

MITCH Charter School
Public Records**

“Public record” means any information that:

1. Is prepared, owned, used or retained by the public charter school;
2. Is related to an activity, transaction or function of the public charter school; and
3. Is necessary to satisfy the fiscal, legal, administrative or historical policies, requirements or needs of the public charter school.

Public record does not include messages on voicemail or on other telephone message storage and retrieval systems or spoken communication that is not recorded.

Board meetings and records will be matters of public information subject to such restrictions as are set by federal law or regulation, by state statute or by pertinent court rulings.

The Board’s official minutes, its written policies and its financial records will be available at the public charter school administrator’s office for inspection by any citizen desiring to examine them during hours when the administrator’s office is open. All such information will be made available to individuals with disabilities in any appropriate format upon request and with appropriate advance notice. Auxiliary aids and services available to ensure equally effective communications to qualified persons with disabilities may include large print, Braille, audio recordings, readers, assistance in locating materials or other equally effective accommodations.

The Board supports the right of the people to know about programs and services of their school and will make every effort to disseminate information. The administrator is authorized to use all means available to keep parents and others of his or her particular charter school’s community informed about the public charter school’s program and activities.

No records will be released for inspection by the public or any unauthorized persons – either by the administrator any other person designated as custodian for public charter school records – if such disclosure would be contrary to the public interest, as described in state law.

If a copy of a record is requested, the charter school will provide a single certified copy. If a request to inspect a record is made and the public record is maintained in a machine readable or electronic form, the custodian shall provide the record in the form requested, if available. If not available in the form requested, it will be provided in the form the public record is maintained. If a person who is a party to a civil judicial proceeding to which the public charter school is a party or who has filed notice under ORS 30.275 (5)(a), asks to inspect or to receive a copy of a public record that the person knows relates to the proceeding or notice, the individual must submit the request in writing to the designated custodian of the public charter school records and at the same time to the public charter school’s attorney.

Public charter school employee and volunteer addresses, electronic mail addresses (other than public charter school electronic mail addresses assigned by the public charter school to

employees), social security numbers, dates of birth and telephone numbers contained in personnel records maintained by the public charter school are exempt from public disclosure pursuant to ORS 192.445 and ORS 192.502 (3). Such information may be released only upon the written request of the employee or volunteer or as otherwise provided by law. This exemption does not apply to a substitute teacher, as defined in ORS 342.815, when requested by a professional education association of which the substitute teacher may be a member. Public charter school electronic mail addresses assigned by the public charter school to employees are not exempt. Additionally, the public charter school will not disclose the identification badge or card of an employee without the employee's written consent if the badge or card contains the employee's photograph and the badge or card was prepared solely for internal use by the public charter school to identify public charter school employees. A duplicate of the photograph used on the badge or card shall not be disclosed.

Upon receipt of a request, the public charter school will respond as soon as practicable and without unreasonable delay.

The response must acknowledge the receipt of the request and one of the following:

1. A statement that the public charter school does not possess, or is not the custodian of, the public record;
2. Copies of all requested public records for which the public charter school does not claim an exemption from disclosure under ORS 192.410 to 192.505;
3. A statement that the public charter school is the custodian of at least some of the requested public records, an estimate of the time the public charter school requires before the public records may be inspected or copies of the records will be provided and an estimate of the fees that the requester must pay as a condition of receiving the public records;
4. A statement that the public charter school is the custodian of at least some of the requested public records and that an estimate of the time and fees for disclosure of the public records will be provided by the public charter school within a reasonable time;
5. A statement that the public charter school is uncertain whether the public charter school possesses the public record and that the public charter school will search for the record and make an appropriate response as soon as practicable;
6. A statement that state or federal law prohibits the public charter school from acknowledging whether the record exists or that acknowledging whether the record exists would result in the loss of federal benefits or other sanction. A statement under this paragraph must include a citation to the state or federal law relied upon by the public charter school.

The public charter school may request additional information or clarification from the requester for the purpose of expediting the public charter school's response to the request.

The Board reserves the right to establish a fee schedule which will reasonably reimburse the public charter school for the actual cost of making copies of public records for the public. There will be no additional charge for auxiliary aids and services provided for qualified persons with

disabilities. Requests for copies of documents shall be in writing and will be presented to the administrator's office.

The public charter school shall retain and maintain its public records in accordance with OAR 166, Division 400.

END OF POLICY

Legal Reference(s):

[ORS Chapter 192](#)
[ORS 338.115\(c\)](#)
[OAR 137-004-0800](#)
[OAR 166-400](#)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2006); 28 C.F.R. Part 35 (2006). OR. DEP'T OF JUSTICE, OR. ATTY GENERAL'S PUBLIC RECORD AND MEETINGS MANUAL. Americans with Disabilities Act Amendments Act of 2008.

¹ "Covered survey items," under NCLBA, includes one or more of the following items: political affiliations or beliefs of the student or the student's family; mental and psychological problems of the student or the student's family; sex behavior or attitudes; illegal, antisocial, self-incriminating or demeaning behavior; critical appraisals of other individuals with whom respondents have close family relationships; legally recognized privileged or analogous relationships, such as those of lawyers, physicians and ministers; religious practices, affiliations or beliefs of the student or the student's parent; and income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such a program.

² "Covered activities," requiring notification under NCLBA, include activities involving the collection, disclosure or use of personal information collected from students for the purpose of marketing or for selling that information or otherwise providing that information to others for that purpose; the administration of any survey containing one or more of covered survey items; and any nonemergency, invasive physical examination or screening that is required as a condition of attendance and administered and scheduled by the school in advance. See the administrative regulation for additional definitions.

Legal Reference(s):

[ORS 338.115\(a\)](#)

Protection of Pupil Rights, 20 U.S.C. § 1232h (2006); Student Rights in Research, Experimental Programs and Testing, 34 C.F.R. Part 98 (2006).