

Shelby County Board of Education

1012

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PUBLIC RECORDS

I. PURPOSE

To provide guidelines by which Shelby County Schools shall make records open to public inspection.

II. SCOPE

This policy applies to all public records of the Shelby County Schools.

III. DEFINITIONS

Public record - all documents, papers, letters, maps, books, photographs, electronic data processing files and output, sound recordings or other materials, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by the Board of Education; with exemptions of confidential information determined by law. Public records do not include

1. information, records, and plans that are related to school security, the district-wide school safety plans or the building-level school safety plans; and
2. the device or equipment, including, but not limited to, a cell phone, computer or other electronic or mechanical device or equipment, that may have been used to create or store a public record.

Labor - the time reasonably necessary to produce the requested records and includes the time spent locating, retrieving, reviewing, redacting, and reproducing the records.

Labor threshold - the labor of the employee(s) reasonably necessary to produce requested material for the first hour incurred by the records custodian in producing the material.

Records Custodian - The office, official or employee lawfully responsible for the direct custody and care of a public record.¹ The records custodian is not necessarily the original preparer or receiver of the record.

Public Records - All documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by any governmental agency.²

Public Records Request Coordinator - The individual, or individuals, designated in Section IV.B.1 of this policy who has (have) the responsibility to ensure public record requests are routed to the appropriate records custodian and are fulfilled in accordance with the Tennessee Public Records Act.³ The Public Records Request Coordinator may also be the records custodian.

Redacted record - A public record otherwise open for public inspection from which protected or confidential information is removed or made obscured prior to release or inspection.

Requestor: A person seeking access to a public record, whether it is for inspection or duplication.

IV. POLICY STATEMENT

The Shelby County Schools (hereafter referred to as the “District”) is committed to providing economical and efficient access to public records as provided under the Tennessee Public Records Act⁴ and shall adopt, in substantial form, the Model Public Records Policy developed by the Office of Open Records Counsel that set forth the following:

The Tennessee Public Records Act provides that District records shall, at all times during business hours, be open for personal inspection by any citizen of this state, and District staff in charge of the records shall not refuse such right of inspection to any citizen, unless otherwise provided by state law.⁵ Accordingly, District public records are presumed to be open for inspection unless otherwise provided by law.

Designated District staff shall timely and efficiently provide access and assistance to persons requesting to view or receive copies of public records, and no provisions of this policy shall be used to hinder access to open public records. However, the integrity and organization of public records, as well as the efficient and safe operation of the District, shall be protected as provided by current law.

Concerns about this policy should be addressed to the District's Public Records Request Coordinator or to the Tennessee Office of Open Records Counsel.

This policy is available for inspection and duplication via the District's website at [http://www.scsk12.org/policy/files/files/1000%20Administrative/1012%20Public%20Records\(1\).pdf](http://www.scsk12.org/policy/files/files/1000%20Administrative/1012%20Public%20Records(1).pdf) or in the Office of the General Counsel located at 160 South Hollywood Street, Memphis, Tennessee 38112, Room 218.

This Policy shall be reviewed every two years and applied consistently throughout the various offices, departments, and/or divisions of the District.

A. Requesting Access to Public Records

To ensure that records requests are routed to the appropriate records custodian and fulfilled in a timely manner, the following process applies:

1. Requests for Inspection Only: Requests for inspection only may be made either orally or in writing.
 - a. Oral requests for inspection only shall be made by contacting the Public Records Request Coordinator 901-416-6370. When fulfilling requests, the Public Records Request Coordinator may request a mailing/email address from the requestor for providing any written communication required under the Tennessee Public Records Act.
 - b. Written requests for inspection only may be submitted to the Public Records Request Coordinator at 160 South Hollywood Street, Memphis, Tennessee 38112, Room 218, using the Public Records Request Form (see Form A attached).
2. Requests for Copies or Requests for Inspection and Copies
 - a. Requests for copies, or requests for inspection and copies, shall be made in one of the following ways:
 - In writing using the Public Records Request Form and submitted to the Public Records Request Coordinator (or his/her designee) at 160 South Hollywood Street, Memphis, Tennessee 38112, Room 218; or
 - Via online submission at www.scsk12.org/open_records_requests
3. Proof of Tennessee citizenship by presentation of a valid Tennessee driver's license (or alternative acceptable form of valid ID) is required as a condition to inspect or receive copies of public records.
4. Public notices, meeting calendars and meeting documents are posted and readily available by accessing the Board's homepage at

B. Responding to Public Records Requests

1. Public Record Request Coordinator

- a. The Public Records Request Coordinator shall review public record requests and make an initial determination of the following:
 - If the requestor provided evidence of Tennessee citizenship;
 - If the records requested are described with sufficient specificity to identify them; and
 - If the District is the custodian of the requested records.
- b. The Public Records Request Coordinator shall acknowledge receipt of the request and take any of the following appropriate action(s):
 - 1) Advise the requestor of this policy and the elections made regarding:
 - i. Proof of Tennessee citizenship;
 - ii. Form (i.e. the Public Records Request Form) required for copies;
 - iii. Fees (and labor threshold and waivers, if applicable); and
 - iv. Aggregation of multiple or frequent requests.
 - 2) If appropriate, deny the request in writing, providing the appropriate ground, such as one of the following:
 - i. The requestor is not, or has not presented evidence of being, a Tennessee citizen.
 - ii. The request lacks specificity. (The District will assist in clarification).
 - iii. An exemption makes the record not subject to disclosure under the Tennessee Public Records Act. (The exemption shall be provided in the written denial).
 - iv. The District is not the custodian of the requested records.
 - v. The records do not exist.
 - 3) If appropriate, contact the requestor to see if the request can be narrowed.
 - 4) Forward the records request to the appropriate District's records custodian.
 - 5) If requested records are in the custody of a different governmental entity, and the Public Records Request Coordinator knows the correct governmental entity, advise the requestor of the correct governmental entity and Public Records Request Coordinator for that entity, if known.

- c. The District's designated Public Records Request Coordinator(s) can be contacted at:
160 South Hollywood Street, Room 218
Memphis, Tennessee 38112
Phone: (901) 416-6370 / Facsimile: (901) 416-6374
- d. Every two years, the Public Records Request Coordinator(s) shall report to the Board about the District's compliance with the Tennessee Public Records Act pursuant to this policy and shall make recommendations, if any, for improvement or changes to this policy.

2. Records Custodian

- a. Upon receiving a public records request, a records custodian shall promptly make requested public records available in accordance with Tenn. Code Ann. § 10-7-503. If the records custodian is uncertain that an applicable exemption applies, the custodian may consult with the Public Records Request Coordinator (if different), District counsel, or the Tennessee Office of Open Records Counsel.
- b. If not practicable to promptly provide requested records because additional time is necessary to determine whether the requested records exist; to search for, retrieve, or otherwise gain access to records; to determine whether the records are open; to redact records; or for other similar reasons, then a records custodian shall, within seven (7) business days from the records custodian's receipt of the request, send the requestor a completed Public Records Request Response Form (see Form B attached), based on the form developed by the Tennessee Office of Open Records Counsel.
- c. If a records custodian denies a public record request, he or she shall deny the request in writing as provided in section IV.B.1 using the Public Records Request Response Form.
- d. If a records custodian reasonably determines production of records should be segmented because the records request is for a large volume of records, or additional time is necessary to prepare the records for access, the records custodian shall use the Public Records Request Response Form to notify the requestor that production of the records will be in segments and that a records production schedule will be provided as expeditiously as practicable. If appropriate, the records custodian should contact the requestor to see if the request can be narrowed.

- e. If a records custodian discovers records responsive to a records request were omitted, the records custodian should contact the requestor concerning the omission and produce the records as quickly as practicable.

3. Redaction

- a. If a record contains confidential information or information that is not open for public inspection, the records custodian shall prepare a redacted copy prior to providing access. If questions arise concerning redaction, the records custodian should coordinate with District counsel or other appropriate parties regarding review and redaction of records. The records custodian and the Public Records Request Coordinator (if different) may also consult with the Tennessee Office of Open Records Counsel or the Office of Attorney General and Reporter.
- b. Whenever a redacted record is provided, a records custodian should provide the requestor with the basis for redaction. The basis given for redaction shall be general in nature and not disclose confidential information.

C. Inspection of Records

1. There shall be no charge for inspection of open public records.
2. The location for inspection of records will be determined by either the Public Records Request Coordinator or the records custodian (if different).
3. Under reasonable circumstances, the Public Records Request Coordinator or a records custodian may require an appointment for inspection or may require inspection of records at an alternate location. When an appointment for inspection is required, the appointment shall be set during District business hours, which are from 8:00 am to 5:00 pm on weekdays, excluding holidays and weekdays falling during District-scheduled fall, spring or winter breaks.

D. Copies of Records

1. A records custodian shall promptly respond to a public record request for copies in the most economic and efficient manner practicable.
2. Copies will be available for pickup at a location specified by the records Custodian.
3. Upon payment by the requestor for postage, copies will be delivered by the United States Postal Service to the requestor's home address.

4. If the requested records are maintained electronically by the District, the records will be produced electronically. However, such records will be produced in a secure format as determined by the Public Records Request Coordinator or records custodian (if different).
5. A requestor will not be allowed to make copies of records with personal equipment.

E. Fees and Charges and Procedures for Billing and Payment

1. Fees and charges for copies of public records should not be used to hinder access to public records.
2. Records custodians shall provide requestors with an itemized estimate of the charges prior to producing copies of records and may require pre-payment of such charges before producing requested records.
3. When fees for copies and labor do not exceed \$25.00, the fees may be waived. Requests for waivers for fees above \$25.00 must be presented to the Chief Legal Officer, who is authorized to determine if such waiver is in the best interest of the District and for the public good. Fees associated with aggregated records requests will not be waived.
4. Fees and charges for copies are as follows:
 - a) \$0.15 per page for standard letter- and legal-size black and white copies.
 - b) \$0.50 per page for standard letter- and legal-size color copies.
 - c) Records that are produced on a medium other than standard letter- and legal-size paper will be assessed a charge representing the District's actual cost of producing such materials.
5. Labor for preparing and delivering copies when time spent by staff exceeds 1 hour.
6. If an outside vendor is used, the actual costs assessed by the vendor will be charged to the requestor.
7. Payment is to be made in cash, by money order or cashier's check payable to "Shelby County Schools" and presented to the Public Records Request Coordinator or the records custodian (if different).
8. Payment in advance will be required when costs are estimated to exceed \$25.00.

F. Aggregation of Frequent and Multiple Requests

1. The District will aggregate record requests in accordance with the Frequent and Multiple Request Policy promulgated by the Tennessee Office of Open Records Counsel when more than (4) requests are received within a calendar month (either from a single individual or a group of individuals deemed working in concert).
2. The level at which records requests will be aggregated is at the District level.
3. The Public Records Request Coordinator is responsible for making the determination that a group of individuals are working in concert. The Public Records Request Coordinator or the records custodian must inform the individuals that they have been deemed to be working in concert and that they have the right to appeal the decision to the Tennessee Office of Open Records Counsel.
4. Requests for current records that are routinely released and readily accessible, such as board agendas or meeting minutes, are exempt from aggregation under this policy.

V. RESPONSIBILITY

- A. The Public Records Request Coordinator is responsible for processing and responding to all requests for open records; for making or arranging for copying of requested information; and for assessing and collecting fees for copies.
- B. The Superintendent is responsible for determining if this policy is followed.

Legal References:

1. TCA 10-7-503
2. TCA 10-7-501
3. TCA 10-7-504
4. TCA 8-4-604
5. TCA 10-7-505
6. TCA 49-2-301(B)(1)(CC)
7. TCA 10-7-503
8. TCA 10-7-506
9. TCA 49-2-104
10. 20 U.S.C. 6311§ 1111 (6)(A)
11. TCA 49-6-804

Cross References:

1. 0000 School Board Meetings
2. 3001 Multi- Hazard Emergency Planning for Schools

PUBLIC RECORDS REQUEST FORM

The Tennessee Public Records Act (TPRA) grants Tennessee citizens the right to access open public records that exist at the time of the request. The TPRA does not require records custodians to compile information or create or recreate records that do not exist.

To: [Insert Governmental Entity Name and Name and Contact Information for the Public Records Request Coordinator]

From: [Insert Requestor’s Name and Contact Information (include an address for any TPRA required written response)]

Is the requestor a Tennessee citizen? Yes No

Request: Inspection (The TPRA does not permit fees or require a written request for inspection onlyⁱ.)
 Copy/Duplicate

If costs for copies are assessed, the requestor has a right to receive an estimate. Do you wish to waive your right to an estimate and agree to pay copying and duplication costs in an amount not to exceed \$ _____? If so, initial here: _____.

Delivery preference: On-Site Pick-Up USPS First-Class Mail
 Electronic Other: _____

Records Requested:

Provide a detailed description of the record(s) requested, including: (1) type of record; (2) timeframe or dates for the records sought; and (3) subject matter or key words related to the records. Under the TPRA, record requests must be sufficiently detailed to enable a governmental entity to identify the specific records sought. As such, your record request must provide enough detail to enable the records custodian responding to the request to identify the specific records you are seeking.

Signature of Requestor and Date Submitted

Signature of Public Records Request Coordinator and Date Received

ⁱ Note, Tenn. Code Ann. § 10-7-504(a)(20)(C) permits charging for redaction of private records of a utility.

PUBLIC RECORD REQUEST RESPONSE FORM

Governmental Entity Name and Address: _____

Date: _____

Requestor's Name and Contact Information: _____

In response to your records request received on _____ our office is taking the action(s)¹ indicated below: [Date Request Received]

- The public record(s) responsive to your request will be made available for inspection:
Location: _____
Date & Time: _____
- Copies of public record(s) responsive to your request are:
 - Attached;
 - Available for pickup at the following location: _____; or
 - Being delivered via: USPS First-Class Mail Electronically Other: _____.
- Your request is denied on the following grounds:
 - Your request was not sufficiently detailed to enable identification of the specific requested record(s). You need to provide additional information to identify the requested record(s).
 - No such record(s) exists or this office does not maintain record(s) responsive to your request.
 - No proof of Tennessee citizenship was presented with your request. Your request will be reconsidered upon presentation of an adequate form of identification.
 - You are not a Tennessee citizen.
 - You have not paid the estimated copying/production fees.
 - The following state, federal, or other applicable law prohibits disclosure of the requested records:
_____.
- It is not practicable for the records you requested to be made promptly available for inspection and/or copying because:
 - It has not yet been determined that records responsive to your request exist; or
 - The office is still in the process of retrieving, reviewing, and/or redacting the requested records.

The time reasonably necessary to produce the record(s) or information and/or to make a determination of a proper response to your request is: _____.

If you have any additional questions regarding your record request, please contact [Records Custodian or Public Records Request Coordinator].

Sincerely,

[Name, Title, and Contact Information]

Print Form

Reset Form

¹ If all requested records do not have the same response, so indicate.