

POLICY 1240  
ACCESS TO PUBLIC RECORDS

The School Board of the Kenosha Unified School District shall allow persons to have access to District records in accordance with this policy and accompanying rule and in accordance with state law.

The Superintendent of Schools is designated as the legal custodian of records for any school District authority. The legal custodian shall safely keep and preserve records of the District 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 state and federal laws.

Public records may be inspected, copied and/or excerpted during established District office hours. The legal custodian shall establish fees in accordance with state and federal law. A list of such fees shall be made available at the District office and updated as needed.

District records shall be retained for the periods of time specified in the Wisconsin Records Retention Schedule For School Districts provided by the Wisconsin Department of Public Instruction. A public records notice shall be displayed in designated locations in the District.

LEGAL REF.: Wisconsin Statutes

Chapter 19, Subchapter II	[Public records and property]
Chapter 19, Subchapter IV	[Personal information practices]
Sections 103.13	[Records open to employees]
103.15	[Restrictions on use of test for HIV or antibodies to HIV]
118.125	[Student records]
118.126	[Privileged communication]
120.13(28)	[Board power to designate custodian(s) of records]
146.81-146.83	[Access to and confidentiality of patient health care records]
252.15	[Restrictions on use of HIV test]
938.396	[Interagency sharing of juvenile records]
ADM 12 of the Wisconsin Administrative Code	[electronic records management]
Americans with Disabilities Act of 199	[Maintenance of employee medical examinations]
Family Educational Rights and Privacy Act	[Confidentiality of student records]
Health Insurance Portability and Accountability Act [HIPPA	– privacy of patient health/insurance records]

CROSS REF.:

1200,	Public Information Program
4232.1,	Employee HIV Infection
4260,	Personnel Records
5533,	Communicable Disease
5533.1,	Human Immunodeficiency Virus
6470,	Student Records
7360,	Facilities Project Records and Reports
8840,	School Board Minutes

ADMINISTRATIVE REGULATIONS: None

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REVISED: May 11, 1999  
February 25, 2003  
December 19, 2006  
February 28, 2013

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A. Definition

“Record” means any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by an authority. “Record” includes, but is not limited to, handwritten, typed or printed pages, maps, charts, photographs, films, recordings, tapes (including computer tapes), and computer printouts and optical disks. “Record” does not include drafts, notes, preliminary computations and like materials prepared for the originator’s personal use or prepared by the originator in the name of a person for whom the originator is working; materials which are purely the personal property of the custodian and have no relation to his or her office; materials to which access is limited by copyright, patent or bequest; and published materials in the possession of an authority other than a public library which are available for sale, or which are available for inspection at a public library.

B. Legal Custodian(s) of Records

The Superintendent of Schools/designee is the legal custodian of all School District records. Persons in the following positions are designated as deputies to act as legal custodians of particular records:

1. The School Board Secretary for all official Board records and minutes.
2. The Chief Financial Officer for all records relating to financial documents.
3. The Executive Director of Business Services for all records relating to business.
4. The Director of Human Resources for all records relating to personnel services
5. The Assistant Superintendent of Teaching and Learning for all records pertaining to curriculum and instruction.
6. The Director of Special Education and Student Support for all records relating to special education and student services.
7. The office of Student Support maintains records of former students.
8. The principal of each school under the direction of the Assistant Superintendent of School Leadership Director of Special Education and Student Support for all student records and other records located in individual school buildings or centers of operation.

Upon request the Superintendent will provide information concerning the location of any District records not in the custody of any of the above named deputies.

C. Records Requests

1. Any person has a right to inspect a District record and to make or receive a copy of any record as provided in state law. Records specifically exempted from disclosure by state or federal law or authorized to be exempted from disclosure by state law are exempted from disclosure under these procedures. These records include, but are not necessarily limited to, student records, certain types of records of District employees and individuals holding local public office in the District, computer programs and data, contractor’s records, identities of certain applicants for public positions, and records or any portion of a record qualifying as a common law trade secret.

If a record contains information that may be made public and information that may not be made public, the authority having custody of the record shall provide the information that may be made public and delete or redact the information that may not be made public from the record before release.

2. A request to inspect or copy a record shall be made to the legal custodian of the records. The request shall be deemed sufficient if it reasonably describes the requested record or the information requested. However, a request for a record without a reasonable limitation as to subject matter or length of time represented by the record does not constitute a sufficient request. No request may be refused because

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the person making the request is unwilling to be identified or to state the purpose of the request. However, if security reasons or federal law so dictate, identification may be required. Mail requests, if approved, may require a fee prepayment.

3. Each legal custodian, upon request for any record, shall, as soon as practicable and without delay, either fill the request or notify the requester of the denial of the request.
4. A request for a record may be denied as described in these procedures. A legal custodian may deny access to a record, in whole or in part, only if he/she determines that the harm to the public through disclosure of the record outweighs the public benefit of access to the record. The legal custodian is authorized and encouraged to consult with the District's legal counsel in making such determination.
  - a. Oral requests may be denied orally unless a demand for a written statement of the reasons denying the request is made by the requester within five business days of the oral denial.
  - b. If a written request is denied in whole or in part, the requester shall receive a written statement of the reasons for the denials. Written denials must include a statement informing the requester that the denial may be reviewed by a court by mandamus under state law, or upon application to the Attorney General or a District attorney.
  - c. Any custodian who denies access to a record shall report such denial to the Superintendent as soon as possible.
5. Records will be available for inspection and copying during all regular office hours.
6. A requester shall be permitted to use facilities comparable to those available to District employees to inspect, copy or abstract a record.
7. The legal custodian may require supervision of the requester 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.
8. A requester shall be charged a fee for the cost of copying and locating records as follows:
  - a. The fee for photocopying shall be set from time to time by the Superintendent.
  - b. If the form of a written record does not permit copying, the actual and necessary cost of photographing and photographic processing shall be charged.
  - c. The actual full cost of providing a copy of other records not on printed form on paper, such as films, computer printouts and audio or videotapes shall be charged.
  - d. If mailing or shipping is necessary, the actual cost thereof shall also be charged.
  - e. There shall be no charge for locating a record unless the actual cost therefore exceeds \$50.00 in which case the actual cost shall be determined by the legal custodian and billed to the requester.
  - f. The legal custodian shall estimate the cost of all applicable fees and may require a cash deposit adequate to assure payment, if such estimate exceeds \$5.00.
  - g. Elected officials and employees of the District shall not be required to pay for public records they may reasonably require for the proper performance of their official duties.
  - h. The legal custodian may provide copies of a record without charge or at a reduced charge where he/she determines that waiver or reduction of the fee is in the public interest.

D. Records Retention

1. District records shall be kept for the period of time specified in the records retention schedule adopted by the Board. Records not covered in the District's records retention schedule shall be kept for a period of not less than seven years, unless a shorter period is fixed by the state public records board or otherwise provided.
  - a. Student records shall be retained as outlined in District procedures relating to the maintenance and confidentiality of student records.

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- b. Any taped recording of a meeting of a governmental body (i.e., School Board) may be destroyed no sooner than 90 days after the minutes have been approved and published if the purpose of the recording was to make minutes of the meeting.
2. Records that no longer serve a useful, business, educational or historical purpose shall be destroyed subject to limitations of applicable laws and the record retention schedule adopted by the Board. Prior to destruction of any records, the Kenosha County Historical Society/District Archives shall be notified at least 60 days in advance to determine if historical interest justifies preservation of such records. The Kenosha County Historical Society/District Archives may, upon application, waive this notice.
3. No record may be destroyed at any time after the receipt of a request for inspection or copying of the record until after the request is granted or until at least 60 days after the date that the request is denied.
4. The District may provide for the keeping and preservation of public records through the use of microfilm or another reproductive device, optical imaging or electronic formatting. Any photographic reproduction that meets applicable state law standards shall be deemed an original record for all purposes.