

Access to Records

The Solano County Office of Education (SCOE) recognizes the right of citizens to have access to public records. SCOE intends to provide any person reasonable access to its public records during normal business hours and within the requirements of state and federal law. Such records shall be examined in the presence of the staff member regularly responsible for their maintenance.

SCOE may charge for copies of public records or other materials requested by individuals or groups. The charge shall be based on actual costs of duplication, as determined by the County Superintendent or designee and as specified in administrative regulation.

Public access shall not be given to records listed as exempt from public disclosure in the California Public Records Act or other statutes.

Records Open to the Public

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

Writing means any handwriting, typewriting, printing, photostating, photographing, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.

A *member of the public* includes any person, except a member, agent, officer, or employee of SCOE acting within the scope of his/her office or employment. County Board of Education members shall have the ability to access public records permitted by law in the administration of their duties. Notwithstanding, members of the Board are entitled to access to SCOE's public records on the same basis as any other person. (Government Code 6252.5)

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

1. The proposed and approved budgets
2. Statistical compilations
3. Reports and memoranda
4. Notices and bulletins
5. Minutes of public meetings
6. Meeting agendas (Government Code 54957.5)
7. Official communications between governmental branches
8. School-based program plans (Education Code 52850)
9. Information and data relevant to the evaluation and modification of school improvement plans.
10. Initial proposals of exclusive employee representatives and of SCOE (Government Code 3547)
11. Tort claims filed against SCOE and records pertaining to pending litigation which predate the filing of the litigation, unless protected by some other provision of law (Government Code 6254.25; Fairley v. Superior Court; 71 Ops.Cal.Atty.Gen. 235 (1988))

OFFICE OF THE SOLANO COUNTY SUPERINTENDENT OF SCHOOLS

Policy 1340 (Continued)

12. Statements of economic interests required by the Conflict of Interest Code (Government Code 81008)
13. Contracts of employment and settlement agreements (Government Code 53262)

Confidential Records

Records to which the general public shall not have access include but are not limited to: (Government Code 6254)

1. Preliminary drafts, notes, interdistrict or intradistrict memoranda which are not retained by SCOE 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 SCOE 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 (Government Code 6254; Fairley v. Superior Court; 71 Ops.Cal.Atty.Gen. 235 (1988))
3. Personnel records, medical records, student records, 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: (Government Code 6254.3)

- 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, a school district, or another 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 or administering claims for health services to SCOE 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 SCOE 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. Library circulation records kept for the purpose of identifying the borrower of items available in the library
 8. 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
 9. Documents prepared by or for SCOE to assess its vulnerability to terrorist attack or other criminal acts intended to disrupt operations and that are for distribution or consideration in closed session

10. Recall petitions or petitions for the reorganization of school districts (Government Code 6253.5)
11. Minutes of Board meetings held in closed session (Government Code 54957.2)
12. Computer software developed by SCOE (Government Code 6254.9)
13. 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 SCOE (65 Ops.Cal.Atty.Gen. 185 (1981))
14. 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 SCOE office hours. Any reasonably 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. (Government Code 6253)

Every person may request a copy of any SCOE 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 SCOE'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 include 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 SCOE 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. Written requests to waive the fee shall be submitted to the Superintendent or designee.

If any person requests a public record be provided in an electronic format, SCOE shall make that record available in any electronic format in which it holds the information. SCOE shall provide a copy of the electronic record in the format requested as long as the requested format is one that has been used by SCOE to create copies for its own use or for use by other agencies. (Government Code 6253.9)

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, s/he 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: (Government Code 6253.1)

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, this requirement 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.

Legal Reference:

EDUCATION CODE

- 35145 Public meetings
- 35170 Authority to secure copyrights
- 35250 Duty to keep certain records and reports
- 42103 Publication of proposed budget; hearing
- 44031 Personnel file contents and inspections
- 44839 Medical certificates; periodic medical examination (re access to medical certificate in personnel file)
- 49060-49079 Pupil records
- 49091.10 Parental review of curriculum and instruction
- 52850 Applicability of article (School-based Program Coordination Plan availability)

GOVERNMENT CODE

- 3547 Proposals relating to representation
- 6250-6270 California Public Records Act
- 6275-6276.48 Other exemptions from disclosure
- 53262 Employment contracts
- 54957.2 Minute book record of closed sessions
- 54957.5 Agendas and other writings distributed for discussion or consideration
- 81008 Public records; inspection and reproduction

Legal Reference: (Continued)

CODE OF REGULATIONS, TITLE 5

430-438 Individual pupil records

CALIFORNIA CONSTITUTION

Article 1, Section 3 Right of access to governmental information

COURT DECISIONS

Fairley v. Superior Court, 66 Cal.App. 4th 1414 (1998)

North County Parents Organization for Children with Special Needs v. Department of Education, 23 Cal.App. 4th 144 (1994)

ATTORNEY GENERAL OPINIONS

71 Ops.Cal.Atty.Gen. 235 (1988)

64 Ops.Cal.Atty.Gen 186 (1981)

Policy Cross-Reference:

0420.1 School-Based Program Coordination

2121 Superintendent's Contract

3100 Budget

3320 Claims and Actions Against SCOE

3516 Emergencies and Disaster Preparedness Plan

3553 Free and Reduced Price Meals

4112.6 Personnel Files

4112.62 Maintenance of Criminal Offender Records

4117.5 Termination Agreements

4119.23 Unauthorized Release of Confidential/Privileged Information

4141 Collective Bargaining Agreement

4143.1 Public Notice - Personnel Negotiations

5020 Parent Rights and Responsibilities

5125 Student Records

5125.1 Release of Directory Information

6162.5 Student Assessment

6162.51 Standardized Testing and Reporting Program

6162.52 High School Exit Examination

6163.1 Library Media Centers