

5 Public Access to District Records

6 Within the limits of an individual’s right of privacy, full access to information concerning the
7 administration and operations of the District shall be afforded to the public. Public access to
8 District records shall be afforded according to appropriate administrative procedures.

9 “District records” include any writing, printing, copying, photographing, etc., (including electronic
10 mail) that has been made or received by the District, in connection with the transaction of official
11 business and presented for informative value or as evidence of a transaction and all other records
12 required by law to be filed with the District. “District records” do not include the personal notes
13 and memoranda of staff which remains in the sole possession of the maker and which are not
14 generally accessible or revealed to other persons.

15 The Superintendent shall serve as “public records coordinator” with responsibility and authority
16 for ensuring compliance with the display, indexing, availability, inspection, and copying
17 requirements of state law and this policy. As coordinator, the Superintendent shall authorize the
18 inspection and copying of the District's records only in accordance with the criteria set forth in this
19 policy. A reasonable fee may be charged for any copies requested. Copies will be available within
20 a reasonable amount of time following the request.

21 **In accordance with Title 2, Chapter 6, MCA, the District shall make available for public**
22 **inspection and copying all District records, or portions, except those which contain the**
23 **following information:**

- 24 1. Personal information from any file maintained for students. Information from student
25 records shall be disclosed only in accordance with the requirements of the Family
26 Educational Rights and Privacy Act of 1974 and adopted District policy;
- 27 2. Personal information in files maintained for staff to the extent that disclosure will violate
28 their right to privacy;
- 29 3. Test questions, scoring keys, or other examination data used to administer academic tests;
- 30 4. The contents of real estate appraisals, made for or by the District relative to the acquisition
31 of property, until the project is abandoned or until such time as all of the property has been
32 acquired, but in no event shall disclosure be denied for more than three (3) years after the
33 appraisal;
- 34 5. Preliminary drafts, notes, recommendations and intra-District memoranda in which
35 opinions are expressed or policies formulated or recommended, except that a specific
36 record shall not be exempt when publicly cited by the District in connection with any
37 District action;

- 1 6. Records that are relevant to a controversy to which the District is a party but which records
2 would not be available to another party under the rules of pre-trial discovery for cases
3 pending resolution;
- 4 7. Records or portions of records, the disclosure of which would violate personal rights of
5 privacy;
- 6 8. Records or portions of records, the disclosure of which would violate governmental
7 interests.
- 8 9. Records or information relating to individual or public safety or the security of public
9 schools if release of the information jeopardizes the safety of facility personnel, the public,
10 students in a public school.

11 If the District denies any request, in whole or in part, for inspection and copying of records, the
12 District shall provide the requesting party with reasons for the denial.

13 If the record requested for inspection and/or copying contains both information exempted from
14 disclosure and non-exempt information, the District shall, to the extent practicable, produce the
15 record with the exempt portion deleted and shall provide a written explanation for the deletion.

16 The District shall not provide access to lists of individuals which the requesting party intends to
17 use for commercial purposes or which the District reasonably believes shall be used for
18 commercial purposes if such access is provided. However, the District may provide mailing lists
19 of graduating students to representative of the U.S. armed forces and the National Guard for the
20 purpose of recruitment.

21 The coordinator is authorized to seek an injunction to prevent the disclosure of records otherwise
22 suitable for disclosure when it is determined that there is reasonable cause to believe that the
23 disclosure would not be in the public interest and would substantially or irreparably damage any
24 person or would substantially or irreparably damage vital governmental functions.

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26 Cross Reference:

27 Policy 1401	Records Available to the Public
28 Policy 1401 R	Records Available to the Public

29 Legal Reference:

30 Title 2, Chapter 6	School districts
31 § 2-6-1001, MCA, etseq.	Public Records

32 Policy History:

33 Adopted on:	July 1, 2000
34 Revised on:	November 12, 2001
35 Reviewed on:	November 1, 2016
36 Revised on:	July 15, 2019