

Policy BDDL: RELEASE OF INFORMATION

Status: DRAFT

Original Adopted Date: 12/16/1999 | Last Revised Date: 10/14/2004

EXPLANATION

MSBA has clarified that the focus of this policy is district records.

MSBA has moved the details of complying with a records request to an administrative procedure. The district's staff responds to records requests, and most of this language is simply a recitation of the law. This policy has been revised to clarify that the district's custodian of records will answer these requests as required by law.

MSBA has added an optional section addressing school board member access to district records. MSBA commonly receives questions about board member access to district records, so we have taken the opportunity to clarify the issue.

The district believes that local control of public education is best served when the district patrons of the district and other members of the public have access to the meetings, records and votes of the board of education. In limited situations, important considerations of public policy require meetings of the board, including any record or vote, to be closed to the public. Meetings, records and votes may be closed to the public to the extent allowed by law. district records. The district will make its public records available for inspection and copying upon a request made to the custodian of records unless those records are authorized to be closed in accordance with law.

The following provisions shall govern the release of information concerning the meetings, records and votes of the board:

Custodian of Records

1. The custodian of records is responsible for responding to requests for district records. Requests for records will be directed to the custodian, whose identity will be made available on request and will be advertised as appropriate. The board appoints the following person as custodian of records:

Board Secretary
Central Office
(816) 858-5420

In addition, the district will train at least one additional employee to serve as custodian of records in the absence of the official custodian.

The custodian of records is responsible for overseeing the retention and storage of the district's records and responding to requests for district records as required by law. District staff will direct requests for records to the custodian of records, whose identity will be made available on request and will be advertised as the superintendent or designee determines is appropriate.

2. The custodian of records shall:

- Respond to each request for inspection or copying as soon as possible but no later than the end of the third business day following the date the request is received by the custodian. The three-day requirement may be exceeded for reasonable cause.
- Give a detailed explanation of the cause for delay and the place and earliest time and date the record will be available if access is not granted immediately.
- If access is denied, upon request provide a written statement of specific statutory grounds for such denial no later than the third business day following the date that the request for the record is received. 3. Except as otherwise provided by law, the custodian of records shall provide access to, and upon request furnish copies of, public records subject to the following:
 - If records are requested in a certain format, the custodian of records will provide the records in the requested format if such format is available.

- The district may charge fees for copying, duplicating time and research time. Copying fees shall not exceed ten cents per page for a paper copy not larger than nine by 14 inches. The hourly fee for duplicating time will not exceed the average hourly rate of pay for clerical staff of the district. Research time required for fulfilling records requests may be charged at the actual cost of the research time. The district will produce the copies using the employees that result in the lowest amount of charges for search, research and duplication time.

- Fees for providing access to computer records, recorded tapes, disks, videotapes, films, pictures, maps, slide graphics, illustrations or similar audio or visual items shall include only the cost of copies, staff time and the cost of the disk, tape or other medium used for the duplication. Charges for staff time will not exceed the average hourly rate of pay for staff of the district required for making copies and programming, if necessary. Fees may include the actual costs of programming if programming is required beyond the customary and usual level to comply with a request for records or information.

- Payment of copy fees may be requested prior to copying. The person requesting the records may request an estimate of the cost prior to copying.

- Copies may be furnished free or at a reduced rate if the board determines that it is in the public interest because it is likely to contribute to public understanding of the operations or activities of the district and is not primarily based on commercial interests.

- The custodian of records shall inform the district staff of the mandated retention schedules from the Secretary of State's office and will work closely with district technology staff on the retention of computer records.

- Once the district has been served with a summons, petition, complaint, counterclaim or cross-claim in a civil action to enforce the Sunshine Law, the custodian of records shall not transfer custody, alter, destroy or otherwise dispose of the public record sought to be inspected and examined until the court directs otherwise, regardless of the applicability of an exemption or the assertion that the requested record is not a public record.

External Electronic Messages

4. If a board member or a member of a district committee subject to the Missouri Sunshine Law transmits any message to enough members that, when counting the sender, a majority of the board or committee members receive the message, the message shall also be concurrently transmitted to the custodian of records or the member's district office computer, if applicable, in the same format. The message shall be considered an open record unless it is a closed record in accordance with law.

Board Member Access

An individual school board member does not have greater access to district records than any other member of the public unless the board has authorized or the district has provided access to the board member in relation to their board service. The board may vote to direct the administration to release records to the board as a whole or to an individual board member.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

§§ 610.023, .025, .028-.029

MO COURT

MO COURT

Description

State Statute -

<https://simbli.eboardsolutions.com/SU/slshVClYWU73Tdpv4JZYxrPDw==>

Starr v. Jackson Cty Prosecuting Atty., 635 S.W. 3d 185 (Mo. App. W.D. 2021) -

<https://simbli.eboardsolutions.com/SU/UbQL1xGtQpuhwEoCYu2lOw==>

Gross v. Parson S.W.2d (Mo. banc 2021) -

<https://simbli.eboardsolutions.com/SU/UbQL1xGtQpuhwEoCYu2lOw==>

Federal References

Description

34 C.F.R. 99.11

Family Educational Rights and Privacy -
<https://simbli.eboardsolutions.com/SU/b4bcAesbO1cVV9hUkuekqQ==>

Cross References

CH

POLICY IMPLEMENTATION AND DISSEMINATION -
<https://simbli.eboardsolutions.com/SU/xNpNZYpJQ9NnAH9KnRrTzQ==>

EHBC

DATA GOVERNANCE AND SECURITY -
<https://simbli.eboardsolutions.com/SU/b9GTUFQuoSpQRMA3Fplus7Bxw==>

EHBC-AP(1)

DATA GOVERNANCE AND SECURITY - Incident and Data Breach Response Plan -
<https://simbli.eboardsolutions.com/SU/dGmcd1pp1usiPY7aSwGr8V6w==>

EHBC-AP(2)

DATA GOVERNANCE AND SECURITY - (Data Management) -
<https://simbli.eboardsolutions.com/SU/EZ2yPTjxrZuhovnzOy4ZXQ==>

EHBC-AP(3)

DATA GOVERNANCE AND SECURITY - (Account Management) -
<https://simbli.eboardsolutions.com/SU/j2PXJKa19CL9zhszSGu3zQ==>

GBLB

REFERENCES -
<https://simbli.eboardsolutions.com/SU/p1bxpluzP63RicpnhCDgE5aQ==>

KB

PUBLIC INFORMATION PROGRAM -
<https://simbli.eboardsolutions.com/SU/nUYILUv8ulaP4xMfKDfx2g==>

KB-AP(1)

PUBLIC INFORMATION PROGRAM -
<https://simbli.eboardsolutions.com/SU/3uzLplusgRQplusUBpJpvYJMHfbQ==>

KKB

AUDIO AND VISUAL RECORDING -
<https://simbli.eboardsolutions.com/SU/6DEf3YGr1LvXoJInbr3NvQ==>

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