

CHAPTER 3.00 - SCHOOL ADMINISTRATION

PUBLIC INFORMATION AND INSPECTION OF RECORDS

3.50

POLICY:

1. The term "public records," as defined in Florida Statutes 119.011(1), includes "all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business" by the Board and District School System.
2. Public records shall be maintained in accordance with Florida Statutes 119.07.
3. Persons may request public records either verbally or in writing. Requesters are encouraged to submit requests in writing to expedite accurate processing of their requests. Requests should be sufficiently detailed to identify the documents sought to be examined or copied.
4. Public records requests are applicable to non-exempt, non-confidential portions of existing records. The District shall not be obligated to create a new record or compile lists or information from various existing records to accommodate a public records request.
5. Unless exempt from public disclosure by law, District records, once located, retrieved, and redacted (if necessary), shall be made available for inspection or copying at the facility where such records are maintained. However, when a deposit of estimated fees and charges is required, the District will not proceed with the request until the estimated funds are deposited.
6. Public records are to be made available for inspection and copying within a reasonable amount of time. Reasonable amount of time is defined as three (3) business days following the request except for unusual circumstances such as voluminous records or requests requiring extensive staff time.
7. Schedule of Fees.-- The District shall furnish a copy or certified copy of any non-confidential, non-exempt record upon payment of the fee prescribed in Florida Statutes 119.07(4).
8. The following Schedule of Fees, established consistent with Florida Statute 119.07(4), shall be distributed, through this Policy, to each facility, and shall be updated as needed, so that fees can be communicated by all personnel to persons requesting public records. Wherever the term "actual cost" appears in this Schedule, it shall mean "the cost of the material and supplies used to

CHAPTER 3.00 - SCHOOL ADMINISTRATION

PUBLIC INFORMATION AND INSPECTION OF RECORDS	3.50
---	-------------

duplicate the record, but it does not include the labor cost or overhead cost associated with such duplication," as defined in Florida Statute 119.011(1).

<u>TYPE OF RECORD DUPLICATED</u>	<u>FEES</u>
a. Legal/Letter page, one side	\$0.15
b. Legal/Letter page, double-sided	\$0.20
c. Audio/Video tape	Actual cost

<u>ADDITIONAL SERVICES</u>	<u>FEES</u>
d. Certified copy charge	\$1.00
e. Special service charge (for extensive use of technology resources and/or clerical/supervisory assistance)	Actual cost (varies, but approx. average may be \$25.00 per hour)

9. Special Service Charge-- If the nature or volume of public records requested to be inspected, or copied is such as to require extensive use of information technology resources, or extensive clerical or supervisory assistance by personnel of the District, or both, the District may charge a reasonable special service charge, which shall be in addition to the duplication charge, pursuant to Florida Statute 119.07(4)(d).

a. The term "extensive use" means any time longer than 15 minutes needed to complete all tasks defined in subparagraphs (i) and (ii) below:

i. The term "extensive use of *clerical or supervisory assistance*" includes longer than 15 minutes of locating and retrieving of records; reviewing records for statutorily exempt information; preparing records for inspection or copying by redacting or excising

CHAPTER 3.00 - SCHOOL ADMINISTRATION

PUBLIC INFORMATION AND INSPECTION OF RECORDS

3.50

exempt or confidential information from records prior to review or copying; monitoring of the inspection or copying of records when necessary to ensure the integrity of the records; and instructing, or supervising personnel in performing the foregoing tasks when responding to a particular public records request.

- ii. The term "extensive use of *information technology resources*" includes longer than 15 minutes of writing or executing software commands or setting up information technology resources. Under Florida Statute 119.011(9), the term shall include data processing hardware, software, or services; and/or communications, supplies, personnel, facility resources, maintenance, and technology training required to fulfill a given public records request. The term does not include videotapes or VCRs.

10. Deposit of Estimated Fees.-- Prior to the duplication of any public record, the District shall notify the requester of the estimated cost. Prior to the assessment of any special service charge, the District shall notify the requester if the information does not appear to be readily identifiable, possibly does not exist, or will require additional time to review and copy. Upon agreement by the requester and payment of estimated charges, if any, the District will proceed to complete the request.

- a. Of the monies deposited with the District for fulfillment of a public records request, those in excess of the actual costs incurred to fulfill the request will be refunded to the requester; or, in the alternative, the requester shall be required to remit additional monies to pay for any costs in excess of the monies deposited with the District.
- b. In the event the requester fails to remit additional monies to cover costs in excess of the monies deposited, the District may withhold releasing any public records produced pursuant to the request until those amounts are paid in full.

11. Redaction of Exempt and Confidential Information.-- District personnel responding to a public records request should follow these steps: a) determine if the requested document is a public record as defined by Florida Statute 119.011; b) review the document to see if any exemptions or confidentiality requirements apply under state or federal law; and c) disclose the non-exempt/non-confidential material.

CHAPTER 3.00 - SCHOOL ADMINISTRATION

PUBLIC INFORMATION AND INSPECTION OF RECORDS

3.50

- a. If a requested record or part of a record is confidential or exempt from inspection and copying under state or federal law, the records custodian will redact the exempt or confidential information and must state the basis and statutory citation for the exemption.
- b. Unlike other records, pupil records are not permitted to be released in redacted form, due to privacy requirements for pupil records and reports under Florida Statute 1002.22(3)(d); but it may be permissible to provide a summary of certain documents pursuant to DOE General Counsel's Opinion 02-01.
- c. A limited exception to the "no redaction" rule of paragraph (b) may apply when a pupil record or report contains information on more than one student. Under this exception, the other students' names must be redacted so that a parent/guardian can receive or review only the part pertaining to his/her child, in accordance with Florida Statute 1002.22(3)(a)2.

12. Summary of Common Exemptions and Confidentiality Requirements. A brief summary of some common types of records that may be maintained by the District and which are "exempt" or "confidential and exempt" from public disclosure includes, but is not limited to, the following records and others as provided by state or federal law (for a more comprehensive listing, refer to Part II of the annual Attorney General's *Government-in-the-Sunshine-Law Manual*, available online at <http://myfloridalegal.com/sunshine>) (note: the following list is **not** intended to be comprehensive):

- a. Educational records: personally identifiable pupil records or reports and any personal information contained therein, pursuant to Florida Statute 1002.22(2)(c), unless an exception applies under Florida Statute 1002.22(2)(c)1-8;
- b. Generally, any letters discussing pupils, received by Board members, the Superintendent, or other District personnel, which constitute pupil records under Florida Statute 1002.22(2)(c), as determined in DOE General Counsel's Opinion 02-01;
- c. Records created as a result of exceptional student hearings, in accordance with Florida Statutes 1003.57(1)(e);

CHAPTER 3.00 - SCHOOL ADMINISTRATION

PUBLIC INFORMATION AND INSPECTION OF RECORDS

3.50

- d. Juvenile Justice records received by the dropout prevention program pursuant to Florida Statutes 1003.53(2)(b)(6);
- e. Various law enforcement records specified in Florida Statute 119.07(2)(a)-(f) and (2)(h)-(i);
- f. Social security numbers of all current and former employees, or otherwise held by an agency under Florida Statute 119.071(4)(a) and 119.071(5)(a);
- g. Various portions of personnel records as specified in Florida Statute 119.071(4) and 1012.31(3)(a) and interpreted in DOE General Counsel's Opinion 02-01, Advisory Opinions of the Florida Attorney General, and Florida court decisions;
- h. Bank account numbers or debit, charge, or credit card numbers given to the District for the purpose of payment of any fee or debt, pursuant to Florida Statute 119.071 (5)(b);
- i. Personnel complaints or complaints of discrimination, during the investigation, if an investigation is begun, in accordance with Florida Statute 119.071(2)(g), 119.0713(1), 1012.31(3)(a)1, or 1012.796(4);
- j. Lists of retiree names and addresses, pursuant to Florida Statute 121.031(5);
- k. School Police officers: The home addresses, telephone numbers, and places of employment of the spouses and children of School Police officers and the names and locations of the schools and day care facilities attended by their children, pursuant to Florida Statute 119.071(4)(d)1.a;
- l. Certain employees: The home addresses, telephone numbers, and places of employment of the spouses and children (and the names and locations of the schools and day care facilities attended by their children) of certain employees, such as any who are former prosecutors; or current and former human resources, labor relations, or employee relations directors, assistant directors, managers, or assistant managers, whose duties include(d) hiring and firing employees, labor contract negotiation, administration, or other personnel-related duties, as specified in Florida Statute 119.071(4)(d);

CHAPTER 3.00 - SCHOOL ADMINISTRATION

PUBLIC INFORMATION AND INSPECTION OF RECORDS

3.50

- m. Answer sheets and examination questions of exams administered by the District for employment purposes, in accordance with Florida Statute 119.071 (1)(a);
- n. Information relating to the medical condition or status of any person covered by District insurance benefits, under Florida Statute 760.50(5);
- o. The identity of a whistle-blower (and, if there is an investigation, other information received during the investigation) under Florida Statute 112.3188;
- p. Ridesharing information provided to the District for the purpose of forming a ridesharing arrangement, pursuant to Florida Statute 119.071(5)(e);
- q. Appraisals, offers, and counter offers relating to the purchase of real property pursuant to Florida Statute 1013.14(1)(a);
- r. Sealed responses to request for bids or proposals, until such time as they are publicly opened pursuant to Florida Statute 119.071(1)(b);
- s. The District Auditor's work papers, notes, and preliminary or draft reports, until the audit is completed by providing the final report to the School Board, as set forth in Florida Statute 119.0713(2);
- t. Legal work product prepared by an attorney exclusively for civil or criminal litigation or adversarial administrative proceedings pursuant to Florida Statute 119.071(1)(d);
- u. Data processing software obtained under a licensing agreement which prevents its disclosure, and data processing software designated by the Board as "sensitive" pursuant to Florida Statute 119.071(1)(e);
- v. The identity of donors and prospective donors to direct-support organizations, in accordance with Florida Statute 1001.453(4);
- w. Work product developed in preparation for collective bargaining pursuant to Florida Statute 447.605;
- x. Security system plans, building plans, blueprints and schematic designs, as set forth in Florida Statute 119.071(3); and

CHAPTER 3.00 - SCHOOL ADMINISTRATION

PUBLIC INFORMATION AND INSPECTION OF RECORDS

3.50

- y. Various other exemptions and confidentiality requirements set forth in Florida Statute 119.07 and other state and federal statutory provisions, as explained in Part II of the annual Attorney General's *Government-in-the-Sunshine-Law Manual*.

STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

LAWS IMPLEMENTED: 112.3188; 119.01; 119.07; 119.071; 119.0713; 119.08; 119.083; 119.011; 121.031(5); 1001.453(4); 1002.22; 1012.31; 1012.796; 1013.14; 1003.53 447.605; 760.50(5), Florida Statutes

HISTORY:

Adopted: 03/15/99
Revision Date(s): 04/20/09
Formerly: New