

POLICY TITLE: PUBLIC RECORD DISCLOSURE REQUESTS

Definitions

1. Educational Record. Records that contain information directly related to a student and which are maintained by an educational agency or institution or by a party acting for the agency or institution.
2. Personnel File (also known as: Personnel Record). Per Idaho Code 33-518, an employee's "personnel file shall contain any and all material relevant to the evaluation of the employee... Personnel files are declared to be confidential and excepted from public access under any provision of the Idaho Code, including, but not limited to, sections 74-102 and 59-1009, Idaho Code..."
3. Public Record. Includes but is not limited to, any writing containing information relating to the conduct or administration of the public's business prepared, owned, used or retained by any state agency, independent public body corporate and politic, or local agency regardless of physical form or characteristics.
4. Writing. Includes, but is not limited to, handwriting, typewriting, printing, photostating, photographing, and every means of recording, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, or other documents.

FERPA

1. Prohibits the improper disclosure of personally identifiable information derived from educational records or personnel records.
2. In addition to FERPA's general prohibition mentioned above, Idaho Code 74-104 thru 111 exempts several records from disclosure, including the following:
 - 74-104. Court files of judicial proceedings.
 - 74-105. Law enforcement records, investigatory records of agencies, evacuation and emergency response plans, and worker's compensation.
 - 74-106. Personnel records, personal information, health records, professional discipline.
 - 74-107. Trade secrets, production records, appraisals, bids, proprietary information.
 - 74-108. Archaeological, endangered species, libraries, licensing exams.
 - 74-109. Draft legislation and supporting materials, tax commission, unclaimed property, petroleum clean water trust fund.

74-110. Records of court proceedings regarding judicial authorization of abortion procedures for minors.

74-111. Records related to the uniform securities act.

Video Recordings

The COSSA Regional Technology and Education Center (CRTEC) has several video cameras which record their images on Digital Video Records, in classrooms and public areas, for the purposes of maintaining safety and security. If a video recording is neither an educational nor personnel record, and is not exempt by FERPA or I.C. 74-104 thru 111, then it is eligible for a public records request. Parents, guardians, and interested patrons may request a copy of the public record using the procedures outlined in this policy.

Many COSSA employees work in consortium school districts, all of which have their own video camera and recording systems, for the purposes of maintaining safety and security within those schools. If the video recording in question is made in one of the consortium schools, the requestor must make a public records request of the school district where the video recording is kept.

Public Records Requests

The following procedure will be followed for all public records requests.

1. Form 116-1 will be used for all public records requests, including a request to “view” a public record video.
2. Educational and personnel records are exempt from public records requests, and requests for these records will be returned, unfilled, with a note explaining the exempt status of these records.
3. The requesting individual must make a “narrow” request, specifying the public record they are interested in receiving, or viewing, for a specific period of time. For the purposes of viewing video recordings, a specific “event” should be described so that COSSA Administration can narrow the time of the viewing. If the requested video recording contains the image of students and/or staff not directly related to the public records request, the request cannot be filled, and requests for these records will be returned, unfilled, with a note explaining that the video record cannot adequately isolate the event in question to ensure the privacy of other students and/or staff. Upon request, a school administrator may describe what he/she sees on the video record, specific to the event in question, to the requestor, without releasing the identity of students and/or staff not related to the requestor.

4. In filling the public records request, the time and expense of filling the request will be assessed as follows:

a. The time of the COSSA staff member(s) tasked with filling the request is free for the first two hours it takes to fill the request. For any time over two hours, the staff member's time will be compensated to COSSA at that staff members' hourly rate. A partial hour will be compensated in 15 minute intervals ($\frac{1}{4}$ hour of time = $\frac{1}{4}$ hour of pay), rounded down to the nearest 15 minute interval.

b. The cost of paper copy is free up to and including the first 100 pages of paper. For any amount of paper and copy expense over 100 pages, COSSA will be compensated for that expense at a rate of two (2) cents per page. Front and back copying counts as two pages.

c. The cost of electronic files, including video files, is free except for the cost of the USB device used to record and transfer the files, unless the requesting individual provides their own USB device. The actual cost of the USB device will be charged to the requesting individual.

d. If, when reviewing the public records request, COSSA Administration determines that it can reasonably be expected to take over two hours of employee time, or over 100 pages of paper copy, or a USB device must be used, then COSSA Administration will ask for pre-payment of these anticipated expenses. The amount of pre-payment should be adequate to cover all expenses, with the expectation that a refund will be given to the requestor if the full amount is not realized, or that work in filling the public records request will cease if the pre-payment is inadequate, until a new pre-payment amount is received. Failure to pre-pay for the expense of filling a public records request within reasonable time (one week from submission) will invalidate the request.

LEGAL REFERENCES:

I.C. § 33-518	Personnel Files
I.C. § 74-101(13)	Public Record
I.C. § 74-101(16)	Writing
I.C. § 74-104 thru 111	Exemptions

POLICY HISTORY:

Adopted: 2/17/2017

REQUEST FOR RELEASE OF PUBLIC RECORDS
Canyon-Owyhee School Service Agency (COSSA)
Form 116-1

Date request was received by COSSA: _____

Date request was filled/returned by COSSA: _____

Status of request upon return to requestor:

_____ The request was filled on this date: _____

_____ The request was for a viewing of video files, which was filled on this date: _____

_____ The request was NOT filled; for the following reason:

_____ The request was for educational or personnel records, or records exempt by FERPA and/or Idaho Code 74-104 thru 111, and the request was not filled.

_____ The video record requested to be viewed cannot adequately isolate the event in question to ensure the privacy of other students and/or staff, and the request was not filled.

_____ The public records request was expected to exceed two (2) hours of employee time, or 100 pages of copy paper, or included a USB device, and the pre-payment of these expenses was not received in reasonable time (one week), and the request was not filled.

1. Date of public records request: _____

2. Name of requestor: _____

3. This request is for:

_____ Paper or electronic copies of public records.

_____ Electronic copies of video public records.

_____ Viewing of public record video.

4. Attributes of the event and/or record in question used to narrow the search for the document, record, video, or other record:

a. Date (as close as possible) of the event, record, and/or video: _____

b. Description of event, record, and/or video: _____

c. Students and/or staff who are the subject of the event, record, and/or video: _____

5. To be completed by COSSA Administration. Estimate the costs associated with filling this request. Costs associated with this request, in excess of those allowed in Board Policy 116, will be shared with the requestor before the costs are incurred.

a. _____ Estimated cost of hours of employee time (first two hours are free).

b. _____ Estimated cost of pages of paper copy (first 100 pages are free).

c. _____ Estimated cost of USB device used to record and transfer electronic files.