

Book	District Policy
Section	E - BUSINESS MANAGEMENT
Title	Public Records
Code	EFDD
Status	Active
Legal	NRS Chapter 239 - Nevada Public Records Act
Adopted	March 9, 2021

1. Definitions

- a. "Actual cost" means the direct cost incurred by a governmental entity in the provision of a public record, including, without limitation, the cost of ink, toner, paper, media, and postage as well as staff time.
 - b. "Education record" means records that are directly related to a student and are maintained by an educational agency or institution or by a party acting for the agency or institution. (Family Educational Rights and Privacy Act (34 CFR § 99.3)).
 - c. "Public record" means information that is created or received pursuant to a law or ordinance, or in connection with the transaction of the official business of any office or department of a local governmental entity, including, without limitation, all documents, papers, letters, bound ledger volumes, maps, charts, blueprints, drawings, photographs, films, newspapers received pursuant to NRS 247.070, recorded media, financial statements, statistical tabulations and other documentary materials or information, regardless of physical form or characteristic. The term does not include:
 - i. Extra identical copies of documents created only for convenience of reference or research by District officers or employees.
 - ii. Drafts, notes, journals, diaries, and similar documents created by a District officer or employee for his or her own personal convenience.
 - iii. Blank forms, stocks or publications, and library and museum materials acquired solely for the purposes of reference or display.
 - iv. Copies of documents in any media furnished to the public under the Nevada Public Records Act.
 - d. "Copy of a public record" includes all formats of the record provided in response to a request, whether provided in paper, electronic or other format.
2. All public books and records of the District shall be made available during regular office hours for inspection and copying, unless otherwise declared by law to be confidential including education records.
 3. Upon receipt of a public records request, the District shall within five (5) business days after the date on which the request was received:
 - a. Copy or allow the inspection of the record;
 - b. Notify the requestor in writing that the District does not have legal custody or control of the record;

- c. Notify the requestor in writing of the date and time when the record will be available if the District cannot make the record available within five (5) business days; or
 - d. Notify the requestor that the record is confidential. Records that contain confidential information shall be provided if the confidential information can be redacted, deleted, or concealed from the portions of the records that are not confidential.
4. Only records that exist are considered public records. The District is not obligated to create a record, conduct research, analyze data, or answer written questions in response to a request for a copy of a public record.
 5. A person may request a copy of a public record in any medium or format in which the public record is readily available. A request for a copy of a public record in a particular medium or format, if that medium or format is readily available, shall not be refused simply because a copy in a different medium or format has already been made or is preferred by the person making the copy.
 6. The District shall:
 - a. Aid, to the extent practicable, any individual who is seeking access to public records including, but not limited to, explaining the provisions of this policy and the requirements of the Nevada Public Records Act;
 - b. Comply with state and federal laws and regulations related to public books and records; and
 - c. Interpret the provisions of this policy, and any associated regulations, in a manner that favors compliance with public records requests.
 7. Requests to inspect or copy a public record shall be made to the Assistant to the Superintendent.
 - a. Requests may be made in writing or verbally. The District reserves the right to confirm and clarify requests prior to fulfilling the request.
 - b. Any questions or concerns regarding the propriety, sufficiency or confidentiality of a public records request shall be immediately forwarded to the Superintendent and District legal counsel.
 8. Costs and Fees
 - a. The District may charge a fee for providing a copy of a public record.
 - i. Fees shall not exceed the actual cost to provide public records.
 - ii. If the amount of staff time to collect, review for confidentiality, redact where necessary, and/or provide to the requester is less than two hours, the District will waive the fee. If the amount of staff time to collect, review for confidentiality, redact where necessary, and/or provide to the requester exceeds two hours, the amount charged shall be the actual cost or \$0.50 per page, *whichever is larger*.
 - b. No fee shall be charged for providing a copy of a public record if a specific law or regulation requires the copy to be provided without charge.
 9. Rights of Requesters. The rights of members of the public include, but are not limited to:
 - a. Prompt access to public records that are not confidential or otherwise excepted from disclosure;
 - b. Equal treatment among requesters, including accommodation in accordance with the Americans with Disabilities Act Amendments Act of 2008 (ADAAA) requirements; and

- c. The ability to choose, when applicable, whether to inspect the requested information in person, receive copies of the information, or both.