

ACCESS TO DISTRICT RECORDS

The Governing Board recognizes the right of members of the public to have access to public records of the district. The district shall provide any person reasonable access to the public records of the schools and district during normal business hours and within the requirements of law. Public access shall not be given to records listed as exempt from public disclosure in the California Public Records Act and other state or federal law.

In response to a public records request, the Superintendent or designee shall make reasonable efforts to locate the requested records, including, but not limited to, any electronic communication substantively related to the records, such as email, text messages, instant messages, and other electronic communications, regardless of whether they are transmitted through a district-provided device or account or through an employee's or Board member's personal device or account.

The district may charge for copies of public records or other materials requested by individuals or groups, unless they are using their own personal equipment to reproduce the record. The charge shall be based on actual costs of duplication, as determined by the Superintendent or designee and as specified in administrative regulation.

In order to help maintain the security of district records, members of the public granted access shall examine records in the presence of a district staff member.

ACCESS TO DISTRICT RECORDS

Legal Reference:

EDUCATION CODE

- 234.7 Student protections relating to immigration and citizenship status*
- 35145 Public meetings*
- 35170 Authority to secure copyrights*
- 35250 Duty to keep certain records and reports*
- 41020 Requirement for annual audit*
- 42103 Publication of proposed budget; hearing*
- 44031 Personnel file contents and inspections*
- 44839 Medical certificates; periodic medical examination (re access to medical certificate in personnel file)*
- 49060-49079 Pupil records*
- 49091.10 Parental review of curriculum and instruction*

GOVERNMENT CODE

- 3547 Proposals relating to representation*
- 6250-6268 California Public Records Act*
- 6275-6276.48 California Public Records Act; other exemptions from disclosure*
- 8310.3 California Religious Freedom Act*
- 53262 Employment contracts*
- 54957.2 Minute book record of closed sessions*
- 54957.5 Agendas and other writings distributed for discussion or consideration*
- 81008 Public records: inspection and reproduction*

CALIFORNIA CONSTITUTION

- Article 1, Section 3 Right of access to governmental information*

CODE OF REGULATIONS, TITLE 5

- 430-438 Individual pupil records*

COURT DECISIONS

- City of San Jose v. Superior Court (2017) 2 Cal.5th 608*
- Los Angeles County Board of Supervisors v. Superior Court (2016) 2 Cal.5th 282*
- Sacramento County Employees' Retirement System v. Superior Court (2011) 195 Cal. App. 4th 440*
- International Federation of Professional and Technical Engineers v. The Superior Court of Alameda County, (2007) 42 Cal.4th 319*
- Los Angeles Times v. Alameda Corridor Transportation Authority, (2001) 88 Cal.App.4th 1381*
- Kleitman v. Superior Court, (1999) 74 Cal.App. 4th 324*
- Fairley v. Superior Court, 66 Cal.App. 4th 1414 (1998)*
- North County Parents Organization for Children with Special Needs v. Department of Education, 23 Cal.App. 4th 144 (1994)*

ATTORNEY GENERAL OPINIONS

- 71 Ops.Cal.Atty.Gen. 235 (1988)*
- 64 Ops.Cal.Atty.Gen 186 (1981)*

Management Resources:

CSBA PUBLICATIONS

- Legal Alert: Tips for Governing Boards in Response to Public Records Act Ruling on Electronic Communications, March 2017*
- CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS*
- Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, April 2018*
- California Department of Justice Guidelines for Access to Public Records, October 2017*

LEAGUE OF CALIFORNIA CITIES PUBLICATIONS

- The People's Business: A Guide to the California Public Records Act, rev. April 2017*

WEB SITES

- CSBA: <http://www.csba.org>*
- California Office of the Attorney General: <http://oag.ca.gov>*
- Institute for Local Government: <http://www.cacities.org>*
- State Bar of California: <http://www.calbar.ca.gov>*