

Shelby County Board of Education

1012

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PUBLIC RECORDS

I. PURPOSE

To provide guidelines by which Shelby County Schools shall make records open to public inspection.

II. SCOPE

This policy applies to all public records of the Shelby County Schools.

III. DEFINITIONS

Public record - all documents, papers, letters, maps, books, photographs, microfilms, sound recordings or other materials, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by the Board of Education; with exemptions of confidential information determined by law. Public records do not include

1. Information, records, and plans that are related to school security, the district-wide school safety plans or the building-level school safety plans; and
2. the device or equipment, including, but not limited to, a cell phone, computer or other electronic or mechanical device or equipment, that may have been used to create or store a public record.

Labor - the time reasonably necessary to produce the requested records and includes the time spent locating, retrieving, reviewing, redacting, and reproducing the records.

Labor threshold - the labor of the employee(s) reasonably necessary to produce requested material for the first hour incurred by the records custodian in producing the material.

IV. POLICY STATEMENT

T.C.A. § 10-7-503 provides for personal inspection by any citizen of the state of Tennessee, “public records”, during business hours.

The Superintendent or his/her designee(s) shall be authorized to permit inspection of all district records, except information deemed confidential by law. Information deemed confidential and exempt from disclosure under the Tennessee Open Records Law of any District employee, former employee, or applicant shall be inclusive of:

1. Student records;
2. All records containing the results of individual teacher evaluations administered pursuant to the policies, guidelines, and criteria adopted by the State Board of Education under TCA 49-1-302; and
3. Employee records
 - Home telephone and personal cell phone numbers
 - Bank account information
 - Social Security number
 - Residential information
 - Driver's license information in employee records, except where driving or operating a vehicle is part of the employee's job description, job duties, or incidental to the performance of his/her job
 - Medical information, sick leave documentation, and Employee Assistance Program (EAP) files
 - Same information as listed above of immediate family members, whether or not the immediate family member resides with the employee, or household members
 - Emergency contact information, except for that information open to public inspection
 - Personal, nongovernment issued, email address

Requests for Inspection of a Record

Requests regarding public records shall be made to the Superintendent or his/her designee at the Shelby County Schools administrative building located at 160 South Hollywood Street, Memphis, Tennessee 38112.

The District shall make available for inspection any public record not specifically exempt from disclosure in accordance with timeframes established under TCA 10-7-503(2)(B).

Schedule of Reasonable Charges for Copies of Public Records

T.C.A. 10-7-506 permits the District to charge for copies or duplication of public records.

Copy and/or Duplication Charges must be paid in advance to the District by cash or certified funds.

- SCS assesses a charge of 15 cents per page for each standard 8 1/2 x 11 or 8 1/2 x 14 black and white copy produced.
- If a public record is maintained in color, the records custodian shall advise the requestor that the record can be produced in color if the requestor is willing to pay a charge higher than that of a black and white copy. If the requestor then requests a color copy, SCS assesses a charge of 50 cents per page for each 8 1/2 x 11 or 8 1/2 x 14 color copy produced.

Additional Production Charges

- Delivery of copies of records to a requestor is anticipated to be by hand delivery when the requestor returns to the custodian's office to retrieve the requested records. If the requestor chooses not to return to the records custodian's office to retrieve the copies, the records custodian may deliver the copies through means of the United States Postal Service and the cost incurred in delivering the copies may be assessed to the requestor in addition to any other permitted charge.
- If SCS utilizes an outside vendor to produce copies of requested records because the custodian is legitimately unable to produce the copies in his/her office, the cost assessed by the vendor to SCS may be recovered from the requestor. If SCS is assessed a charge to retrieve requested records from archives or any other entity having possession of requested records, SCS may assess the requestor the cost assessed SCS for retrieval of records.

Labor Charges

- SCS is permitted to charge the hourly wage of the employee(s) reasonably necessary to produce the requested records above the "labor threshold." The hourly wage is based upon the base salary of the employee(s) and does not include benefits. If an employee is not paid on an hourly basis, the hourly wage

shall be determined by dividing the employee's annual salary by the required hours to be worked per year.

- In calculating the charge for labor, SCS shall determine the number of hours each employee spent producing a request. The records custodian shall then subtract the one (1) hour threshold from the number of hours the highest paid employee(s) spent producing the request. SCS will then multiply the total number of hours to be charged for the labor of each employee by that employee's hourly wage. Finally, SCS will add together the totals for all the employees involved in the request and that will be the total amount of labor that can be charges.

Open Meetings

In accordance with T.C.A. 49-6-804, any meeting relating to school security, the district-wide school safety plans or the building-level school safety plans shall not be subject to open meetings, however, reasonable notice shall be provided to the general public prior to such a meeting; and the Board shall not discuss or deliberate on any other issues or subjects during such a meeting.

Provision of Security and Safety Plans to Local Law Enforcement

The District shall provide school security, district-wide school safety, and building-level school safety plans, as well as information, records, and plans that are related to school security to the appropriate local law enforcement agency with jurisdiction for the District.

V. RESPONSIBILITY

- A. The office responsible for General Counsel is responsible for processing and responding to all requests for open records; for making or arranging for copying of requested information; and for assessing and collecting fees for copies.
- B. The Superintendent is responsible for determining if this policy is followed.

Legal References:

1. TCA 10-7-503
2. TCA 10-7-501
3. TCA 10-7-504
4. TCA 8-4-604
5. TCA 10-7-505
6. TCA 49-2-301(B)(1)(CC)
7. TCA 10-7-503
8. TCA 10-7-506

Cross References:

1. 0000 School Board Meetings
2. 3001 Multi- Hazard Emergency Planning for Schools

9. TCA 49-2-104
10. 20 U.S.C. 6311§ 1111 (6)(A)
11. TCA 49-6-804