

Emery County School District



Policy: EGE—Records Management and Access

Date Adopted: 12 August 1992
Current Review / Revision: 21 June 2017

It is the policy of Emery County School District to manage District records in a manner that provides timely and appropriate access to information which has been collected. It is also a School District commitment to protect the privacy rights of individuals about whom information has been collected. This policy has been written and will be administered in accordance with the provisions of the Utah Government Records Access and Management Act.

Records Administrator

The Business Administrator is designated as the Records Administrator of the District.

Records Classification

All records are classified as either public, private, controlled, protected, or exempt.

- A. Public records shall include the following, unless the record contains information which is classified as private, controlled, protected or exempt:
- Official minutes, actions and decisions of the Board of Education and District Administration.
 - Official District and school policies, contracts, minutes, and accounts.
 - Names, gender, gross compensation, job titles, job descriptions, business addresses, business email addresses, business telephone numbers, number of hours worked per pay period, relevant education and dates of employment of all current and former employees.
 - Students Records: The following information relating to students is declared “directory information” and may be made public:
 - Name, address, and telephone listing
 - Birth date
 - Major field of study
 - Participation in officially recognized activities and sports
 - Weight, height, and grade level of members of athletic teams
 - Degrees and awards received

- *Parents or students (18 years of age or older) who do not want the information to be made public must make a formal request in writing to the school principal within 30 days after the student enters school each year.*
 - Other qualifying records, as identified in Utah Code 63G-2-301.
- B. Private records shall be open only to the subject of the record and other authorized individuals or agencies, and shall include:
- Personnel files, including applications, nominations, recommendations, evaluations, and proposals for advancements or appointments.
 - Documents related to eligibility for unemployment benefits, social services, welfare benefits, personal finances, individual medical condition, diagnosis or military status.
 - Individual student records (other than directory information). Access to student records shall be provided in accordance with the Family Education Rights and Protection Act (FERPA).
 - Other qualifying records, as identified in Utah Code 63G-2-302.
- C. Controlled records shall be open only to authorized persons or agencies—not to the subject of record—and shall include:
- Records containing medical, psychiatric, or physiological data on an individual which, if disclosed, could be detrimental to the individual's mental health or the safety of any individual.
 - Records containing medical, psychiatric, or physiological data on an individual, which, if disclosed, would constitute a violation of normal professional practice and medical ethics.
- D. Protected records shall be open only to authorized individuals and agencies, or in response to court order, and shall include:
- Any information that, if disclosed, would jeopardize the life or safety of an individual or security of District property or programs.
 - Documents that, if disclosed, would place the District at a disadvantage in contract negotiations, property transactions, or bargaining position or could enable circumvention of an audit.
 - Records related to potential litigation or personnel hearings.
 - Records generated in meetings which are closed in accordance with the Utah Open and Public Meetings Law.
 - Test questions.
 - Other qualifying records, as identified in Utah Code 63G-2-305.

- E. Exempt records are not subject to the Government Records Access and Management Act and include:
- Any record where disclosure is limited or prohibited by another statute, regulation or court rule, to include student records protected by the Family Educational Rights and Protection Act (FERPA).

Access to District Records

- A. Individuals requesting to view District records shall submit their request in writing by using the Emery County School District GRAMA Request for Records form (JR/GBJC-E). Individuals requesting to view District records classified as private, controlled, or protected must prove their right to access the record through personal identification, written release from the subject of the record, power of attorney, court order, or other appropriate means.
- B. The records officer shall determine whether access to the requested record(s) is to be granted or denied.
- If the request is approved, the records shall be provided as soon as possible and not more than 10 working days from the date the request was received, 5 days if approved as an expedited request.
 - If the records officer determines that extraordinary circumstances exist, an extension of the response time may be granted according to Utah code. Such extension shall be explained in writing to the petitioner.
 - If the request is denied, the records officer must specify the reason in writing, and the requester shall be informed of the right to appeal to the chief administrative officer (Superintendent) of the District.

Appeals Process

- A. Appeals to the Chief Administrative Officer
- The petitioner shall file a written appeal request for a hearing with the Superintendent or his/her designee within thirty (30) working days of the denial. The written request shall include the petitioner's name, address, phone number, and relief sought. The petitioner may also include a short statement of facts, reasons and legal authority in support of the appeal. Failure to file an appeal within the period specified shall constitute a waiver of the right to appeal.
 - Within ten (10) days after the receipt of the written appeal, the Superintendent or his/her designee shall review the appeal and send a written decision to the petitioner. If the petitioner demonstrates that an expedited decision benefits the public rather than the petitioner, a written decision shall be provided within five (5) days after receipt of the appeal.
 - If the Superintendent or his/her designee affirms the initial decision to deny the request (in whole or part), the written decision of the Superintendent shall notify the petitioner of the right to appeal to the State Records Committee or District Court. The written decision shall also provide the name and address of the State Records Committee Executive Secretary.
- B. Appeals to the State Records Committee and/or District Court
- Appeals to the State Records Committee and/or District Court must be filed within 30 days of the receipt of the written decision from the District Superintendent.

Duplication and Preparation of District Records

- A. The District may charge a fee for duplicating District records that is equal to the actual duplication cost plus any employee time involved.
- B. The charge for copying records is 10 cents per page.
- C. Labor shall not be charged for the first 15 minutes. Thereafter, the charge for labor shall be the actual cost of salary and benefits of the lowest paid, capable and available employee.
- D. The District is not required to provide records in a format different than that normally maintained by the District. Labor costs shall be charged for any requested search, retrieval, compiling, formatting, manipulating, summarizing or tailoring of records.
- E. The District shall refuse to allow duplication of copyrighted materials.

Retention of District Records

The District shall adhere to the general schedule for records retention approved by the State Records Committee.

Security Breach of Student Records

If there is a security breach in which there is a release of confidential student personally identifiable data, the school shall notify parents of the security breach through established district communications systems. The school shall provide a description of the data released and instructions as to what action is being taken by the school and what action parents should take, if any.