

8310 - PUBLIC RECORDS

The Governing Board is responsible for maintaining the public records of this Educational Service Center and to make such records available to residents of Ohio for inspection and reproduction in strict adherence to the State's Public Records Act.

The Board will utilize the following procedures regarding the availability of public records. "Public records" are defined as any document, device, or item, regardless of physical form or characteristic, including an electronic record created or received by or coming under the jurisdiction of the Board or its employees, which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the Center. "Electronic record" is defined as a record created, generated, sent, communicated, received, or stored by electronic means. "Public records" do not include medical records, trial preparation records, confidential law enforcement investigatory records, records the release of which is prohibited by State or Federal law, and any other exceptions set forth in R.C. 149.43. Confidential law enforcement investigatory records, medical records, and trial preparation records are as defined in R.C. 149.43.

The Center's public records shall be organized and maintained so that they are readily available for inspection and copying. As such, public records will be available for inspection during regular business hours, with the exception of published holidays. The Center's public records shall be promptly prepared and made available for inspection. A reasonable period of time may be necessary due to the volume of records requested, the proximity of the location where the records are stored, and/or for the Center to review and redact non-public/confidential information contained in the record. Upon request, a person may receive copies of public records, at cost, within a reasonable period of time.

Each request for public records shall be evaluated for a response at the time it is made. Although no specific language is required to make a request, the requester must minimally identify the record(s) requested with sufficient clarity to allow the Center to identify, retrieve, and review the record(s). If a requestor makes an ambiguous or overly broad request or has difficulty in making a request for inspection or copies of public records such that the Center's Record Officer cannot reasonably identify what public records are being requested, the Center Record Officer or designee may deny the request but shall provide the requestor with an opportunity to revise the request by informing the requestor of the manner in which records are maintained by the Center and accessed in the ordinary course of business. The request for records need not be in writing. The requestor shall not be required to provide his/her identity or the intended use of the requested public record(s).

At the time of the request, the records custodian shall inform the person making the request of the estimated length of time required to gather the records. All requests for public records shall be satisfied or acknowledged by the Center promptly following the receipt of the request. If the request for records was in writing, the acknowledgement by the Center shall also be in writing.

Any request deemed significantly beyond routine, such as seeking a voluminous number of copies and/or records, or requiring extensive research, the acknowledgement shall include the following:

- A. an estimated number of business days necessary to satisfy the request
- B. an estimated cost if copies are requested
- C. any items within the request that may be exempt from disclosure

The Superintendent is authorized to grant or refuse access to the records of this Center in accordance with the law. Any denial, in whole or in part, of a public records request must include an explanation, including legal authority. If portions of a record are public and portions are exempt, the exempt portions are to be redacted and the rest released. If there are redactions, the requester must be notified of the redaction and/or the redaction must be plainly visible, and each redaction must be accompanied by a supporting explanation, including legal authority. If the request for records was in writing, the explanation shall also be in writing.

A person may obtain copies of the Center's public records upon payment of a fee. A person who requests a copy of a public record may request to have said record duplicated on paper, on the same medium on which the Center keeps the record, or on any other medium in which the custodian of records determines that said record reasonably can be duplicated as an integral part of normal operations. A person who requests a copy of a public record may also choose to have that record sent to him/her by United States mail or by other means of delivery or transmission provided the person making the request pays in advance for said record as well as the costs for postage and the mailing supplies.

Those seeking public records will be charged only the actual cost of making copies.

The charge for paper copies is for the first twenty-five (25) pages the fee will be twenty-five cents (\$.25) per page. Pages twenty-six (26) – seventy-five (75) the fee will be twelve cents (\$.12) per page. Pages seventy-six (76) – up the fee will be six cents (\$.06) per page.

The charge for download computer files to a compact disk is \$1.00 per disc.

There is no charge for documents e-mailed.

Documents in electronic mail format are records as defined by the Ohio Revised Code when their content relates to the business of the Center (i.e., they serve to document the organization, functions, policies, decisions, procedures, operations, or other activities of the Center). E-mail shall be treated in the same fashion as records in other formats and shall follow the same retention schedule.

Records in private e-mail accounts are subject to disclosure if their content relates to public business, and all employees or representatives of the Center are responsible for retaining e-mails that meet the definition for public records and copying them to their Center e-mail account(s) and/or to the records custodian.

The records custodian shall treat such e-mail/records from private accounts as records of the Center. These records shall be filed appropriately, retained in accordance with the established schedules, and made available for inspection and copying in accordance with the Public Records Act.

Private e-mail, electronic documents, and documents ("private records") that do not serve to document the Center's organization, functions, policies, decisions, procedures, operations or other activities are not public records. Although private records do not fall under Policy [8310](#) or AG [8310A](#), they may fall under Policy [8315](#) – "Information Management" and/or AG [8315](#) – "Litigation Hold Procedure".

No public record may be removed from the office in which it is maintained except by a Board officer or employee in the course of the performance of his/her duties.

Nothing in this policy shall be construed as preventing a Board member, in the performance of his/her official duties, from inspecting any record of this Center, except student records and certain confidential portions of personnel records.

A School Center Records Commission shall be established consisting of the Board President, Treasurer, and Superintendent of Schools in accordance with law to judge the advisability of destroying Center records. Record retention schedules shall be updated regularly and posted prominently. The Commission shall meet at least once every twelve (12) months.

The Superintendent shall provide for the inspection, reproduction, and release of public records in accordance with this policy and with the Public Records Law. Administrative guidelines shall be developed to provide guidance to Center employees in responding to public records requests. The Superintendent shall require the posting and distribution of this policy in accordance with statute.

R.C. 9.01, 102.03(B), 149.011, 149.41, 149.43, 1306.01, 1347 et seq., 3313.26
R.C. 3319.32, 3319.321
20 U.S.C. 1232g

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