

## **KBA-2**

### **PUBLIC'S RIGHT TO KNOW**

(Public Access to Records)

#### **GENERAL**

The School Board recognizes that parents and other citizens, and school and community groups may be concerned about the quality of public education and the effectiveness of school programs and activities, and may seek to become actively involved in planning for educational improvements.

Since community involvement in the educational process requires knowledge of that process, it is the policy of the Board that every citizen, shall have the right to inspect or obtain copies of "District records", which term shall have the same meaning as "governmental records" as that term is defined in the state's Right to Know law, RSA 91-A:1-a. Any citizen may, during regular District hours and subject to such regulation as the Superintendent may prescribe, have access to and inspect the District records in the possession of the District. All requests for access to or copies of District records should be made, in writing, through the Superintendent's office. Any board member or staff member who receives a request from a member of the public to see, receive or otherwise inspect any District record(s) ("Right to Know request") should immediately communicate that request to the Superintendent.

Individuals making Right-to-Know requests are encouraged to discuss their requests with the Superintendent to insure the request is stated in a manner that will focus on the records desired and avoid being unnecessarily overbroad. Carefully tailored requests often can be fulfilled more promptly and help avoid resources being expended to retrieve and prepare material which exceeds what is actually being sought. Members of the public are encouraged to make their requests in writing and to include a specific description of the desired record(s). Right to Know requests for District records will not be denied if such request is not in writing. If the person making the request refuses to put the request in writing, the staff member receiving the request shall put the request in writing and shall provide the person with a copy.

#### **DEFINITION**

District records are defined as specific, pre-existing documents, writings, letters, memoranda, e-mails, images, or other information kept or maintained by the District in any physical form (written, visual, electronic, digital, etc.). They are not information that staff might have to gather or compile from numerous sources. Access to District or governmental records shall not be construed to require a public body or agency to compile, cross-reference, or assemble information into a form in which it is not already kept or reported by that body or agency. Access to work papers, personnel data, and other confidential information under RSA 91-A:5, IV shall not be provided.

#### **AVAILABILITY**

Records requested under the Right-to-Know law which are not exempt under RSA 91-A:5 (or otherwise) will be made available immediately when such records are so available for such release. If such records are not immediately available, if a determination needs to be made if such records exist, or if a determination needs to be made whether such records are exempt from public disclosure, the Superintendent will, within five (5) business days of the request, respond to the requestor, in writing, acknowledging receipt of the request and providing a statement of the time reasonably necessary to determine whether the request shall be granted or denied. The Superintendent or designee may contact the person making the request if the request is unclear or will be time consuming or onerous to fulfill to determine if the person will clarify the request or agree to narrow the request. Any clarification or narrowing of the request shall be documented in writing and a copy of the re-formed request provided to the person making the request.

Records will be reviewed in their entirety by either the Superintendent or his/her designee before they are released in order to ensure that no confidential or exempted information is disclosed. District legal counsel may be consulted as necessary.

Records exempted from disclosure by RSA 91-A:5 or other law will not be disclosed. If a member of the public requests records that are determined to be exempt from disclosure under RSA 91-A:5 or other law, the Superintendent will respond to the requestor, in writing, including a statement of the specific exemption authorizing the withholding, and a brief explanation of how the exemption applies to the record(s) withheld.

Originals and one-of-a-kind documents must be viewed in the presence of a staff member or copied for the requester in accordance with District policy. If an original document is lost or destroyed because it was released to a requester, the employee who released it will be held responsible for the loss.

A governmental record in electronic form shall no longer be subject to disclosure pursuant to this section after it has been initially and legally deleted. For purposes of this paragraph, a record in electronic form shall be considered to have been deleted only if it is no longer readily accessible to the District. The mere transfer of an electronic record to a readily accessible "deleted items" folder or similar location on a computer shall not constitute deletion of the record.

### **COPIES**

In this section, "to copy" means the reproduction of original records by whatever method, including but not limited to photography, photostatic copy, printing, or electronic or tape recording.

Electronic records may be provided via e-mail or on a portable storage device (thumb drive), if the requestor so requests and if such records can practically be delivered electronically. To protect the integrity of the District's computer system, a thumb drive for this purpose must either be provided by the requestor in unopened manufacturer's packaging or purchased at cost from the District.

If a computer, photocopying machine, or other device maintained for use by a District is used by the public body or agency to copy the governmental record requested, the District is permitted to charge a fee for producing the record.

The fee schedule is as follows:

1. Photo Copies will be charged at 25 cents per side for letter or legal size, to cover the cost of paper, copy machine operation, and staff time.
2. Publications printed for public distribution will be charged at 25 cents per page per side if they must be copied, or at the actual cost of production if still in stock for distribution, unless the in stock copies available were produced for free public distribution.
3. Computer generated reports will be charged at actual production cost. At the time of adoption of this policy, the rate is \$1 per page.
4. Maps, prints and other large documents are charged at the rate per square foot that the city pays its vendors to produce such records.
5. Any documents that have a charge fixed by Statute or Ordinance will be charged at that rate.

No cost or fee shall be charged for the inspection or delivery, without copying of records, whether in paper, electronic, or other form.

**Adopted:** April 8, 1993

**Amended:** October 8, 1998, April 9, 2020