

Public Access to District Records

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

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

The Superintendent shall serve as "public records coordinator" with responsibility and authority for ensuring compliance with the display, indexing, availability, inspection, and copying requirements of state law and this policy. As coordinator, the Superintendent shall authorize the inspection and copying of the District's records only in accordance with the criteria set forth in this policy.

In accordance with Title 2, Chapter 4, MCA, the District shall make available for public inspection and copying all District records, or portions, except those which contain the following information:

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

6. Records that are relevant to a controversy to which the District is a party but which records would not be available to another party under the rules of pre-trial discovery for cases pending resolution;
7. Records or portions of records, the disclosure of which would violate personal rights of privacy; and
8. Records or portions of records, the disclosure of which would violate governmental interests.

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

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

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

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

Legal Reference: Title 2, Chapter 6 School districts
§ 2-6-109, MCA Prohibition in distribution or sale of mailing lists
- penalty

Policy History:
Adopted on: 9/20/01
Revised on: