

1 **Board Policies**

**Blair-Taylor School District**

2  
3 **Series: 800**  
4 **Section: 820**  
5 **Policy #: 821.1**

**SCHOOL-COMMUNITY RELATIONS**  
**PUBLIC INFORMATION PROGRAM**  
**PROCEDURES TO IMPLEMENT PUBLIC RECORDS POLICY**

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9 **I. Definitions**

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11 A. "Authority" means any of the following having custody of a record: An office, elected  
12 official, agency, board, committee, council, department or a formally constituted sub-unit of  
13 any of the foregoing. In the school district a list of "authorities" would include the school  
14 board, committees, the school board president, vice-president, clerk and treasurer, among  
15 others.
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17 B. "Legal custodian" means any person or position designated under III or otherwise  
18 designated by law to carry out responsibilities under this policy and the public records law.
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20 C. "Record" means any material on which written, drawn, printed, spoken, visual or preserved,  
21 regardless of physical form or characteristics, which has been created or is being kept by  
22 an authority. "Record" includes, but is not limited to, handwritten, typed or printed pages,  
23 maps, charts, photographs, films, recording, tapes (including computer tapes), and  
24 computer printouts. "Record" does not include drafts, notes, preliminary computations and  
25 like materials prepared for the originator's personal use or prepared by the originator in the  
26 name of a person for whom the originator is working; materials which are purely the  
27 personal property of the custodian and have no relation to his or her office; materials to  
28 which access is limited by copyright, patent or bequest; and published materials in the  
29 possession of an authority other than a public library which are available for sale, or which  
30 are available for inspection at a public library.

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33 **II. Custody and Delivery of Official Property**

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35 A. Except as provided under VIII, each officer and employee of the school district shall safely  
36 keep and preserve all records received from his or her predecessor or other persons and  
37 required by law to be filed, deposited or kept in his office or which are in the lawful  
38 possession or control of which he or she or they may be lawfully entitled as such officers or  
39 employees.
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41 B. Upon the expiration of an officer's term of office or an employee's term of employment, or  
42 whenever the office or position of employment becomes vacant, each such officer or  
43 employee shall deliver to his or her successor all records then in his or her custody and the  
44 successor shall receipt therefore to the officer of employee, who shall file said receipt with  
45 the school district clerk. If a vacancy occurs before a successor is selected or qualified,  
46 such records shall be delivered to and receipted for by the clerk, on behalf of the  
47 successor, to be delivered to such successor upon the latter's receipt.

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50 **III. Legal Custodians**

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52 A. On behalf of any school district authority identified in I (A), the following position is  
53 designated as legal custodian of records: Superintendent
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55 B. The following position is designated as the deputy to act as legal custodian of records  
56 maintained in a publicly owned or leased building in the absence of the legal custodian or  
57 as otherwise required to respond to requests for records: Bookkeeper

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- C. The legal custodians have the full legal power to render decisions and carry out the duties of the authorities identified in I(A). The designation of a legal custodian does not affect the powers and duties of an authority under the public records law.

**IV. Public Records Notices**

The legal custodian shall inform any authority identified in I (A) about the notice requirements in s. 19.33(4) and s. 19.34(1) (2) of the Statutes and shall assist any identified authority in meeting the authority's obligations under those statutes.

**V. Public Access to Records; Fees**

- A. Except as provided in VII, any person has a right to inspect a record and to make or receive a copy of any record as provided in s. 19.35(1) of the statutes.
- B. Records will be available for inspection and copying during all regular office hours.
- C. A requester shall be permitted to use facilities comparable to those available to school district employees to inspect, copy or abstract a record.
- D. The legal custodian may require supervision of the requester during the inspection or may impose reasonable restrictions on the manner of access to an original.
- E. A requester shall be charged a fee for the cost of copying and locating records as follows:
  1. The fee for photocopying shall be \$.25 per page.
  2. If the form of a written record does not permit copying, the actual and necessary cost for photocopying and photographic processing shall be charged.
  3. The actual full cost for providing a copy of other records not in printed form on paper, such as films, computer printouts and audio or video-tapes shall be charged.
  4. If mailing or shipping is necessary, the actual cost thereof shall also be charged.
  5. There shall be no charge for locating a record.
  6. 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.
  7. Elected officials and employees of the school district shall not be required to pay for public records they may reasonably require for the proper performance of their official duties.
  8. The legal custodian may provide copies of a record without charge or at a reduced charge where he or she determines that waiver or reduction of the fee is in the public interest.

**VI. Access Procedures**

- A. A request to inspect or copy a record shall be made to the legal custodian or deputy. 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 the subject matter or length of time represented by the record does not constitute a sufficient request. However, if the record is kept at a private residence or if security reasons for federal law so dictate, identification may be required. Mail requests may not be denied unless a fee prepayment is required under V(E) (6).
- B. 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 authority's denial.
- C. A request for a record may be denied as provided in VII. Oral requests may be denied orally unless a demand for a written statement of the reasons for denying the request is made by the requester within five (5) business days of the oral denial. Written denials must

115 include a statement informing the requester that the denial may be reviewed by a court by  
116 mandamus under s. 19.37(1) of the statutes, or upon application to the attorney general or  
117 a district attorney.  
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## 119 **VII. Limitations on the Right to Access**

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- 121 A. As provided by s. 19.36 of the statutes, the following records are exempt from disclosure  
122 under these procedures:  
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- 124 1. Records specifically exempted from disclosure by state or federal law or authorized to be  
125 exempted from disclosure by state law. Pupil records are exempted as provided by  
126 118.125 of the statutes;  
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  - 128 2. Any record relating to investigative information obtained for law enforcement purposes if  
129 federal law or regulations require exemption from disclosure is a condition to receipt of aids  
130 by the state;  
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  - 132 3. Computer programs, although the material used as input for a computer program or the  
133 material produced as a product of the computer program is subject to inspection; and  
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  - 135 4. A record or any portion of a record containing information qualifying as a common law  
136 trade secret.  
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- 138 B. If a record contains information that may be made public and information that may not be  
139 made public, the authority having custody of the record shall provide the information that  
140 may be made public and delete the information that may not be made public from the  
141 record before release.  
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- 143 C. A legal custodian may deny access to a record, in whole or in part, only if he or she  
144 determines that the harm to the public through disclosure of the record outweighs the public  
145 benefit of access to the record. The legal custodian is authorized and encouraged to  
146 consult with the school district's legal counsel in making such determinations. The legal  
147 custodian shall follow the procedures in VI(C) and in s. 19.35(4) of the statutes when the  
148 access to a record in whole or part, is denied.  
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## 150 **VIII. Destruction of Records**

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- 152 A. All school district records shall be kept for a period of not less than seven years unless a  
153 shorter period is fixed by the public records and forms board under s. 16.61(3) (e) of the  
154 statutes and except as provided in (B). This section does not apply to pupil records under  
155 s. 118.125.  
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- 157 B. Any taped recording of a meeting by a governmental body, in s. 19.82(1) and (2) of the  
158 statutes, may be destroyed no sooner than 90 days after the minutes have been approved  
159 and published if the purpose of the recording was to make minutes of the meeting.  
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- 161 C. Prior to destruction of any records, the historical society shall be notified at least sixty days  
162 in advance to determine if historical interest justifies preservation of such records. The  
163 historical society may, upon application, waive this notice.  
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## 165 **IX. Preservation of Records by Microfilm**

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167 The legal custodian may, subject to school board resolution, keep and preserve public records in  
168 his or her possession by means of microfilm or other photographic reproduction method. Such  
169 records shall meet the standards for photographic reproduction set forth in s. 16.61(7) of the  
170 statutes, and shall be considered original records for all purposes. Such records shall be preserved

171 along with other files of the school district and shall be open to public inspection and copying  
172 according to the provisions of state law and these procedures.  
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221 **LEGAL REFERENCE: S. 120.13 (28), Sub Ch II Ch 19 Wis. Stats.**

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223 **First Reading: 4/20/92**

**Amended: Adopted: 5/18/92**

**Reviewed: 10-25-10**

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227 **Clerk: \_\_\_\_\_**