: 103.13, 120.13(28), & Chap. 19, Sub Ch. II, IV Wis. Stats.

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DATE REVISED:	January 17, 2002		RELATIONS
DATE REVISED:	July 15, 2004	POLICY TITLE:	GUIDELINES FOR
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Legal Custodian

- On behalf of the district, the following position is designated as legal custodian of records: district administrator or their designee. The building principals are designated as legal custodians of student records.
- The legal custodian shall have full legal power to render decisions and to carry out duties of the authorities identified by the BOE and the Wisconsin Statutes. The designation of a legal custodian does not affect the powers and duties of an authority under the public records law.

Records Requests

- The district will respond to oral requests for records of the district but prefers that all requests for any records of the district be submitted in writing to the official legal custodian. Except as noted below, no request may be refused because the person making the request is unwilling to be identified or to state the purpose of the request.
- Except as noted below, no request may be refused because the request is received by mail, unless prepayment of a fee is required.
- A requestor may be required to show acceptable identification whenever the requested record is kept at a private residence or whenever security reasons or federal law or regulations so require.

Upon receiving the request for any public record, the legal custodian of records or their designee shall, as soon as practicable, review the request and determine whether to approve or deny the request. The legal custodian of records or their designee shall consider provisions outlined in state and federal laws when making such determinations. The legal custodian of records or their designee is authorized and encouraged to consult with the district's legal counsel in making such determinations.

- If a public record cannot be made available within five working days, the legal custodian or designee will inform the requestor when the record can be made available.
- If the legal custodian is required by statute to serve written notice to the record subject to whom the records pertain, the legal custodian shall notify the requestor of such. The legal custodian shall not be obligated to assist the records requestor in any interventions allowed to the requestor as a matter of right. The legal custodian shall adhere to the timelines established by state statute regarding notice and right of judicial review.
- If public records of the district are requested which are necessary for the day-to-day operation of the district, then the legal custodian may arrange for the records to be inspected after normal working hours.

- Oral requests may be denied orally. If the individual seeking the public record desires a written statement of the reasons for the denial, a written request for such must be made by the requestor within five business days of the oral denial.
- If a written request is denied in whole or in part, the requestor shall receive a written statement of the reasons for the denial. Written denials must include a statement informing the requestor that the denial may be reviewed by a court of mandamus, or upon application to the attorney general or district attorney.

If a record contains information that may be made public and information that may not be made public, the legal custodian or their designee shall provide the information that may be made public and delete the information that may not be made public from the record before release.

Fees/ Locating Records:

- Except for specific exceptions identified in these procedures, any person has a right to inspect a record and to make or receive a copy of any record as provided in section 19.35(1) of the state statutes.
- Records shall be available for inspection and copying during all regular office hours.
- A requestor shall be permitted to use facilities comparable to those available to district employees to inspect, copy or abstract a record.
- The legal custodian may require supervision of the requestor during inspection or may impose other reasonable restrictions on the manner of access to an original record if the record is irreplaceable or easily damaged.
- There will be no charge for locating a record unless the actual cost exceeds \$50.00, in which case the actual cost shall be determined by the legal custodian and billed to the requestor.
- The legal custodian will refer any requests for computer records of the district to the individual in charge of the record production and/or the equipment involved to determine the cost of computer search, printing charges and employee costs.
- The district will determine the costs of locating a record by using the hourly rate including benefit costs of the employees involved in attempting to locate the record.

The legal custodian shall estimate the cost of all applicable fees and may require prepayment of the estimated cost, if such estimate exceeds \$5, prior to searching for requested documents.

Reproducing Records:

- Requestors will be charged a reproduction fee set by the district administrator.
- If the form of a written record does not permit copying, the full actual cost of photographing and/or other type of processing shall be charged to the requestor.
- The full actual costs to the district for reproduction of other media such as films, computer records or data, audio or video recording or other non-printed records shall be charged to the requestor.
- If mailing or shipping is necessary, the actual cost thereof shall also be charged.
- Full payment of fees must be made at delivery, unless the costs will exceed \$5.00. In this case reproductions will not be delivered without prepayment of all fees.

Limitations on Right to Access

- The following are not records and shall be exempt from disclosure:
 - Drafts, notes, preliminary computations and similar items.
 - Materials which are purely the personal property of the custodian and have no relation to their office.
 - Materials to which access is limited by copyright, patent or bequest.
 - Public materials which are available for sale or at a public library.
- If a record will promptly be published with copies available for sale or distribution, the request may be refused.
- If the request requires the district to create a new record by extracting information from existing records and compiling the information, the request may be refused.
- Some records are specifically exempted from disclosure by state or federal law and include but are not limited to:
 - Student record exemptions as provided 19.36 (1) and 118.125 of the state statutes.
 - Law enforcement records subject to certain conditions.
 - Computer programs, but not their input or output.
 - Applicants for positions of employment with an authority, if the applicant(s) so request, and if the applicant(s) are not a final candidate.
 - A record or any portion of a record containing information qualifying as a common law trade secret.
 - Information maintained, prepared or provided by an employer containing the home address, email address, telephone number, social security number of an employee, unless the employee has authorized the custodian to provide access to the information.
 - Information relating to the current investigation of a possible criminal offense or possible misconduct connected with employment by an employee prior to disposition of an investigation.
 - Information pertaining to an employee's employment examination except an examination score if access to that score is not otherwise prohibited.
 - Information relating to one or more specific employees that is used by the district for staff management planning, including performance evaluations, judgments, or recommendations concerning future salary adjustments or other wage treatments, management bonus plans, promotions, job assignments, letters of reference or other comments or ratings relating to employees.
 - Information maintained, prepared, or provided by an employee concerning the home address, email address, telephone number or social security number of an individual holding a local public office unless authorized by the individual.

Custody and Delivery of Official Property

- Except as provided for, each officer and employee of the district shall safely keep and preserve all records received from their predecessor or other persons and required by law to be filed, deposited or kept in their office or which are in lawful possession or control of which they may be lawfully entitled as such officers or employees.
- Upon the expiration of any officer's term of office or an employee's term of employment, or whenever the office or position of employment becomes vacant, each such officer or employee shall deliver to their successor all records then in their custody.

Retention/Destruction/Transfer of Records

Public records shall be retained, destroyed or transferred to the State Historical Society in accordance with the School District Records Retention Schedule.